

STATE OF MINNESOTA
EXECUTIVE DEPARTMENT



MARK DAYTON
GOVERNOR

Executive Order 15-03

**Supporting Freedom of Choice and Opportunity to Live, Work, and Participate in
the Most Inclusive Setting for Individuals with Disabilities through the
Implementation of Minnesota's Olmstead Plan; Rescinding Executive Order 13-01**

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;

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

Whereas, the Olmstead Sub-Cabinet was created in Executive Order 13-01 to develop and implement a comprehensive Minnesota Olmstead Plan, which received provisional approval from the Court on January 9th, 2015;

Whereas, the Olmstead Implementation Office (OIO) was created as part of the Minnesota Olmstead Plan, to extend authority of the Sub-Cabinet to facilitate the implementation of the Plan, and is integral to the success of realizing the vision of *Olmstead*; and

Whereas, the work of the Olmstead Sub-Cabinet is ongoing, and further authority is needed by the Sub-Cabinet to effectively implement the Minnesota Olmstead Plan to 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 implement Minnesota's Olmstead Plan:
 - 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 Governor shall designate one of the members of the Sub-Cabinet to serve as chair.

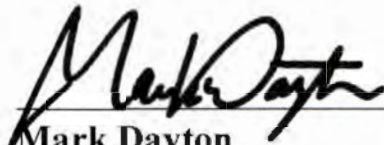
The Ombudsman for the State of Minnesota Office of the Ombudsman for Mental Health and Developmental Disabilities and the Executive Director of the Minnesota Governor's Council on Developmental Disabilities shall be *ex officio* members of the Sub-Cabinet.

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. The duties of the Sub-Cabinet are:
 - a. Provide oversight for and monitor the implementation and modification of the Olmstead Plan, and the impact of the Plan on the lives of people with disabilities.
 - b. To provide ongoing recommendations for further modification of the Olmstead Plan.
 - c. Ensure interagency coordination of the Olmstead Plan implementation and modification process.
 - d. Convene periodic public meetings to engage the public regarding Olmstead Plan implementation and modification.
 - e. Engage persons with disabilities and other interested parties in Olmstead Plan implementation and modification and develop tools to keep these individuals aware of the progress on the Plan.
 - f. Develop a quality improvement plan that details methods the Sub-Cabinet must use to conduct ongoing quality of life measurement and needs assessments and implement quality improvement structures.
 - g. Establish a process to review existing state policies, procedures, laws and funding, and any proposed legislation, to ensure compliance with the Olmstead Plan, and advise state agencies, the legislature, and the Governor's Office on the policy's effect on the plan.
 - h. Establish a process to more efficiently and effectively respond to reports from the Court and the Court Monitor.
 - i. Convene, as appropriate, workgroups consisting of consumers, families of consumers, advocacy organizations, service providers, and/or governmental entities of all levels that are both members, and non-members, of the Sub-Cabinet.
3. The Sub-Cabinet shall appoint an Executive Director of the Olmstead Implementation Office (OIO), who will report to the Chair of the Sub-Cabinet. The OIO shall carry out the responsibilities assigned to the Sub-Cabinet, as directed by the Chair of the Sub-Cabinet.
4. The Sub-Cabinet shall adopt procedures to execute its duties, establish a clear decision making process, and to further define and clarify the role of the OIO. The Chair is responsible for the drafting of these procedures, and will present them for review at the first Sub-Cabinet meeting of 2015 and approval at the second Sub-Cabinet meeting of 2015.

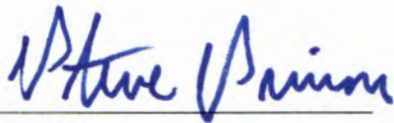
This Executive Order is effective fifteen days after publication in the State Register and filing with the Secretary of State, and shall remain in effect until rescinded by proper authority or until it expires in accordance with Minnesota Statutes, section 4.035, subdivision 3.

In Testimony Whereof, I have set my hand on this 28th day of January, 2015.



Mark Dayton
Governor

Filed According to Law:



Steve Simon
Secretary of State

