

Back to Basics

What Olmstead Really Means For the IDD Community



COLORADO
Department of
Labor and Employment



COLORADO
Disability Opportunity Office



What We Are Going to Talk About

Today we will look at:

1. The *Olmstead* Decision & the women behind it
2. What it requires - and what it does not
3. Current federal & state updates
4. *Olmstead* in everyday IDD services
5. Implementation in Colorado
6. Colorado's new Community Living Plan



Alison Butler



Scott Bartlett





Here's the Story...

The Road to Olmstead



For Generations:

- People with IDD separated from families
- Institutions as default
- Segregated schools and work
- Decisions made for people rather than with people

Disability rights began changing that:

- Sec. 504 of The Rehabilitation Act
- The Fair Housing Amendments Act, Individuals with Disabilities Education Act, Architectural Barriers Act
- The Americans with Disabilities Act

The Americans with Disabilities Act (ADA)

- Title I - Employment
- Title II - State & Local Gov't Services
- Title III - Public Accommodations
- Title IV - Telecommunications
- Title V - Misc. & Retailation

Title II requires **reasonable modifications** - a change to a public entity's policy, practice, or procedure that allows a person with a disability to fully access and use government programs, services, or activities.

The Integration Mandate

ADA Regulations

Public entities must “administer services, programs, and activities in the most integrated setting appropriate to the needs of the qualified individuals with disabilities.”

This became the basis of the *Olmstead* case.



Here's the Story:

Lois Curtis

- Diagnosed with IDD and Mental Illness
- Institutionalized as a child
- Lived mostly in segregated settings

Elaine Wilson

- Georgia native
- Infection at age 6 led to developmental delays
- In & out of institutions thereafter
- Diagnosed with both IDD and Mental Illness

Georgia Regional Hospital



- Both women were voluntarily admitted
- Both were cleared to move to community based programs
- Both wanted to move to community
- State of Georgia did not have resources available in the community
- Both women remained institutionalized for years
- They filed suit to be released

Olmstead v. L.C .

- 1999 U.S. Supreme Court case
- Based on Title II of the ADA
- The court held that states must provide community-based services to people with disabilities when:
 1. Such services are appropriate
 2. The person does not oppose community-based treatment
 3. Community-based services can be reasonably accommodated, taking into account available resources

What does *Olmstead* require of states?

To administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

To establish - and fund - programs that allow people with disabilities to live - and thrive - in the community. This is looked at for the broad community

To identify people who are at risk of institutionalization and support them in staying in the community

If not every person with a disability is able to be served in the community, the state must show progress through a thorough and detailed plan - "Olmstead Plan"

What *Olmstead* Does Not Mean



Olmstead Misconceptions

- Institutions are bad and must be eliminated
- Everyone wants and needs to live in the community
- Safety considerations are unimportant
- People can only move into the community if they are completely independent
- States must spend more money to support community living than institutional care
- States must provide everything a person needs to live in the community, without consideration of cost or services being offered to others

Recent federal action

- In a [June 18, OLC Memo](#), the U.S. Dept. of Justice Office of Legal Counsel announced a new interpretation of the ADA, Section 504, and the *Olmstead* decision. Main points:
 - Neither the ADA nor Section 504 explicitly imposes a general "integration mandate" or requires states to provide broad home and community based services (HCBS)
 - It narrows the view of *Olmstead*, claiming it only prohibited unjustified institutionalization, leaving what counts as "adequate justification" an open question
- A [July 20, 2026 DOJ Notice & Clarification](#) officially withdrew the DOJ's previous *Olmstead* guidance and stated its intent to no longer seek enforcement based on that guidance

**In 2025, Colorado
enacted [HB25-1017](#)
Reaction to changing
federal landscape**

The State must
administer all services,
programs, and
activities in the most
integrated setting
appropriate to the
needs of the PWD

**Provides an exception
for fundamental
alteration of an
entity's program**

Put key provisions
from *Olmstead* into
state law

**If the state proposes
cuts to services, they
must assess how it
impacts people at risk
of institutionalization
and take reasonable
steps to avoid it**

Requires CDOO to
create an *Olmstead*
Plan & update it every
3 years

Community is More Than a Place



The goal of Olmstead was never just about moving people out of institutions. The goal is to make it possible for people with disabilities to have lives in the community that belong to them.

Pop Quiz

1. **True or False** - Olmstead is a federal law, written in statute.
2. **True or False** - If a person with IDD is under 65, it is presumed that they should live in the community, rather than a residential setting.
3. **True or False** - If a person with a disability wants to live in the community and medical providers believe they can be safely served in the community, it is the State's obligation to make that happen, regardless of cost.
4. **True or False** - Scott and Alison deserve a grammy for their singing.

What Does Olmstead Mean Beyond the Legal Definition?

What Community Living Feels Like

- I have a real choice about where I live
- I choose how I spend my time
- I have people in my life who matter to me
- I can make choices and take risks
- I feel I belong
- I have a say in what happens to me

This is what community living should make possible

Olmstead Is Not Just About Institutions

- Community living is more than where someone lives
- It applies to how services and supports are designed and delivered
- Segregation can happen in housing, employment, transportation, and decision-making
- People can live in the community and still experience isolation and limited choice



*Real community life,
not just a community
address*

What Does “Most Integrated Setting” Really Mean?

What Makes a Setting Integrated

- A person can live in a house in a neighborhood and still have very little meaningful connection to the community.
- Does the person choose where and with whom they live?
- Do they have relationships beyond paid staff?
- Do they have opportunities for integrated employment?
- Can they choose what they do during the day?
- Can they make ordinary choices and ordinary mistakes?

Segregation Can Be Unintentional

Barriers Can Accidentally Segregate

- Long waitlists for services and supports
- Lack of affordable, accessible housing
- Limited transportation options
- Information about services and programs can be difficult to find or understand
- Limited provider choice or availability



Olmstead Through an IDD Lens

- Community living is more than an address
- People should have *real, meaningful choices*
- Employment and day activities should create opportunities to be part of the broader community
- Relationships and connections should extend beyond paid services and supports
- Community participation should be expected and not treated as an “extra”



The goal is not just receiving services. It is having a life that reflects the person's goals and choices.

Why Olmstead Matters Right Now

Olmstead Still Lives—but the Environment Around It Has Changed



- Federal enforcement priorities are changing
- Colorado law is strengthening the focus on community living
- Housing, workforce, transportation, and service systems face increasing pressure
- We have a huge aging boom of older people developing disabilities
- Colorado is developing its new Community Living Plan with input from the disability community

Colorado Is Building a Community Living Plan

Building the Plan Together



- The Colorado Disability Opportunity Office (CDOO) is coordinating the plan in collaboration with state agencies, an outside contractor, and the disability community
- The Plan will identify barriers to community living
- It will use data, lived experience, and subject matter expertise
- The disability community will help shape priorities
- Goals and strategies will include measurable outcomes

Steps to Building a Community Living Plan

Data + Lived Experience + Expertise

1. **Gather data** to understand where people are living, what services are being used, and where gaps may exist
2. **Listen** to lived experience through surveys, focus groups, and stakeholder conversations
3. **Use state expertise** to understand programs, resources, responsibilities, and what change is possible
4. **Identify barriers** to community living and develop goals and strategies with measurable outcomes
5. **Share** the draft for review
6. **Finalize** the Community Living Plan
7. **Implement** the plan, measure progress, and update the plan every three years

Who Needs to Be at the Table?

- Self-advocates and people with disabilities
- Families
- Providers
- Direct Support Professionals
- Disability advocacy organizations, including Centers for Independent Living
- State agencies
- Housing, employment, and transportation providers



A Plan Should Change People's Lives

What Success Would Look Like

- More people have real choices about where & how they live
- Fewer people enter institutional settings because community supports are unavailable
- People can access services before a crisis
- Housing, transportation, employment, and supports work together
- People have meaningful roles in their community
- Progress is measured and clearly understood
- **Olmstead Is About a Life in the Community**



Key Takeaways

- *Olmstead* requirements for prioritizing - and funding - community living are alive and well in Colorado
- *Olmstead* issues are not one and done - community living considerations must be present at all stages
- All situations are different *and* we must consider services to the community as a whole



A question to take with you: Are we helping people receive services, or are we helping people build lives?

So what happened to Lois and Elaine...

CELEBRATING OLMSTEAD



LOIS CURTIS



ELAINE WILSON



**Thank
You!**

Questions?

