



# ***Texas v. Kennedy*** **(2026)**

The Renewed Attack on  
Section 504 and *Olmstead*

**February 25, 2026**

# This is Zoom Webinar

- All attendees are muted, and cameras are turned off.
- If there is enough time, we will take questions at the end of the webinar.

## Live Captioning is available

- Select “Show Captions” in the Zoom meeting control bar to enable captions, and to view the full transcript. There is a drop down menu to choose English or Spanish language.
- Or, to get the captions in a web browser, go this link [bit.ly/DREDF-CART](https://bit.ly/DREDF-CART), which will also be dropped in the Chat.

Please use the Q&A or reach out to me, Dree McKay by email at [dmckay@dredf.org](mailto:dmckay@dredf.org) with any questions and/or comments.

# Welcome!

## Informational Briefing on *Texas v. Kennedy* (2026)

Case filed in federal court  
against:

- HHS Section 504 rules
- *Olmstead* and the right to live  
in the community



Historical photo from the  
Section 504 Sit Ins

# Presenters

**Claudia Center** (she/her)

Legal Director, Disability Rights  
Education & Defense Fund

**Theo Braddy** (he/him)

Executive Director, National Council on  
Independent Living

**Jennifer Mathis** (she/her)

Deputy Director, Bazelon Center for  
Mental Health Law

**James Meadours** (he/him)

President, Texas Advocates

**Maria Town** (she/her)

President and CEO, American  
Association of People with Disabilities

**Mike Oxford** (he/him)

ADAPT Organizer

# Topics to be covered

- What is *Olmstead*? How does *Olmstead* help us?
- What is Section 504? And what are the Section 504 rules?
- What is *Texas v. Kennedy* (2026)? Why is the case harmful?
- What can we do to defend Section 504 and *Olmstead*?
  - Hear from disability organizer Mike Oxford
- Hear from disability leaders about *Texas v. Kennedy* (2026):
  - Maria Town
  - Theo Braddy
  - James Meadours
- Questions and answers

# What is *Olmstead*?

- *Olmstead* is the name of a 1999 U.S. Supreme Court case about Lois Curtis and Elaine Wilson
  - unnecessary segregation of people with disabilities in institutions = disability discrimination against federal law
  - states need to provide community-based services
- *Olmstead* is a word used to describe the right to live in the community with supports
- Another phrase for the right to live in the community is “the integration mandate”

## What is *Olmstead*? (Part 2)

- States must provide community-based services so that:
  - disabled people can leave institutions if they want to and can live in the community
  - disabled people are not forced into institutions if they can stay in the community

# What is *Olmstead*? (Part 3)



Supports to help people  
**leave the institution**  
to live in the community

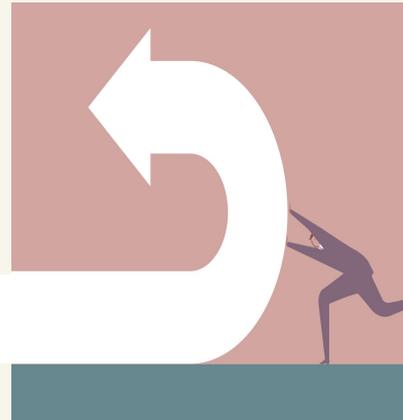


Photo by Disabled and Here

# What is *Olmstead*? (Part 4)



Photo by Disabled and Here



And stop people from being forced into institutions

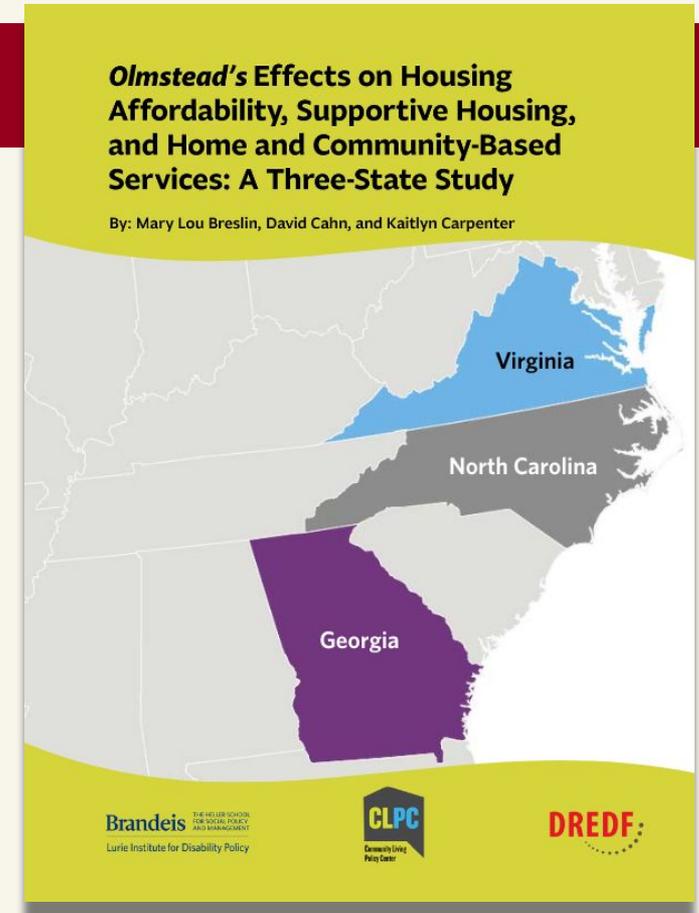


# How *Olmstead* helps us

*Olmstead* enforcement strengthens community-based services and supports, including supportive housing

Check out the new report from DREDF and partners:

[https://heller.brandeis.edu/community-living-policy/research-policy/publications/titles/olmsteads-effects\\_three-state-study.html](https://heller.brandeis.edu/community-living-policy/research-policy/publications/titles/olmsteads-effects_three-state-study.html)



# How do we know what *Olmstead* means?

- Court cases
- Agency findings
- Settlements
- Guidance documents
- More than 25 years of experience

**Many people with disabilities have grown up with *Olmstead***

The right to live in the community with supports

The right to participate in programs with nondisabled people  
(examples: school, employment)

# What is Section 504?

- An important federal law that protects disabled people
- Groups that get money from the U.S. government can't discriminate against disabled people
- Federal agencies can't discriminate against people with disabilities
- Short law – a few sentences
- More details are in the Section 504 rules and court cases

# What are the Section 504 rules?

First adopted in 1977

- 1977 rules finalized after huge protests from the disability community
- 1977 rules included the integration mandate – services must be provided “in the most integrated setting appropriate to the person’s needs”



# What are the Section 504 rules? (Part 2)

Updated in May 2024 by HHS

- Many comments from people with disabilities and disability community organizations
- Rules apply principles of disability nondiscrimination to new areas like websites and medical equipment
- Rules include an updated regulation on the integration mandate

# What are the Section 504 rules? (Part 3)

## Updated 2024 regulation on the integration mandate

- Groups and states that get money from HHS have to run programs “in the most integrated setting appropriate” to the needs of the disabled person
- Failure to provide community-based services that causes institutionalization (or serious risk of institutionalization) is not allowed
- “Most integrated setting”
  - Opportunity to live, work, and receive services in mainstream society
  - Gives individuals choice in their daily life activities
- Based on years of court cases and agency findings and guidance

# What are the Section 504 rules? (Part 4)

## Additional updated rules

- No discrimination in medical treatment
  - Michael Hickson case
- Accessible medical equipment
- Accessible websites and mobile apps
- Effective communication
- Reasonable accommodation
- Rules apply to child welfare agencies and programs

# What is *Texas v. Kennedy* (2026)?

- Case filed in federal court by nine states
- Northern District of Texas in the Fifth Circuit
- **Nine states say that the updated rule on integration mandate is unlawful and unconstitutional – WE DISAGREE**

# What do the nine states say about the Section 504 rules?

The nine states in *Texas v. Kennedy* (2026) say:

- HHS overstepped in their job under Section 504
- Rule puts too many rules on federal dollars, so it's unconstitutional
- Rule is “arbitrary and capricious” under Administrative Procedures Act
- Rule conflicts with Medicaid
  - The states say that Medicaid is only about medical and institutional care and not about community-based services – this is not true!
- States should not have to prevent “serious risk of institutionalization”

# What do the nine states say about *Olmstead*?



Photo by Disabled and Here

Nine states say it is lawful to **push disabled people from the community into institutions – WE DISAGREE**



# What do the nine states say about *Olmstead*?



Nine states say you have to be here,  
**pushed into an institution**, before  
you can get any help from *Olmstead* –  
**WE DISAGREE**

# What do the nine states want?

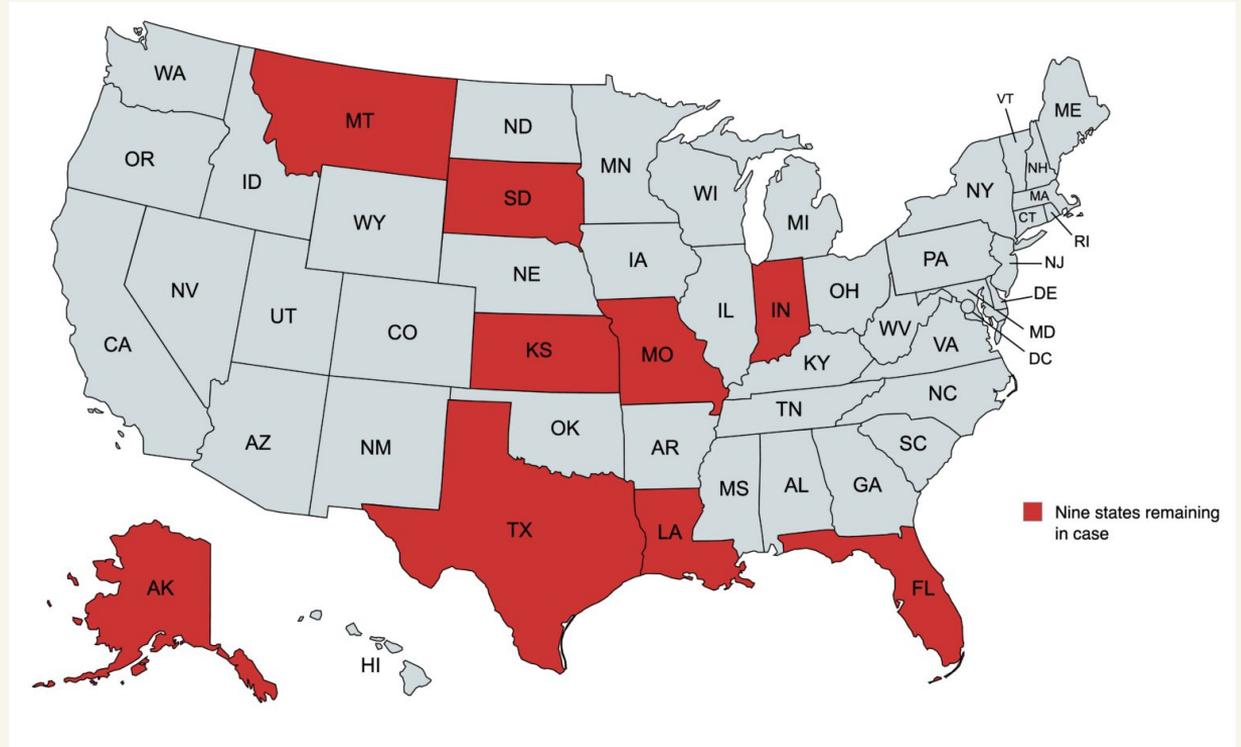
- The states want the federal court to say that the Final Rule is unlawful, unconstitutional, and not allowed
- The states think that the court should block the Final Rule and tell HHS to stop enforcing it
- The states think that HHS cannot tell states to have programs in the “most integrated setting” that works for the disabled person
- The states think that *Olmstead* only applies if the person is already in an institution

# Why *Texas v. Kennedy* (2026) is dangerous

- Texas is one federal court but the ruling could go higher:
  - Fifth Circuit Court of Appeals
  - U.S. Supreme Court
- Texas is in the Fifth Circuit
- The Fifth Circuit said that people “at risk” of institutionalization do not have rights under *Olmstead* so this is already the rule in Texas, Louisiana, and Mississippi, *U.S. v. Mississippi* (5th Cir. 2023) – the only appellate court that says this
- The case could hurt disabled people anywhere in the U.S.

# What are the nine states?

- Alaska
- Florida
- Indiana
- Kansas
- Louisiana
- Missouri
- Montana
- South Dakota
- Texas



# Didn't we do this last year?

- 17 states brought an earlier version of this case
- Earlier case asked the court to say that Section 504 itself (the statute) is unconstitutional
- Disability community protested attack on Section 504
  - Thousands of emails and phone calls
  - Hundreds of news articles
  - Thousands and thousands of social media posts
- In April 2025, states made a big change and said they were no longer claiming that Section 504 itself is unconstitutional – this was a big win

# Why did eight states drop out?

- Earlier case also complained about preamble to Section 504 rules
  - Preamble said gender dysphoria may be a disability covered by Section 504 depending on the facts
- December 2025: HHS published a proposed rule that would exclude people with gender dysphoria from the definition of disability
  - Many disability groups oppose this rule
- Eight states then left the case because of HHS's anti-trans proposal to exclude people with gender dysphoria

# What can we do to stop this?

If you live in **one of the nine states**, you can speak up!

- Tell your state Attorney General to stop attacking Section 504 and Olmstead
- Tell your Governor to stop attacking Section 504 and Olmstead
- Reach out to other people in your state to **WORK TOGETHER** to **MAKE SOME NOISE**
  - Phone calls
  - Emails
  - Meetings
  - Protests
  - Articles in the newspaper, stories on TV
  - Posts on social media



# How do we contact our state AG? Our governor?

- Find your state AG
  - <https://dredf.org/protect-504/#anchor6>
  - <https://www.usa.gov/state-attorney-general>
- Find your governor, <https://www.usa.gov/state-governor>



# How do we find other people to work with?

- Find your state protection and advocacy agency – <https://www.ndrn.org/>
- Find a local chapter of The Arc – <https://thearc.org/find-a-chapter/>
- Find your local Center for Independent Living or statewide Independent Living Council – <https://ncil.org/about/find-your-cil-list/>
- Check with your State Councils on Developmental Disabilities – <https://acl.gov/programs/aging-and-disability-networks/state-councils-developmental-disabilities>
  - State councils are federally mandated, nonpartisan bodies
- Get Connected with your state REV UP Coalition <https://www.aapd.com/revup-join/>
- If you get stuck, reach out to DREDF and we'll try to connect you

# What do we say to our state AG and governor?

- **Withdraw from *Texas v. Kennedy*!**
- People with disabilities have the right to live in the community with services and supports
- This lawsuit attacks our right to live in the community
- People should not be forced into institutions when they can and want to live in the community
- **Our state [Name] should not be part of this harmful lawsuit!**

## Example Email

**To:** attorney.general@alaska.gov

**Subject:** Stop Attacking Section 504! Drop Out of Texas v. Becerra!

Dear Attorney General [**Stephen J. Cox**],

**[Say who you are]** I live in Juneau, Alaska, and I have a disability. I am hard of hearing and use a wheelchair. I volunteer for the Southeast Alaska Independent Living Center. I go to college part-time. I have a personal care assistant who helps me with bathing, dressing, and eating.

**[Say why you support Section 504 and its rules]** I can live in my own place like other people with the help of my personal care worker. I care about Section 504 and Olmstead. I can go more places in my wheelchair because of Section 504. I can go to the doctor and use a scale for people who use wheelchairs. I can get captions for my college classes.

## Example Email (continued)

**[Say why *Texas v. Kennedy* is bad]** I am very upset and angry that you are part of the *Texas v. Kennedy* case. You are asking the court to get rid of *Olmstead* and the Section 504 rules. If the court does what you ask, I will not have equal rights anymore. I will not be able to go to the doctor or my college classes and get equal treatment. I will not have the right to live in the community with supports like my PCA. This will be true for all the other disabled people in Alaska.

**[Say you want them to drop out of the case]** I want you to drop out of *Texas v. Kennedy*. You should support Section 504 and its rules. You should not be attacking our rights.

**[Ask for a meeting]** I want you to meet with me and other people with disabilities. We want to talk to you about the case and why we are so concerned about it.

Sincerely,

[Your name]

# What do we say to reporters or on social media?

- People with disabilities have the right to live in the community with the services and supports that make life possible
- This lawsuit attacks our right to live in the community
- Our state **[Name]** should not be part of this harmful lawsuit
- We are calling on Attorney General **[Name]** to withdraw from *Texas v. Kennedy*

# What do we say about Medicaid?

- Our AG is being dishonest about Medicaid
- Medicaid does not conflict with *Olmstead*
- Medicaid helps states comply with *Olmstead*
- Medicaid is the largest funder of community-based services and supporters in the U.S.
- Medicaid covers things like:
  - At-home personal care attendants
  - Adult day programs
  - Supported employment
  - Program-related transportation

# More resources

- DREDF's page, <https://dredf.org/protect-504/>
- Autistic Self Advocacy Network (ASAN)'s page, <https://autisticadvocacy.org/2026/02/take-action-to-protect-disability-rights/>
- More resources to come!

# Key Takeaway

**We must continue to work together to protect Section 504, *Olmstead*, and all of our rights, no matter where the threat is coming from.**

# Questions and Answers



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