



DOWN SYNDROME GUILD
OF DALLAS

Important Legislation

Americans with Disabilities Act (ADA)

This legislation was passed by the U. S. Congress in 1990 to prohibit discrimination against people with disabilities and guarantee them equal access to employment, public services, public accommodations, and telecommunications. Several federal agencies – the Equal Employment Opportunity Commission, Department of Justice, Department of Transportation, and the Federal Communications Commission – enforce different provisions of the ADA.

Rehabilitation Act

This legislation was passed by the U.S. Congress in 1973 to authorize grant programs of vocational rehabilitation, supported employment, independent living, and client assistance. It also authorizes a variety of training and service discretionary grants administered by the Rehabilitation Services Administration.

***Olmstead* Decision**

Lois Curtis and Elaine Wilson, two women with disabilities who lived in Georgia nursing homes, asked state officials to allow them to move into their own homes in the community. After the State refused, Atlanta Legal Aid attorney, Susan Jamieson filed a lawsuit on their behalf. After appeals, the case was heard by the U. S. Supreme Court. In July 1999, the Supreme Court issued the *Olmstead v. L.C.* decision.

In *Olmstead*, the Court ruled that Title II of the Americans with Disabilities Act prohibits the unnecessary institutionalization of persons with disabilities. In the words of the Supreme Court, services to persons with disabilities must be provided "in the most integrated setting possible." The Court ruled that there should be community options for Curtis and Wilson.

Disability activists have hailed *Olmstead* as a landmark decision with implications similar to that of another historic ruling: *Brown v. Board of Education*. However, many individuals with disabilities and their families are unaware of the *Olmstead* decision and the full range of community services that are available as alternatives to services provided in an institutionalized setting.

The *Olmstead v. L.C.* decision challenges federal, state, and local governments to develop more opportunities for individuals with disabilities through accessible systems of cost-effective community-based services. Several federal and state initiatives are now underway to expand home and community options and make community living a reality for more people. Medicaid can be an important resource to assist states in meeting these goals.

The scope of the ADA and the *Olmstead* decision is NOT limited to Medicaid beneficiaries or to services financed by the Medicaid program. *Olmstead* is particularly relevant to transition-age youth with significant disabilities who are aging out of government healthcare programs that serve children with disabilities or preparing to exit special education settings and access adult services and participate more fully in the community. Youth, their families, and advocates can use the *Olmstead* decision to advocate that programs and services be provided "in the most integrated setting possible."

For additional information on any of this legislation, go to www.ed.gov.