

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

James and Lorie Jensen, as parents,  
Guardians and next friends of Bradley J.  
Jensen, et al.,

Civil No. 09-1775 (DWF/FLN)

Plaintiffs,

v.

Minnesota Department of Human Services,  
an agency of the State of Minnesota, et al.,

Defendants.

**Independent Consultant and Monitor**

**REPORT TO THE COURT:  
Minnesota's 2013 Olmstead Plan**

David Ferleger, Esq.  
Archways Professional Building  
413 Johnson Street, Suite 203  
Jenkintown, PA 19046  
david@ferleger.com  
215 887 0123

December 31, 2013

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The Court Monitor recommends provisional approval of the Minnesota 2013 Olmstead Plan subject to *de novo* review after the State revises the Plan based on this Report by the Court Monitor, and on any submissions by the Plaintiff Class and the litigation's consultants.<sup>1</sup>

## I. INTRODUCTION

The State of Minnesota has developed its proposed *Olmstead* Plan pursuant to the Settlement Agreement in this litigation and the Order of August 28, 2013 (Dkt. 224).<sup>2</sup> The document is titled *Putting the Promise of the Olmstead into Practice: Minnesota's 2013 Olmstead Plan*.

Filed October 31, 2013 (Dkt.247), the Plan was written by the *Olmstead* Subcabinet, chaired by Lieutenant Governor Yvonne Prettner Solon who delivered it to the Court. The Subcabinet had been established by Executive Order 13-01 issued on January 28, 2013 by Governor Mark Dayton;<sup>3</sup> the subcabinet includes the Commissioners of the:

Department of Human Services  
Department of Health  
Department of Employment and Economic Development  
Department of Human Rights  
Department of Transportation  
Department of Education  
Department of Corrections  
Minnesota Housing Finance Agency  
Executive Director for the Governor's Council on  
Developmental Disabilities (*ex officio*), and  
Ombudsman for Mental Health and Developmental  
Disabilities (*ex officio*)

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<sup>1</sup> Because this Report does not make recommendations for final action, and its approval would permit comments and objections by the Plaintiff Class and Defendants, it is not being submitted to the parties in draft.

<sup>2</sup> Settlement Agreement at 18 (Dkt. 136-1)(The State and the Department of Human Services shall "develop and implement a comprehensive *Olmstead* Plan that uses measurable goals. . . ."). The Order of August 28, 2013 requires filing of the Plan along with a chronological list of tasks and an "Implementation Plan." The State's Plan includes a timetable for implementation 2013-2016. Plan at App. F, 117 ff.

<sup>3</sup> The Executive Order is **Exhibit A** to this Report.

In compliance with the settlement's expectations, the State committed that "[o]nce our work in developing the plan is complete, we will submit the proposed plan to the Court for final review, comment and approval."<sup>4</sup>

The Lieutenant Governor submitted that the Court would "find the steps we have outlined in Minnesota's Olmstead Plan to be in concert with both the letter and the spirit of the Olmstead decision and the Jensen agreement."<sup>5</sup>

The Department of Human Services underscored the Plan's role in monitoring and measuring progress both for the State and for accountability to the Court:

The Minnesota Olmstead Plan allows us to monitor and measure our progress in key areas and to place focus on providing opportunities to live, work, and enjoy life in the most integrated setting. Most importantly, the plan will provide the Court, persons with disabilities and other interested parties, with a way of holding us accountable. At its core, Olmstead is a civil rights issue, and it is one of our core values to protect civil rights of all Minnesotans.<sup>6</sup>

Significant state-wide changes are expected. As DHS explained to the Court:

Some of the significant changes you should see resulting from this plan include:

- The funding of sufficient positions to monitor and report on progress. These positions will report directly to the Subcabinet.
- The development of a dispute resolution process that will give individuals with disabilities additional administrative due process opportunities including access to an informal dispute resolution process and the right to an administrative appeal of *Olmstead*-related concerns to an objective individual who is well versed on the ADA.

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<sup>4</sup> Letter from Lieutenant Governor Yvonne Prettner Solon to Court Monitor David Ferleger, dated July 1, 2013 (**Exhibit B** to this Report).

<sup>5</sup> Cover letter from Lieutenant Governor Yvonne Prettner Solon to the Court, October 31, 2013 (Dkt. 247).

<sup>6</sup> Cover letter from Deputy Commissioner Anne Barry to the Court and Court Monitor, October 31, 2013 (Dkt. 246).

- The adoption of annual “Quality of life” surveys of individuals with disabilities. These surveys will help gauge over time whether these changes in practice positively impact critical areas such as integration, personal autonomy, and whether people with disabilities are living and working in the most integrated setting.
- Timely access to the most integrated setting by people now in Anoka Metro Regional Treatment Center, the Minnesota Security Hospital, and other settings with institutional characteristics.
- Establishment of a prioritization process of the home and community based services wait list that results in accessing services at a reasonable pace.
- Improves access to employment and prevailing wages.<sup>7</sup>

The Plan grew from the recommendations of the Olmstead Planning Committee appointed under the Settlement Agreement<sup>8</sup> The subcabinet engaged independent expert consultation on a number of important issues. It obtained stakeholder feedback from several hundred, including feedback on drafts, online comments, and participation in listening sessions in St. Paul, Duluth, Moorhead and Rochester. Most comments were from advocacy or other organizations (34%), with 31% from family members or guardians, and 23% from service providers. 12% of the comments were from individuals with a disability.<sup>9</sup> The most frequent comments were on Housing and Employment.<sup>10</sup>

The Plan emphasizes the imperative to “put the promise of *Olmstead* into practice.”<sup>11</sup> It sets several “overarching strategic actions” which are to be implemented across every element of the Plan:

- Quality of life measurement
- Dispute resolution process

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<sup>7</sup> *Id.*

<sup>8</sup> Settlement Agreement at 18. *See The Promise of Olmstead: Recommendations of the Olmstead Planning Committee* (October 23, 2012). The Planning Committee recognized that it did not adequately address certain issues due to shortness of time and lack of expertise in some areas, namely, transportation, corrections, elderly, children and family support needs, and the Minnesota Sex Offender Program. Preface at 5.

<sup>9</sup> Plan at 20.

<sup>10</sup> Plan at 21.

<sup>11</sup> Plan at 24 ff.

- Oversight and monitoring
- Quality improvement

Also, the Plan establishes topic-specific plans for:

- Housing
- Transportation
- Supports and Services
- Lifelong Learning and Education
- Healthcare and Healthy Living
- Community Engagement

The Plaintiff Class did not file comments or objections with the Court.<sup>12</sup>

## II. COMMENTS<sup>13</sup>

The submission of the Olmstead Plan is a milestone for Minnesota and for the Nation. The State deserves high commendation for undertaking this state-wide and disability-wide planning effort and for addressing it seriously, with commitment and in considerable agency-wide detail.

There has been no indication of any hesitancy to embark on this path, and there is every indication that the State is eager to transform the “promise of *Olmstead* into practice,” as announced in the title of the Plan.

More work needs to be done before final approval by the Court. Section III below recommends a process and timeline for accomplishing that work. This Section II sets forth major concerns of the Court Monitor.<sup>14</sup>

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<sup>12</sup> During and after the *Olmstead* Planning Committee’s work, the Plaintiff class expressed substantial criticism of both content and process. The final committee document, for example, was said to have been finalized without final endorsement by the entire committee, and to have been shared with lobbyists before distribution to the committee.

<sup>13</sup> The Court Monitor expects to revise these comments after receipt of comments on this Report.

<sup>14</sup> Additional concerns will be discussed with the sub-cabinet and the *Olmstead* Implementation Office if the Court approves the process under Section III below.

### **A. Olmstead Implementation Office**

The State would do well, up-front, to ensure that there are sufficient resources in the Olmstead Implementation Office (OIO) to carry the Plan forward. Leadership and other staff would best be individuals with significant experience in administering government disabilities programs and systems change projects.<sup>15</sup>

The Plan does not sufficiently recognize that the mission it is to accomplish will require substantial professional, data analysis, and clerical staff, as well as consultation resources if its work is to be comprehensive and effective. The OIO should not be a bean counter or a mere mechanism for transmitting agency data to the public and the Court. Rather, the OIO should have the clout to require actions from agencies, and to delve deeply into the adequacy and timeliness of agency actions under the Plan. Thus, it would be reasonable to address these concerns in the Plan's description of the OIO.<sup>16</sup>

It is evident that each agency will maintain its own plans to accomplish its respective Olmstead obligations. There will also be inter-agency plans for the OIO to track. The OIO will likely need to have in-house professional staff as liaison to the each agency. The agencies will likely need their own *Olmstead*-responsible staff assigned to work within the agency and with the OIO.

### **B. Issues at the Intersection of Implementation and the Court's Enforcement Role**

There are some issues which arise at the intersection of the State's implementation of the Plan and the Court's enforcement role.

- The Plan does not provide any suggestions for the State's demonstration of sufficient substantial compliance to enable the Court to relinquish active jurisdiction. Indeed, the Plan includes actions through, for example, 2020; one would hope that the Court's active involvement would have ended before such late dates.

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<sup>15</sup> The OIO currently has an "interim" head and there is a search committee for a permanent head; the committee is chaired by an agency commissioner. It would be reasonable to also include as co-chairs representatives of people with disabilities such as deaf, blind, physically and mobility disabled, and people with mental illness and intellectual disabilities.

<sup>16</sup> Plan at 29.

- The Plan should more carefully address the consequences under the Court's orders of a failure of the Legislature to provide any needed statutory change, sufficient support and funding for implementation of the Plan.<sup>17</sup> This is an issue which the Court may wish to address as well. Two further comments are appropriate.
- Modification of the Plan is permitted under the process instituted by the Court.<sup>18</sup> Unilateral modification of a court-ordered plan is not permissible.<sup>19</sup> Therefore, the Plan's anticipation that financial challenges would permit unilateral modification is misplaced.<sup>20</sup>

### C. General Structural Matters

The Plan does not state that the Plan and amendments to it are subject to the approval of the Court. See Order of August 28, 2013 (Dkt. 224). In addition, a number of general structural matters are of concern which are present throughout the proposed Plan:

- The Settlement Agreement and the Order of April 25, 2013 (Dkt. 212) require that the Olmstead Plan “uses measurable goals” to achieve its

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<sup>17</sup> The Plan includes an “example of fiscal considerations” showing the fiscal impact of one action, the affordable housing expansion.” Plan at 116. The extent to which such an analysis may be made of other action steps, and the point at which such an analysis will impact budget requests, might be addressed in the Plan.

<sup>18</sup> The Order of August 28, 2013 at 6 sets forth the process for revisions to the Plan:

Any requests for modification of due dates under the above provisions of this Order and Memorandum, or for modification of the Plans' deadlines or other elements, shall be in writing, for good cause shown, and shall, in the first instance, be addressed and resolved by the Court Monitor, subject to review by the Court on written application by any party.

<sup>19</sup> *Compare* Order of December 11, 2013 (Dkt. 257) (on revisions to an attachment to the Settlement Agreement: “like all court orders, it is not subject to unilateral revision by Defendants. Nevertheless, Defendants improperly revised and re-issued the policy twice since the approval of the Settlement Agreement.”).

<sup>20</sup> In addition to financial challenges, other developments might prompt requests for modifications, *e.g.*, a breakthrough technology, a new opportunity, experience that a plan element is or is not working.



purposes.<sup>21</sup> (emphasis added). In very many of its action steps, the Plan falls short of stating measurable goals.

- The Plan often references future development of baselines upon which future action steps will build. The Plan does not state that these baselines and future action steps will be incorporated into the plan subject to review and approval by the Court.
- The Plan often references future development of recommendations, policies and processes. The Plan does not state that these policies and processes will be incorporated into the plan subject to review and approval by the Court.
- The Plan's baseline development requirements are weakened by further unmeasurable plans which do not require actions to be taken or results achieved.<sup>22</sup>
- Often, "goals" are mentioned without specification of whether this term refers to a requirement which is to be considered measurable for accountability of the Plan.
- Commitments in the Plan are often phrased weakly, in a manner which would make it difficult for the State or Court to evaluate compliance.<sup>23</sup>

#### **D. Specific Topic Areas**

Examples of concerns regarding specific topic areas are:

- On Quality of Life measurement,<sup>24</sup> the State plans to use a single survey instrument which applies to "all people with disabilities" and which measures elements including – only three are listed --

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<sup>21</sup> Settlement Agreement at 18; Order of April 25, 2013 (Dkt. 102) at 9.

<sup>22</sup> *E.g.*, Plan at 66 (after development of baseline re medical care access, there would then be developed "an implementation plan to further assess, develop and respond" with no deadline for that plan, and no requirement to implement the plan).

<sup>23</sup> *E.g.*, "work towards" instead of "provide for" (p. 7); "aspirational goals" (p. 10, 24); use of terms such as "increase" or "reduce" without quantification (p. 10, 11); "some people with serious mental illness will have access to care through this model" (p. 64).

<sup>24</sup> Plan at 27-28.

integration, autonomy and living/working in the most integrated setting). It seems unlikely that a single instrument can be used across all disabilities and covering all relevant elements; also, the elements to be measured would need to be augmented to reflect many other variables. It is respectfully suggested that this piece of the Plan requires additional thought and revision.

- On Oversight and Monitoring,<sup>25</sup>and Quality Improvement Plan,<sup>26</sup>the methodologies and components are most often not specific and their inter-relationships are unclear. The schedule/deadlines need attention and revision.<sup>27</sup>
- On transportation, the Plan does not explicitly address such issues as mobility, permitted or prohibited motorized devices, access to sidewalks, access to government services and facilities.
- The Plan does not address technology and assistive technology.
- On moving from institutions to community living, the Plan references creation of a team of state agency and community members to “develop protocols and processes” for successful transitions and reduction of barriers. These protocols and processes are to support movement from Intermediate Care Facilities for Persons with Developmental Disabilities (ICF-DD), Anoka Metro Regional Treatment Center, Minnesota Security Hospital, and MSHS-Cambridge. However, there is no requirement or deadline to implement the protocols and processes, and the “schedule” for placements does not provide deadlines for all of its elements.<sup>28</sup>
- The Plan does not adequately address the full range of housing and self-determination options,
- The application of the Plan to the Department of Corrections is not described. For example, such issues as treatment of mental illness, habilitation of people with developmental disabilities, accommodations for people with sensory and mobility disabilities or

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<sup>25</sup> Plan at 29-30.

<sup>26</sup> Plan at 30

<sup>27</sup> For example, there is a December 1, 2013 deadline to “adopt a structure for nine functions which are quite complex. The Court Monitor believes that understandably this has not yet occurred.

<sup>28</sup> Plan at 43-54.

dementia/Alzheimer's, less restrictive conditions/placements, medical care, and the like.

- On abuse/neglect, the Plan references “prevention” but does not cover receipt of allegations, investigations, and the competence and training of investigators.<sup>29</sup>
- The Plan does not adequately address the conversion of segregated employment programs to integrated employment, nor does it adequately address whether non-integrated facility-based programs will or will not be permitted.<sup>30</sup> In this regard, the Plan does not address recent court decisions, state declarations of policy and settlements with the United States Justice Department on this issue.
- The Plan does not adequately address the elimination of prone restraints in schools and elsewhere, and to acknowledge that “there is no evidence that using restraint or seclusion is effective in reducing the occurrence of the problem behaviors that frequently precipitate the use of such techniques.”<sup>31</sup>
- On restraints and seclusion generally, the Plan speaks to issuing a report by July 1, 2014 with a plan to increase positive practices and eliminate the use of restraint or seclusion, but does not make any commitments regarding implementing a plan or for a deadline to forbid restraints and seclusion.<sup>32</sup>

### III. RECOMMENDATIONS FOR NEXT STEPS

The “provisional approval” approach suggested here has been discussed with, and is agreeable to the State.<sup>33</sup>

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<sup>29</sup> *E.g.* Plan at 30.

<sup>30</sup> Plan at 37.

<sup>31</sup> Plan at 59. United States Department of Education, *Restraint and Seclusion: Resource Document* (May 15, 2010), with May 15, 2012 Letter from Secretary of U.S. Department of Education Arne Duncan; the quotation is from Secretary Duncan's letter. See Congressional Research Service, *The Use of Seclusion and Restraint in Public Schools: The Legal Issues* (Oct. 14, 2010). Prone restraint is especially troublesome, is a known cause of injury or death; it is prohibited by the Department of Human Services and is typically prohibited from use by police departments.

<sup>32</sup> Plan at 54-56.

<sup>33</sup> The details and timing are presented here for the first time.

The Court Monitor recommends that the Plan is ready for provisional approval, subject to review *de novo* after the State revises the Plan in response to these comments. Although the Plaintiff Class did not file objections or comments on the Plan, the Plaintiff Class should be permitted a comment period; so should the Executive Director of the Minnesota Governor's Council on Developmental Disabilities and the Ombudsman for Mental Health and Developmental Disabilities, who have both had a formal role in this case.

The provisional approval will give impetus to the State's implementation efforts and, it is hoped, will permit the State to immediately address the staffing/resource needs of the Olmstead Implementation Office. The provisional approval also provides an opportunity for the sub-cabinet to make adjustments to the Plan.

Should the Court approve this Report, it is suggested that:

- a. Within twenty days of the date of the approval order, the Plaintiff Class will file any comments or objections to the Plan as currently submitted.
- b. Within twenty days of the date of the approval order, the Executive Director of the Minnesota Governor's Council on Developmental Disabilities and the Ombudsman for Mental Health and Developmental Disabilities will file any comments or objections to the Plan as currently submitted.
- c. The State will file its first update on the Plan within 30 days of the approval order. *See* Order of August 28, 2013 at 6 ("updates to the *Olmstead* Implementation Plan shall include activities undertaken pursuant to the Plan, documentation of such activities, and any requests for modification of the Plan's deadlines or other elements."). Given the anticipated revised Plan, the first update may, but need not, include requests for modification.
- d. The State file a revised Plan within 120 days of the date of the approval order, after first providing a draft to the Court Monitor within 90 days of the date of the approval order.

#### **IV. CONCLUSION**

For the above reasons, the Court Monitor respectfully suggests that the recommendations set forth above be adopted.

Respectfully submitted,

s/ David Ferleger  
Court Monitor

December 31, 2013

**Exhibit A**  
**Governor's Executive Order 13-01**  
**January 28, 2013**

# 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.



Mark Dayton  
Governor

Filed According to Law:



Mark Ritchie  
Secretary of State

**Exhibit B**

**Letter from Lieutenant Governor Yvonne  
Prettner Solon to Court Monitor David  
Ferleger, dated July 1, 2013**



# STATE OF MINNESOTA

## Office of Lieutenant Governor Yvonne Prettner Solon

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Blvd. ♦ Saint Paul, MN 55155

Voice: (651) 201-3400 or (800) 657-3717 ♦ Fax: (651) 797-1850 ♦ MN Relay: (800) 627-3529 ♦ Website: [www.governor.state.mn.us](http://www.governor.state.mn.us)

July 1, 2013

David Ferleger  
Archways Professional Building  
413 Johnson Street, Suite 203  
Jenkintown, PA 19046

Re: Minnesota's *Olmstead* Plan

Dear Mr. Ferleger:

Thank you for contacting the *Olmstead* Plan Sub-Cabinet. We have reviewed your report of June 11, and appreciate that you have raised your concerns directly with us.

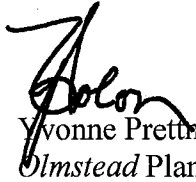
As Chair of the Sub-Cabinet, I am committed to developing a meaningful and comprehensive, state-wide *Olmstead* Plan. Although the *Jensen* Settlement Agreement did not require it, Governor Dayton's Executive Order has been extremely helpful in coordinating state-wide *Olmstead* efforts, and has highlighted and emphasized the fact that serving all Minnesotans is the State's priority. The Governor asked me to chair the *Olmstead* Plan Sub-Cabinet because of my responsibility for fostering agency collaboration, and my commitment to improving the lives of persons with disabilities.

From the beginning of the Sub-Cabinet, I have made the *Jensen* Settlement Agreement a preeminent part of planning for the State's *Olmstead* Plan. I recognize the importance of your role in ensuring that the State complies with the *Jensen* Settlement Agreement and can assure you that the State is deeply committed to this effort. In our public forums this summer and in the final *Olmstead* Plan, the State will continue to acknowledge and highlight the important role of the *Jensen* Settlement Agreement.

As you may know, the Sub-Cabinet is in the process of retaining consultants to assist with the Plan, and will obtain input from people living with disabilities and a wide variety of other external stakeholders. In public forums this summer, the Sub-Cabinet will review the draft plan with the public and incorporate public feedback into the plan. At any time that you and the Court wish to review drafts and public comments, we will make them available to you. Furthermore, in September we will provide a draft plan for your and the Court's review, and will continue to keep you and the Court informed of our efforts along the way. Once our work in developing the plan is complete, we will submit the proposed plan to the Court for final review, comment and approval.

Again, thank you for contacting the Sub-Cabinet. If you have any additional questions or concerns, please do not hesitate to contact me as I am more than willing to discuss them.

Sincerely,



Yvonne Prettnner Solon  
Olmstead Plan Sub-Cabinet Chair

Cc: Lucinda E. Jesson, Commissioner, Minnesota Department of Human Services  
Mary Tingerthal, Commissioner, Minnesota Housing Finance Agency  
Katie Clark Sieben, Commissioner, Minnesota Department of Employment and  
Economic Development  
Charles Zelle, Commissioner, Minnesota Department of Transportation  
Thomas Roy, Commissioner, Minnesota Department of Corrections  
Dr. Edward Ehlinger, Commissioner, Minnesota Department of Health  
Kevin Lindsey, Commissioner, Minnesota Department of Human Rights  
Dr. Brenda Cassellius, Commissioner, Minnesota Department of Education  
Roberta Opheim, Minnesota Ombudsman for Mental Health and Developmental  
Disabilities  
Dr. Colleen Wieck, Executive Director, Minnesota Governor's Council on  
Developmental Disabilities