



October 20, 2022

Kristen Clarke  
Assistant Attorney General for Civil Rights  
U.S. Department of Justice  
Washington, DC 20530

Dear Assistant Attorney General Clarke,

The Collaboration to Promote Self-Determination (CPSD) writes to urge you to reinstate the Department of Justice's (DOJ) Olmstead Guidance titled "[Statement of the Department of Justice on Application of the Integration Mandate of Title II of the Americans with Disabilities Act and Olmstead v. L.C. to State and Local Governments' Employment Service Systems for Individuals with Disabilities](#)" which was rescinded<sup>1</sup> in 2017.

Founded in 2007, the Collaboration to Promote Self-Determination (CPSD) is a national advocacy coalition of organizations representing people with intellectual, developmental, and other disabilities and their families, disability service agencies, and other individuals with experience and expertise. The mission of CPSD is to push for major systemic reform of the nation's disability laws and programs to advance economic security, enhance integrated community participation, and increase opportunities for people with disabilities so that they can lead self-determined lives.

We know that people with disabilities and their families want more opportunities and access for competitive integrated employment (CIE). While more can and should be done, we acknowledge that many employment service providers are working to change their business models away from sheltered workshops and other segregated settings to CIE. Furthermore, in the last few years we have seen several states phase out the use of 14(c) certificates which reflects this shift toward an expectation that people with disabilities, even those with the most significant disabilities, can work in CIE.

DOJ's guidance in this area was consistent with the will of the broader disability community to ensure that DOJ is prioritizing enforcement of Olmstead related to states' overreliance on segregated employment and day services and to expand opportunities for CIE. While the guidance reflected already established law, we believe its reissuance would send a strong signal to public entities about the importance of providing employment services in the most integrated setting as they seek to comply with the

---

<sup>1</sup> See: [https://www.ada.gov/withdrawn\\_olmstead.html](https://www.ada.gov/withdrawn_olmstead.html)

Americans with Disabilities Act (ADA). There is no doubt that DOJ under this Administration has prioritized Olmstead enforcement actions related to state's reliance on segregated employment for people with disabilities. An example of this prioritization and commitment was the recent announcement from DOJ announcing the conclusion of a settlement agreement<sup>2</sup> in Oregon in effect since 2015 resolving the first lawsuit in the nation to challenge a state's reliance on segregated employment settings for individuals with disabilities, including sheltered workshops, as a violation of the integration mandate of Title II of the ADA. As you know, this is just one example of DOJ's enforcement actions in this area and we thank the Department for its continued focus on the rights of people with disabilities.

Again, we urge DOJ to reinstate the guidance referenced above. The withdrawal notice<sup>1</sup> of the guidance stated, "This action was taken to afford further discussion with relevant stakeholders, including public entities and the disability community, as to how best to provide technical assistance in this area" and in that vein we would welcome the opportunity to discuss this guidance with the Department. Please contact Cyrus Huncharek at [cyrus@ndsccenter.org](mailto:cyrus@ndsccenter.org) should you have any questions or to arrange a meeting.

Sincerely,

Association of People Supporting Employment First (APSE)  
Association of University Centers on Disabilities  
Autism Society of America  
Autistic Self Advocacy Network  
Center for Public Representation  
Community Options, Inc.  
Easterseals  
National Association of State Directors of Developmental Disabilities Services  
National Disability Institute  
National Disability Rights Network (NDRN)  
National Down Syndrome Congress

---

<sup>2</sup> See: <https://www.justice.gov/opa/pr/justice-department-announces-conclusion-landmark-agreement-addressing-segregated-work>