



For Immediate Release

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Federal Court Rules Case Seeking Access to State Services for Deaf People in Tennessee Can Proceed

September 11, 2024—Nashville, Tennessee—A federal judge in the Middle District of Tennessee has substantially denied the State of Tennessee’s attempt to dismiss claims by multiple plaintiffs against the Tennessee Department of Disability and Aging (DDA) (formerly the Department of Intellectual and Developmental Disabilities) and the Tennessee Department of Mental Health and Substance Abuse Services (DMHSAS). The plaintiffs allege, in part, violations of the Americans with Disabilities Act as a result of the departments’ failure to ensure that d/Deaf people have an opportunity to access the benefits of these agencies’ important services. Among other things, these failures include discriminatory administration of the group home licensing system, and a lack of access to sign language interpreters, videophones, and signing group home staff or housemates. **Read the opinion here.**

In her opinion, Judge Aleta A. Trauger held that DDA and DMHSAS are service agencies that must abide by the anti-discrimination provisions of the ADA. The court noted that “the idea that [DDA] and DMHSAS are themselves services agencies—and not simply commercial licensors or disinterested regulators—is not some invention of the plaintiffs for the purposes of litigation” and held that where the licensee is, in effect, actually carrying out a government program on the government’s terms the ADA “recognizes that a government agency’s decision to rely on a privatize-and-license model, rather than a direct services model, does not inherently excuse it from its antidiscrimination obligations in performing the underlying public services.”

The opinion only dismisses the plaintiffs’ claims for individual monetary damages under the ADA, based on a finding that the government is immune from those claims in this instance; all other claims alleged in the case can go forward, including those for damages under Section 504 of the Rehabilitation Act. The case was filed in 2022 on behalf of several d/Deaf Tennesseans with intellectual and developmental disabilities and/or mental health disabilities and Disability Rights Tennessee, the state’s Protection

& Advocacy (P&A) system, and is currently in discovery, with trial set for September 2025. Plaintiffs are represented by Disability Rights Advocates, Disability Rights Tennessee, and Baker Donelson.

“Given the Court’s order, we are hopeful the state will accept responsibility for its obligation to ensure these critical services are accessible to all Tennesseans who need them,” said Meredith Weaver, Senior Staff Attorney at Disability Rights Advocates.

“The state mandates a person-centered system of support. Under such a system, D/deaf Tennesseans should have the same access to programs and services as their hearing peers,” explains Stacie Price, Legal Director of DRT. “This includes accessing programs and services in a language they understand, which is American Sign Language (ASL).”

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About Disability Rights Advocates (DRA): With offices in California, New York, and Illinois, Disability Rights Advocates is the leading national nonprofit disability rights legal center. Its mission is to advance equal rights and opportunity for people with all types of disabilities nationwide. DRA represents people with all types of disabilities in complex, system-changing, class action cases. Thanks to DRA’s precedent-setting work, people with disabilities across the country have dramatically improved access to education, health care, employment, transportation, disaster preparedness planning, voting, and housing. For more information, visit www.drlegal.org.

About Disability Rights Tennessee (DRT): Disability Rights Tennessee is the designated Protection & Advocacy (P&A) system in Tennessee, proudly serving people living with disabilities and/or mental illness across all 95 counties. DRT provides free legal advocacy services, including in the areas of employment discrimination, safety in schools, abuse and neglect, and community resources and services. Disability Rights Tennessee has broad access authority to monitor facilities and to investigate allegations of abuse and neglect. www.DisabilityRightsTN.org.