November 21, 2019

Dannette R. Smith, MSW
Chief Executive Officer
NE Dept. of Health and Human Services
301 Centennial Mall South
P.O. Box 95026
Lincoln, NE 68509

Re: Nebraska’s Draft Olmstead Plan Public Comment

Dear CEO Smith:

Nebraska’s Olmstead plan, as written, fails to realize the objectives of the Nebraska legislature, or the vision of the Olmstead stakeholder advisory group, and will not meaningfully increase opportunities for community integration or remedy ongoing disability discrimination. Despite the involvement of a diverse group of stakeholders, including Disability Rights Nebraska, and the information, resources and consultation provided by the Technical Assistance Collaborative, the document the State has produced is an Olmstead plan in name only. It does not advance the goals of integration and meaningful community participation for Nebraskans with disabilities, and it is unlikely to protect the State from future litigation to secure its citizens’ rights under the Americans with Disabilities Act.

Nebraska’s Plan, as written, is not even close to meeting the basic elements that the U.S. Department of Justice (DOJ) and federal courts have said are required for Olmstead plans. The plan’s most egregious failings are the following:

- Absence of data to inform the development of measurable goals and benchmarks;

---

• Failure to identify priority populations currently facing or at risk of unnecessary segregation;

• Failure to quantify the level of unmet need, so that meaningful targets for improvement can be established;

• Lack of focus on key substantive areas including competitive, integrated employment and supportive housing, and;

• Failure to draw from expert reports and technical assistance intended to guide the plan's development and implementation, most notably the absence of concrete short and long-term recommendations for remedying ADA violations.

We recommend the State work with its contractor to create a true comprehensive, effective, working Olmstead plan that increases opportunities for community integration and addresses ongoing discrimination of Nebraskans with disabilities.

Sincerely,

Eric A. Evans, Ph.D.
Chief Executive Officer
Disability Rights Nebraska

EAE/

cc: Nebraska Legislature Health and Human Services Committee
nebraskaolmstead@tacinc.org