

**STATE OF WEST VIRGINIA**  
**EXECUTIVE DEPARTMENT**  
**CHARLESTON**  
**EXECUTIVE ORDER NO. 11-05**  
**By the Governor**

**WHEREAS**, *Olmstead v. L.C.*, 527 U.S. 581 (1999) is a landmark United States Supreme Court decision addressing the civil rights of people with disabilities to receive community-based service and support; and

**WHEREAS**, the *Olmstead* Court held that Title II of the Americans with Disabilities Act of 1990 may require placement of persons with disabilities in integrated and inclusive community settings; and

**WHEREAS**, the *Olmstead* Court held that institutional confinement severely diminishes the everyday life activities of individuals, including family relations, social contacts, work options, economic independence, educational advancement, and cultural enrichment; and

**WHEREAS**, the *Olmstead* Court further ruled that the unnecessary and unjustified segregation of qualified people with disabilities through institutionalization is a form of disability-based discrimination prohibited by Title II of the Americans with Disabilities Act of 1990, which requires that states and localities administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities; and

**WHEREAS**, the *Olmstead* Court further held that community placement is necessary whenever treatment professionals determine 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; and

**WHEREAS**, on June 19, 2001, President George W. Bush issued Executive Order No. 13217 directing the United States Attorney General, the Secretaries of Health and Human Services, Education, Labor, and Housing and Urban Development to work closely with individual states to implement the *Olmstead* decision, particularly with those states that choose to develop comprehensive, effective working plans to provide services to qualified individuals under the criteria set forth therein; and

**WHEREAS**, the State of West Virginia has taken affirmative steps in response to the *Olmstead* decision, including: (1) establishment of an *Olmstead* office and the position of *Olmstead* Coordinator; (2) establishment of an *Olmstead* Advisory Council; (3) convening six public forums and a forty-five day public comment period to gather input from people with disabilities, families, advocates, providers, and State officials for the development of a comprehensive, effectively working plan to provide services to people with disabilities in West Virginia; and (4) development of a comprehensive, effectively working *Olmstead* Plan for West Virginia; and

**WHEREAS**, the State of West Virginia is committed to ensuring access to community-based supports and the provisions of services to people with disabilities in accordance with the *Olmstead* decision and Title II of the Americans with Disabilities Act of 1990; and

**WHEREAS**, the State of West Virginia is committed to providing community-based alternatives for people with disabilities utilizing the resources available to the State, and recognizes that such services and supports advance the best interests of all West Virginians; and

**WHEREAS**, the State of West Virginia should encourage and effectuate changes in State programs and policies that will improve the State's ability to provide community-based alternatives for people with disabilities in conformance with the requirements of the *Olmstead* decision and President Bush's Executive Order No. 13217.

**THEREFORE I, JOE MANCHIN III, GOVERNOR**, by virtue of the power and authority vested in me by the Constitution and laws of the State of West Virginia, do hereby  
**ORDER**

(1) the implementation of West Virginia's Olmstead Plan, Building Inclusive Communities; Keeping the Promise;

(2) the cooperation and collaboration between all affected agencies and public entities with the Olmstead Office to assure the implementation of the *Olmstead* decision within the budgetary constraints of State agencies in West Virginia; and

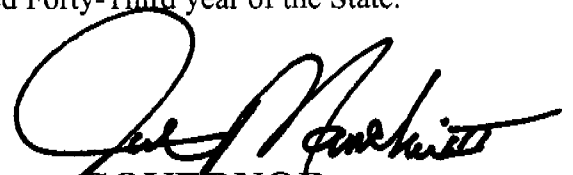
(3) the submission of an annual report by the Olmstead Office to the Governor on the progress of implementing the Olmstead Plan, Building Inclusive Communities; Keeping the Promise in West Virginia by the thirty-first day of August of each year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, in the City of Charleston, State of West Virginia, this the twelfth day of October in the year of our Lord, Two Thousand Five, and in the One Hundred Forty-Third year of the State.



By the Governor

  
GOVERNOR

  
SECRETARY OF STATE