

## Texas and Eight Other States Renew Attack on Section 504 and the Right of Disabled People to Live in their Communities

On January 23, 2026, Texas and eight other states – Alaska, Florida, Indiana, Kansas, Louisiana, Missouri, Montana, and South Dakota – [renewed their attack](#) on Section 504 of the Rehabilitation Act and the integration mandate. The integration mandate is a requirement under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act (ADA). It allows people with disabilities to receive services in the community rather than in institutions. In 1999, the U.S. Supreme Court upheld this mandate in its landmark *Olmstead v. L.C.* decision. We cannot let these states take away that right.

The nine states say that a rule about the integration mandate published by the U.S. Department of Health and Human Services (HHS) is unlawful and unconstitutional and should be blocked. The HHS rule says that **state and local governments and any entity that gets HHS dollars must serve people with disabilities in the most integrated setting appropriate**. The rule also says that entities may violate Section 504 when they place disabled people **at serious risk of unnecessary institutionalization**. The U.S. Department of Justice and many federal courts have said the same thing – that an entity can violate Section 504 when it fails to serve disabled people in the most integrated setting appropriate or when it puts them at serious risk of institutionalization.

If the states are successful in their challenge, it may be harder for disabled people to enforce their right to live and participate in the community. As a result, more people with disabilities may be forced into institutions when they can and want to live in the community instead. The disability community has fought long and hard for strong disability rights laws, and we cannot allow them to be weakened.

The states' latest attack on disability rights is a revised version of the lawsuit *Texas v. Kennedy* (formerly *Texas v. Becerra*). In the earlier version of the case, Texas and 16 other states argued that Section 504 itself is unconstitutional and challenged updated Section 504 rules published by HHS in 2024. After outrage and advocacy from the disability community, the states withdrew their claim that Section 504 is unconstitutional. The remaining states continue to challenge the updated rules.

Eight states recently dropped out of the litigation after [HHS proposed a package of three regulations](#) aimed at the transgender community, including a proposed regulation

that purports to categorically exclude gender dysphoria from the protections of Section 504. Many disability groups, including the undersigned, have opposed this change to the Section 504 rule.

In the new complaint, the states are now asking the court to:

- declare that the entire Section 504 rule is unlawful,
- stop HHS from enforcing the entire rule, and
- stop HHS from telling states they cannot take actions that place people with disabilities at “serious risk” of institutionalization.

### **What Can I Do to Help?**

We call on everyone in the nine states bringing this new attack on our autonomy and independence – Texas, Alaska, Florida, Indiana, Kansas, Louisiana, Missouri, Montana, and South Dakota – to urge their governors and attorneys general to withdraw this lawsuit and stop attacking the right of people with disabilities to live and participate in their communities. Information about how to contact the attorneys general in these states can be found at [dredf.org/protect-504](https://dredf.org/protect-504).

*This update was created by The Arc of the United States, Bazelon Center for Mental Health Law, Center for Public Representation, Disability Rights Education & Defense Fund, Justice in Aging, the National Health Law Program, with contributions by Alison Barkoff, Hirsh Health Law and Policy Associate Professor, George Washington University.*