



## **CDDP/Brokerages: Guide for individuals and families on proposed settlement for Lane vs. Brown**

**Question #1:** I received a notice about a settlement of a lawsuit called Lane vs. Brown. What does it mean?

**Answer:** In January 2012, people representing individuals with intellectual and developmental disabilities (I/DD) sued the state of Oregon. The “settlement” means Oregon and the people suing the state came to an agreement about how to resolve the lawsuit without going to trial. The settlement does not mean you receive any sort of money or compensation. The settlement is about what the state must do to improve employment services.

**Question #2:** Do I have to do anything about the notice?

**Answer:** No. There is a hearing about the settlement on Dec. 7, 2015 at 9:30 a.m. at the federal courthouse in Portland. If you want to submit an objection or concern, there are instructions on the notice on how to do that.

**Question #3:** What was the lawsuit about?

**Answer:** The lawsuit was about the state’s use of sheltered workshops. The plaintiffs claimed that too many people with I/DD were in sheltered workshops and the state wasn’t doing enough to help people get jobs in the community. The plaintiffs claimed the state’s employment services system was in violation of the Americans with Disabilities Act and the Rehabilitation Act on the grounds that sheltered workshops segregate people from their communities.

**Question #4:** Am I in some sort of legal trouble based on the settlement or the letter (“notice”) I received?

**Answer:** No, if you don't have concerns, you don't need to do anything. The lawsuit was against the state of Oregon, not you, your family, your case manager, or your provider. The letter (“notice”) you received was just to inform you of the

settlement agreement, what the settlement is, and how you can provide feedback, if you choose to do that.

**Question #5:** Who does the settlement affect?

**Answer:** This was a class action lawsuit. The “class members” are Oregonians with I/DD who are in Office of Developmental Disability Services’ (ODDS) services and who have worked in a sheltered workshop or have been referred to one. It also covers high school transition-age students with I/DD who were at risk of going to sheltered workshops.

**Question #6:** How do I know if I am in the “class?”

**Answer:** If you got the letter (“notice”) in the mail, the state’s records showed you received some level of services in a sheltered workshop since January 2012. This makes you part of the class covered by the lawsuit and settlement.

**Question #7:** What are the goals of the settlement?

**Answer:** The settlement requires the state to (1) reduce the use of sheltered workshops and (2) provide more employment services to help people get and keep jobs in the community. Sometimes these jobs are referred to as “integrated employment.” Those suing the state believe more people with I/DD want community jobs than are currently getting them. They also believe more people will want jobs once they understand the benefits and opportunities of working in their communities.

The settlement sets goals the state must achieve. For example, the state must:

- Reduce the number of people using services in sheltered workshops from about 1,900 to about 1,500 by June 2017.
- Help 1,115 individuals who use services in sheltered workshops get integrated employment in the community by June 2022.

There are other goals like these examples the state must meet.

**Question #8:** What is “integrated employment” and what services does this include?

**Answer:** Integrated employment is a job where a person works for a business in their community. This job provides them with the opportunity to work and interact with co-workers who do not have disabilities and earn minimum wage or better. An integrated job pays the same wages and benefits paid to people who do not have disabilities and who are doing the same type of work.

The state offers through its Office of Developmental Disability Services (ODDS) and Vocational Rehabilitation (VR) many types of services to help someone get and keep a job in the community.

Some examples are:

- Discovery
- Job Development
- Job Coaching

More detail on these services is available at:

<http://www.oregon.gov/dhs/employment/employment-first/Pages/supported-employment.aspx>

**Question #9:** How does the settlement affect me and my family?

**Answer:** Whether you are someone who has worked in a sheltered workshop or a transition-age student, this settlement requires the state to provide you with information to help you decide if you want to work. The settlement does not require the state to get jobs for any specific person. It does require that the state continue to improve its services that are designed to help people pursue opportunities to work in the community. Talk to your case manager about getting the employment services you need to find out what integrated jobs may be right for you. He or she can also tell you about services that may help you get a job, help you keep your job, and help you get better jobs.

**Question #10:** If I am in a sheltered workshop, will I have to leave?

**Answer:** If you are currently using services in a sheltered workshop, you do not have to stop them right now. However, you are encouraged to talk to your service coordinator or personal agent about services to explore job options in the community.

**Question #11:** Do I have to get a job in the community?

**Answer:** The settlement does not require any one person to get a job in the community. It does require that at least 1,115 people get integrated community jobs. The settlement does respect individual preference and choice as criteria for selecting and planning services.

**Question #12:** Will I have to immediately change my Individual Support Plan (ISP) or Individualized Education Program (IEP)?

**Answer:** No. The settlement agreement does not require you to change any services. If you are currently in a sheltered workshop, you are required to have an integrated employment goal in your ISP/ Career Development Plan. You will be encouraged to explore community job options. You may want to change your ISP or IEP to reflect your job goals.

**Question #13:** Does the settlement change the state policy on who can use sheltered workshops or the “closing the front door” to sheltered workshops?

**Answer:** No. The current policies adopted by the Department of Human Services (DHS) about who can use services in sheltered workshops are still in place. As of July 1, 2015, DHS does not fund new entries to sheltered workshops.

**Question #14:** What do I do if I want to get a job in the community?

**Answer:** The first thing to do is to let your service coordinator or personal agent know your wishes and make sure your ISP team meets to discuss the services you might need.

If you are a transition-age student, you should let your family and teacher know and discuss possible changes to your IEP that would help you pursue a goal of working in the community.

**Question #15:** How do I get more information on the settlement?

**Answer:** The letter (“notice”) you received gives you information on who you can contact for more information. Several web pages have posted information about the settlement including: DHS Employment First: <http://iworkwesucceed.org> and Office of Developmental Disability Services: <http://www.oregon.gov/DHS/dd/Pages/index.aspx>

