

# STATE OF MINNESOTA

## EXECUTIVE DEPARTMENT



**MARK DAYTON**  
**GOVERNOR**

### **Executive Order 13-01**

#### **Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in the Most Inclusive Setting for Individuals with Disabilities through the Creation of Minnesota's Olmstead Plan**

**I, Mark Dayton, Governor of the State of Minnesota,** by virtue of the power invested in me by the Constitution and applicable statutes, do hereby issue this Executive Order:

**Whereas,** the State of Minnesota is committed to ensuring that inclusive, community-based services are available to individuals with disabilities of all ages;

**Whereas,** the State of Minnesota recognizes that such services advance the best interests of all Minnesotans by fostering independence, freedom of choice, productivity, and participation in community life of Minnesotans with disabilities;

**Whereas,** the unnecessary and unjustified segregation of individuals with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the American with Disabilities Act of 1990 (the ADA), 42 U.S.C. §§ 12101 *et seq.*, which requires that states and localities administer their programs, services, and activities, in the most integrated setting appropriate to meet the needs of individuals with disabilities;

**Whereas,** in *Olmstead v. L.C.*, 527 U.S. 581 (1999), the United States Supreme Court interpreted Title II of the ADA to require states to place individuals with disabilities in community settings, rather than institutions, whenever treatment professionals determine that such placement is appropriate, the affected persons do not oppose such placement, and the state can reasonably accommodate the placement, taking into account the resources available to the state and the needs of others with disabilities;

**Whereas**, the State of Minnesota has taken steps in response to the *Olmstead* decision through the past and current efforts of State agencies and the establishment and work of the Minnesota *Olmstead* Planning Committee, whose recommendations to the Commissioner of the Minnesota Department of Human Services are hereby acknowledged;

**Whereas**, barriers to affording opportunities within the most integrated setting to persons with disabilities still exist in Minnesota; and

**Whereas**, the State of Minnesota must continue to move more purposefully and swiftly to implement the standards set forth in the *Olmstead* decision and the mandates of Title II of the ADA through coordinated efforts of designated State agencies so as to help ensure that all Minnesotans have the opportunity, both now and in the future, to live close to their families and friends, to live more independently, to engage in productive employment, and to participate in community life.

**Now, Therefore**, I hereby order that:

1. A Sub-Cabinet, appointed by the Governor, consisting of the Commissioner, or Commissioner's designees, of the following State agencies, shall develop and implement a comprehensive Minnesota *Olmstead* Plan: (i) that uses measurable goals to increase the number of people with disabilities receiving services that best meet their individual needs and in the most integrated setting, and (ii) that is consistent and in accord with the U.S. Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999):
  - a) Department of Human Services;
  - b) Minnesota Housing Finance Agency;
  - c) Department of Employment and Economic Development;
  - d) Department of Transportation;
  - e) Department of Corrections;
  - f) Department of Health;
  - g) Department of Human Rights; and
  - h) Department of Education.

The Sub-Cabinet shall be chaired by Lieutenant Governor Yvonne Prettner Solon.

The Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities shall be *ex officio* members of the Sub-Cabinet.

The Sub-Cabinet shall allocate such resources as are reasonably necessary, including retention of expert consultant(s), and consult with other entities and State agencies, when appropriate, to carry out its work.

2. Each Commissioner, or Commissioner's designee, shall evaluate policies, programs, statutes, and regulations of his/her respective agency against the standards set forth in the *Olmstead* decision to determine whether any should be revised or modified to improve the availability of community-based services for individuals with disabilities, together with the administrative and/or legislative action and resource allocation that may be required to achieve such results.
3. The Sub-Cabinet shall work together and with the Governor's Office to seek input from consumers, families of consumers, advocacy organizations, service providers, and relevant agency representatives.
4. The Sub-Cabinet shall promptly develop and implement a comprehensive Minnesota *Olmstead* Plan.

This Executive Order shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

**In Testimony Whereof**, I have set my hand on this 28<sup>th</sup> day of January, 2013.

  
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Mark Dayton  
Governor

Filed According to Law:

  
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Mark Ritchie  
Secretary of State