



APSE Applauds First DOJ Statewide Settlement Involving Segregated Workshops

On April 8, 2014 the U.S. Department of Justice announced “a landmark settlement agreement between the United States and the State of Rhode Island, vindicating the civil rights of approximately 3,250 individuals across the state with intellectual and developmental disabilities (I/DD).” In this first-of-its-kind settlement, the U.S Department of Justice has made a clear statement that **the unnecessary segregation of individuals with disabilities in segregated sheltered workshops and day facilities violates the Americans with Disabilities Act (ADA)**. APSE strongly supports this landmark settlement that provides a blueprint for the nation’s estimated 450,000 individuals with disabilities currently spending their days in sheltered workshops and segregated programs.

According to the Department of Justice, the Rhode Island Agreement provides for the following:

- Supported employment placements that are individual, typical jobs in the community, that pay at least minimum wage, and that offer employment for the maximum number of hours consistent with the person’s abilities and preferences, amounting to an average of at least 20 hours per week across the target population;
- Supports for integrated non-work activities for times when people are not at work including mainstream educational, leisure or volunteer activities that use the same community centers, libraries, recreational, sports and educational facilities that are available to everyone;
- Transition services for students with I/DD, to start at age 14, and to include internships, job site visits and mentoring, enabling students to leave school prepared for jobs in the community at competitive wages;
- Significant funding sustained over a ten year period that redirects funds currently used to support services in segregated settings to those that incentivize services in integrated settings.

Further, under this agreement, supported employment placements will meet three critical quality indicators:

- They are individual, typical jobs in the community (not “group” employment, as we see sometimes with respect to people with I/DD);
- They pay at least minimum wage;
- And they offer employment for the maximum hours consistent with the person’s abilities and preferences, amounting to an average of at least 20 hours a week across the whole target population.

Under this agreement, the Department of Justice is recognizing that individuals with disabilities want to be valued and contributing members of their communities with real jobs for real wages. As Peter F. Nerohna, U.S. Attorney for the District of Rhode Island noted, “(This settlement) ushers in a new day of opportunity – opportunity for Rhode Island residents with intellectual or developmental disabilities to



live, work and spend their recreational time alongside their fellow Rhode Islanders. It is an opportunity for this State to move forward; to recognize, finally, that we are better, stronger, when all of us – all of us – are interwoven in the fabric that is Rhode Island.”

APSE is pleased with the Department of Justice’s aggressive campaign to enforce public policies that protect against the unnecessary segregation of individuals with disabilities, with a commitment to end segregated, facility based programs. We have clear laws and policies across the U.S., including the Americans with Disabilities Act (ADA), the Olmstead Act and the Rehabilitation Act, which clearly state that citizens with disabilities must receive services in the most integrated settings.

According to Bob Lawhead, Co-Chair of the National APSE Public Policy Committee, “Change driven by a response to a Department of Justice civil rights complaint can cost a state much more than taking the initiative to develop an Employment First policy.” Additionally, the individual states should want to avoid the burden of Rhode Island’s ten years of supervision by the Department of Justice. Public policy makers at the state level must move rapidly to proactively build integrated employment opportunities for their citizens with disabilities. According to the Department of Justice’s Acting Assistant General Jocelyn Samuels, “Unnecessary segregation of people with disabilities is harmful to people with disabilities and to our communities. We cannot wait another day to change. And we won’t.”

What does this mean for APSE members?

Around the country, our APSE state chapters play a vital role in the resolutions of the Department of Justice lawsuits. As many organizations see the “writing on the wall” we must work together in a productive way, through education and training, and technical assistance to ensure that the system is not more important than the individual. We have seen similar lawsuits in other states, and individuals must come together to take proactive steps to avoid the burden of Rhode Island’s ten years of supervision by the Department of Justice. APSE is extremely appreciative of this recent development that will make Rhode Island a leader in the Employment First movement. However, we must continue to move forward to correct the injustice of state-sponsored segregation for people with intellectual and developmental disabilities.