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**JUSTICE NEWS**

**Department of Justice**  
Office of Public Affairs

FOR IMMEDIATE RELEASE

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## **Justice Department Reaches Proposed ADA Settlement Agreement On Oregon's Developmental Disabilities System**

The U.S. Justice Department announced today, along with private plaintiffs, that it has entered into a proposed settlement agreement with the state of Oregon that will resolve violations of the Americans with Disabilities Act (ADA) and will impact approximately 7,000 Oregonians with intellectual and developmental disabilities (I/DD) who can and want to work in typical employment settings in the community. The private plaintiffs were represented by the Center for Public Representation, Disability Rights Oregon and the law firms of Miller Nash Graham & Dunn LLP and Perkins Coie LLP. The proposed agreement resolves a class action lawsuit by private plaintiffs in which the department intervened. The parties' proposed settlement agreement must still be approved by U.S. Magistrate Judge Janice Stewart of the District of Oregon, who is presiding over the lawsuit. The agreement will be filed with the court in the coming weeks.

The department alleged that Oregon's employment services system unnecessarily placed people with I/DD in, or at risk of entering, sheltered workshops instead of in integrated jobs in the community, in violation of the ADA. As interpreted by the Supreme Court's landmark decision in *Olmstead v. L.C.*, the ADA affords individuals with disabilities the right to receive services in the most integrated setting appropriate to their needs. Sheltered workshops are segregated facilities that exclusively or primarily employ people with disabilities. They are usually large, institutional facilities in which people with disabilities have little or no contact with non-disabled persons besides paid staff. People with I/DD in sheltered workshops typically earn wages that are well below minimum wage, sometimes pennies per hour. By contrast, supported employment services assist people with I/DD to prepare for, gain and

succeed in integrated employment at competitive wages. Approximately 450,000 people with I/DD across the country spend their days in segregated sheltered workshops and facility-based day programs. Approximately 1,900 Oregonians with disabilities currently receive services in sheltered workshops. Since the initiation of the lawsuit, approximately 3,900 Oregonians with disabilities have received services in sheltered workshops, and historically hundreds of students have transitioned each year from Oregon public schools to sheltered workshops.

As a result of the proposed settlement, over the next seven years, 1,115 working-age adults with I/DD who are currently being served in segregated sheltered workshops will have opportunities to work in real jobs at competitive wages. Additionally, at least 4,900 youth ages 14 to 24 years old will receive supported employment services designed to assist them to choose, prepare for, get and keep work in a typical work setting. Half of the youth who receive employment services will receive, at a minimum, an individual plan for employment through the state's Office of Vocational Rehabilitation Services.

The proposed settlement resolves the first class action lawsuit in the nation to challenge a state funded and administered employment service system, including sheltered workshops, as a violation of the ADA's integration mandate. The class action, *Lane v. Kitzhaber* (since renamed *Lane v. Brown*), was filed in January 2012, by eight named individuals and United Cerebral Palsy of Oregon and Southwest Washington, on behalf of themselves and other individuals with I/DD who are in Oregon sheltered workshops or have been referred to sheltered workshops. In March 2013, the Department of Justice moved to intervene in the lawsuit, seeking to vindicate the rights of thousands of individuals with I/DD across Oregon. The department's claims included that Oregon violated the ADA by unnecessarily segregating adults with I/DD in sheltered workshops and by placing Oregon youth with I/DD at unnecessary risk of segregation in sheltered workshops.

The proposed agreement recognizes that Oregon has made substantial progress in providing employment services to and improving employment outcomes for individuals with I/DD since the filing of the plaintiffs' complaint and the department's complaint-in-intervention. In 2013 and 2015, respectively, Oregon's then Governor John Kitzhaber issued Oregon Executive Orders 13-04 and 15-01 and the state developed Integrated Employment Plans committing to implement strategies for the Oregon Department of Human Services and Oregon Department of Education to improve Oregon's employment service system for individuals with I/DD. These plans call upon the state to reduce its reliance on segregated sheltered workshops and increase its investment in supported employment services.

"Work is a fundamental aspect of most people's lives," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Civil Rights Division. "People with disabilities deserve opportunities to work alongside their friends, peers, and neighbors without disabilities and to earn fair wages. We are pleased that the state of Oregon has fully embraced integrated employment services for people with intellectual and developmental disabilities and we look forward to the new ways people with intellectual and developmental disabilities will be able to contribute to their communities as this proposed agreement is implemented."

"This proposed agreement not only realizes the requirements of federal law, but just as importantly, it embraces policies and practices to support both youth and adult community members with disabilities to successfully interact and work alongside non-disabled Oregonians," said Acting U.S. Attorney Billy J. Williams of the District of Oregon. "The implementation of the agreement will bring all of our communities together in recognizing the work capabilities of individuals with intellectual and developmental disabilities."

The Civil Rights Division enforces the ADA, which authorizes the Attorney General to investigate whether a state is serving individuals in the most integrated settings appropriate to his or her needs. Please visit [www.ada.gov/olmstead](http://www.ada.gov/olmstead) to learn more about the division's ADA *Olmstead* enforcement efforts and [www.justice.gov/crt](http://www.justice.gov/crt) to learn more about the other laws enforced by the Justice Department's Civil Rights Division.

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