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**Disability Rights Ohio Applauds Final Settlement Approval in Class Action Lawsuit Focused on Increasing Community-based Supports for Ohioans with Developmental Disabilities**

*The agreement will better inform Ohioans with developmental disabilities about their options for living and working in the community*

Columbus, Ohio (April 24, 2020) –The Honorable Judge Edmund A. Sargus, Jr., of the United States District Court for the Southern District of Ohio has granted final approval to a comprehensive settlement agreement in the class action *Ball v. DeWine*, 2:16-cv-28. Disability Rights Ohio (DRO), the Center for Public Representation (CPR), the law firm of Sidley Austin LLP, and attorney Sam Bagenstos brought the class action lawsuit in March 2016 on behalf of individuals with developmental disabilities and their families, and The Ability Center of Greater Toledo. The parties, including the state of Ohio, the Ohio Department of Developmental Disabilities (DODD), the Ohio Department of Medicaid (ODM), Opportunities for Ohioans with Disabilities (OOD), and the Ohio Association of County Boards of Developmental Disabilities (OACBDD), have agreed to continue and expand programs that will allow more people with developmental disabilities the option to live and work in their communities with the supports they need.

“At Disability Rights Ohio, we have always believed that this case centers on meaningful choice,” said Kerstin Sjoberg, Disability Rights Ohio Executive Director. “When people with developmental disabilities ask for help and are given no other option but to live in an institution, away from their families and friends, that is segregation. This settlement is designed to address that by improving class members’ access to community-based supports.”

The Center for Public Representation (CPR), a party to the suit, is dedicated to ensuring that people with disabilities have opportunities to make meaningful choices about where and how to live their lives. Cathy Costanzo, the organization’s Executive Director, hopes the settlement will move that objective forward. “We appreciate that the Court has recognized and has ensured that people who want to live in the community will be provided the opportunity and supports they need to make that possible.”

Neil Ellis, senior counsel at Sidley Austin LLP, noted that, “Judge Sargus’s approval of the Settlement Agreement marks the culmination of a four-year effort that is emblematic of Sidley’s continuing commitment to our pro bono practice and to disability rights in particular. We are delighted for the hundreds, if not thousands, of individuals in Ohio who will now have greater opportunities for

community-based housing and for integration into their communities. We are very proud to have worked closely with DRO, CPR, and Sam Bagenstos, who have shown extraordinary skill and unwavering dedication in pursuing this important effort.”

Under the agreement, DODD will:

- **Expand options counseling and pre-admission counseling programs.**

The two counseling programs provide people with information about community-based waivers and the opportunity to discuss their options to receive services in the community. The Department and county boards of developmental disabilities will extend these programs to people who live in eight-bed intermediate care facilities (ICFs).

- **Maintain peer-to-peer and family-to-family programs and exploratory community visits for people who have not yet made a decision.**

The Department will continue to fund programs that connect people who are considering community living with families and individuals who are already living and working in community settings. The Department and county boards of developmental disabilities will continue to provide opportunities to visit community programs and see what types of service options exist in a person’s preferred geographic area.

- **Expand access to state-funded Individual Options waivers for people who choose a waiver.**

The Department will provide a total of 700 waiver slots over the first two years of the agreement. For the next two years the Department will request additional funds based on an assessment of the future needs of people across Ohio.

- **Support and expand programs for integrated, affordable housing, and integrated employment and day services.**

The Department will provide \$24 million in capital housing assistance for State Fiscal Years (SFY) 2019 and 2020, to be primarily available for people receiving exit, diversion or conversion waivers. In SFY 2021 and 2022, the Department will project the continuing need for capital assistance and request budgetary approval, for not less than \$12 million dollars. In addition, the Department will request \$250,000 to fund new transformation grants for providers delivering integrated day and employment services.

- **Continue follow-along visits for people after they have left ICFs.**

The Department’s Community Resource Coordinators will continue to visit people who have moved to the community to assist in resolving any service problems they may have. These visits occur 60, 180 and 365 days after transition from an ICF of 8 or more beds.

Under this agreement, no one who currently lives in an ICF will be required to move into the community, and those who are considering ICF care will still be able to make that choice. In addition, the State will request the same ICF daily rate in making its budget requests during the term of the

settlement. And, individuals who testified against the proposed settlement can be excluded from options counseling.

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**Disability Rights Ohio** is the federally and state designated Protection and Advocacy System and Client Assistance Program for the State of Ohio. The mission of Disability Rights Ohio is to advocate for the human, civil and legal rights of people with disabilities in Ohio. Disability Rights Ohio provides legal advocacy and rights protection to a wide range of people with disabilities. [www.disabilityrightsohio.org](http://www.disabilityrightsohio.org)

**The Center for Public Representation** is a non-profit, public interest law firm that seeks to improve the quality of life for individuals with disabilities - especially those who are institutionalized and discriminated against - and to enforce their legal rights to exercise choice and self-determination in all aspects of their lives. [www.centerforpublicrep.org](http://www.centerforpublicrep.org)

**The Ability Center of Greater Toledo** is a non-profit Center for Independent Living (CIL) serving northwest Ohio. The Center is located in Sylvania, Ohio, and has a satellite office in Bryan, Ohio. The Ability Center believes in and supports equitable and inclusive communities for people living with disabilities. The mission of The Ability Center is to assist people with disabilities to live, work and socialize within a fully accessible community. [www.abilitycenter.org](http://www.abilitycenter.org)

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