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Community Living is a Civil Right

A Guide to Understanding *Olmstead v. Lois Curtis*, the Integration Mandate, and the 2026 Office of Legal Counsel Opinion

DREDF
Disability Rights Education & Defense Fund

AAPD
American Association of People with Disabilities

Community Living Is a Civil Right:
A Guide to Understanding *Olmstead v. Lois Curtis*, the Integration Mandate, and the 2026 Office of Legal Counsel Opinion

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Disability Rights Education and Defense Fund (DREDF) is a leading national civil rights law and policy center directed by individuals with disabilities and parents who have children with disabilities. Founded in 1979, DREDF works to advance the civil and human rights of people with disabilities through legal advocacy, training, education, and public policy and legislative development.

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American Association of People with Disabilities (AAPD) The American Association of People with Disabilities works to increase the political and economic power of people with disabilities. As a national disability-led and cross-disability rights organization, AAPD advocates for full civil rights for over 60 million Americans with disabilities. We do this by promoting equal opportunity, economic power, independent living, and political participation.

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The cover image of Lois Curtis in her home is by Tom Olin.

Introduction

What this guide is

This guide is about one of the most important rights disabled people have: the right to live in the community.

Disabled people have the right to live in our own homes and neighborhoods. We have the right to the services that make that possible. And we have the right not to be pushed into a nursing home, a psychiatric hospital, or another institution when we could be served at home.

That right did not appear on its own. Disabled people fought for it for decades. It was written into federal rules in the 1970s. It was built into the Americans with Disabilities Act in 1990. The U.S. Supreme Court upheld it in 1999 in a case called *Olmstead v. Lois Curtis*.[1]

On June 18, 2026, the U.S. Department of Justice's Office of Legal Counsel (OLC) issued a legal opinion that challenges this right.[2] The opinion says states do not have to serve disabled people in the most integrated setting.

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[1] The case is formally referred to as *Olmstead v. L.C.*, 527 U.S. 581 (1999). We use Lois Curtis's full name here on purpose. "L.C." are the initials used to protect her identity during the case. Curtis was a Black disabled woman who fought for the right to leave an institution and live in her own community. But the case carries the name of Tommy Olmstead, the Georgia official responsible for keeping her institutionalized. Her co-plaintiff, Elaine Wilson, is identified only as "E.W." We believe it is wrong that one of the most important disability civil rights cases in American history is known by the name of the official who kept Lois Curtis institutionalized, while she and Elaine Wilson are named only by initials. In the rest of this guide, we use Olmstead because that is the name the case has been known by for more than twenty-five years and the name readers will find elsewhere. We use it for recognition, not out of agreement with what and who it leaves out. We use it so readers will recognize the case, not because we agree with who it leaves out.

[2] This guide calls the document the "OLC opinion" or the "June 2026 opinion." Other organizations call it the OLC memo or the OLC Slip Opinion. All these names mean the same document.

This guide explains what that opinion says, what it does, and what it does not do.

This guide was last updated on September 29, 2026. Things are changing quickly. Check the resources in **Part 8** for the latest news.

The guide covers:

- What community living means, and what it does not mean
- What the ADA and Section 504 require
- What the Supreme Court decided in *Olmstead*, and why it still matters
- What the June 2026 opinion says
- What has changed since the June 2026 opinion, and what has not
- How the federal government is backing away from court cases and settlements that protect community living
- What the *Texas v. Kennedy* lawsuit is, how the June 2026 opinion was used in it, and what the case did
- What you can do now

We wrote this guide because legal language and alarming headlines make people afraid and confused. When people are afraid and confused, it can be hard for them to understand the rights they still have.

Who this guide is for

This guide is for:

- Disabled people
- Family members, friends, and supporters
- Self-advocates and advocacy organizations

- Service providers, case managers, and direct support professionals
- Lawyers, Protection and Advocacy staff, and legal aid programs
- State and local policymakers
- Anyone who wants to understand what is happening

You do not need a law degree to read this guide. We explain legal words as we go. Many of the legal terms we use are also in the Glossary at the end of the guide.

Please share this guide. Copy it, print it, post it, translate it, read it out loud, or use it in trainings and meetings. It was written to be passed along.

How to use this guide

Each part can be read on its own. You do not have to read them in order.

- **Part 1** explains what independent living and community living mean
- **Parts 2 and 3** explain the law and the *Olmstead* case
- **Parts 4 and 5** explain the June 2026 opinion and what it changes
- **Part 6** explains the *Texas v. Kennedy* lawsuit and how it connects to the opinion
- **Part 7** explains what you can do now
- **Part 8** lists other places to get information and help

If a word is unfamiliar, check the **Glossary** at the end of this guide.

If you only have a few minutes and you are worried about your own services, read "What this means for you right now" in **Part 5** first.

A note about language

This guide uses identity-first language. We say "disabled people" rather than "people with disabilities." We do this because disability is part of who we are. Most of the problems disabled people face come from barriers around us, not from our bodies and minds.

Not everyone makes the same choice about language. Many people prefer person-first language. Both are respectful. Use the words that you want.

We aim to write in plain language. That means short sentences, common words, and clear explanations of legal terms. Law is complicated and we do not always get this right. If something here is hard to follow, tell us so we can fix it.

You can reach DREDF at info@dredf.org or (510) 644-2555. You can reach AAPD at info@aapd.com or (202) 521-4316.

A note about the words in legal documents

Some legal documents referred to in this guide use words about disability that are outdated and hurtful. For example, the June 2026 opinion uses the R-word and terms like "handicapped." We repeat those words only where we have to be accurate about what a document says. We do not use them ourselves.

Part 1 — Community Living and the Independent Living Philosophy

What is the Independent Living Movement?

The independent living movement is about freedom and self-determination for all disabled people, including people who need a lot of care and support. In other words, disabled people should control their own lives. Everyone has the right to take part in community life and to use public resources like schools, voting, health care, parks, and public transit. Everyone needs a support system. The movement recognizes that people need different amounts of support to

take part fully in their community. Independent living means disabled people can make their own choices and live with dignity, equal opportunity, and inclusion.

What do Community Living and Community Integration Mean?

Community living and community integration are closely connected to independent living. They mean people with and without disabilities live, work, and take part in community life side by side. This happens in cities, towns, and neighborhoods that make inclusion and accessibility a priority. It means you can get the at-home care or community-based services you need to live an independent life. Community living lets disabled people make choices about things like where they live and work.

Many people never think twice about making these choices. But people who live in institutions usually do not get to make them.

Disability rights are civil rights and human rights. Community integration has always been a civil rights issue. Keeping people out of community life spreads the harmful idea that disabled people belong apart from everyone else, in places like state institutions or nursing homes. It keeps them away from their families, homes, jobs, and public services that are meant for everyone. Nobody deserves to be isolated just because they have a disability.

What Community Integration Does NOT Mean

Some people think community integration is reckless or unsafe. That is not true. Community integration does not mean being forced to live alone or to go without the support you need.

Some people do need a high level of care, and a few may need to live in an institution to get it. But that is not true for most people. Institutions limit what disabled people can do and how they live their lives. Segregation and isolation should never be the first answer when someone needs support.

Everyone needs some help in their lives. Being part of your community means getting the right amount of support for your needs. When people can choose to

live in their community, their physical and mental health is usually much better. There are also fewer harmful stereotypes about disabled people.

Community living looks a little different for everyone, and that is a good thing. The goal of integration is simple: having the services you need to live independently and take part in your community.

Part 2 — The Law: The ADA, Section 504, and the Integration Mandate

Section 504

Section 504 was the first major federal disability rights law in the United States. It protects disabled people from being discriminated against in programs that get money from the federal government. The federal government is the national government of the United States. It includes Congress, the President, and federal agencies. The goal was to make these programs more accessible and stop them from keeping disabled people out. It is part of a larger law called the Rehabilitation Act of 1973. But for years, the government did not issue the rules needed to enforce it. In response, disability rights leaders held protests and sit-ins across the country. In 1977, the Department of Health, Education, and Welfare — the agency that later became the Department of Health and Human Services (HHS) — created official rules under Section 504 to protect disabled people from discrimination and unfair treatment.

The Americans with Disabilities Act (ADA)

Another important disability rights law is the Americans with Disabilities Act (ADA). It became law in 1990. It protects disabled people from being discriminated against in public life.

Section 504 applies to programs that get money from the federal government. The ADA covers many places that do not. It covers jobs, state and local governments, buildings and businesses open to the public, transportation

services, and telecommunications (information received on the phone, on television, and on some websites). The ADA protects the right of disabled people to take part fully in everyday life.

The Integration Mandate

The integration mandate is a rule in federal law. It applies to state and local governments and to any program that gets federal money. It says they must offer their services in the "most integrated setting appropriate" for disabled people.

The most integrated setting is one where disabled people can be around nondisabled people as much as possible. It is a setting in everyday community life, not apart from it.

If a disabled person can live in the community with the right support, they should not be sent to an institution. Disabled people belong in their communities, and communities are better for having them.

This right is sometimes called the right to "community living" or "community integration." It is not new. The HHS rules under Section 504 of the Rehabilitation Act said this from 1977 until a court erased those parts in September 2026 in a case called *Texas v. Kennedy*. The rules under Title II of the ADA say it too, and the Supreme Court confirmed it in 1999 in the *Olmstead v. Lois Curtis case* described in **Part 3**.

You can read more about the *Texas v. Kennedy* case that erased the integration parts of the Section 504 rule in **Part 6**. The ADA rules and the *Olmstead* case were not affected by the case and are still good law.

Part 3 — The *Olmstead v. Lois Curtis* Case and Why It Matters

Background

The *Olmstead v. Lois Curtis* case was brought by two women from Georgia, Lois Curtis and Elaine Wilson. It went to the Supreme Court in 1999. Lois and Elaine had mental health conditions and intellectual disabilities and had been in and out of state institutions. The state's own doctors evaluated them and said the women could live in their communities if they had the right support. Even though they were ready to leave the institution, they had to stay for several years because the State of Georgia would not give them the support services they needed to live in the community. Lois and Elaine spoke up for themselves. With help from lawyers, they took the State of Georgia to court. They asked the court to rule that the State should not have kept them in an institution when they could have lived in the community with the right support.

The Supreme Court agreed with Elaine and Lois. The Court said the ADA protects disabled people from being kept in institutions when they do not need to be and that keeping people in institutions when they could live in the community with supports is discrimination. This was a very important decision for civil rights. The decision led to more community services and more accessible jobs. It also helped fight the unfair laws and attitudes that kept disabled people apart from everyone else.

The *Olmstead* Framework

Under *Olmstead*, disabled people have the right to live in the communities with supports when three things are true:

- The person can live in the community
- The state's own doctors have decided that living in the community is a right for the person

- The person wants to live in the community
- The state can reasonably provide community services for the person. This depends on the state's resources (like money) and the needs of other disabled people

Note: The state may say that it cannot reasonably provide community services. This is called the "fundamental alteration" defense. The state has to prove the defense with actual evidence.

The Impact of the *Olmstead* decision

The effects of the *Olmstead* decision are all around us. Olmstead expanded access to Medicaid-funded Home and Community-Based Services (HCBS). This lets people get the support services they need to leave institutions and nursing facilities. It also helped people who did not need to be in an institution avoid going into one at all.

After *Olmstead*, many states wrote "*Olmstead* Plans." An *Olmstead* Plan says how a state will help disabled people leave institutions and get services in the community. The Supreme Court said that a plan that really works can help show a state is following the law. In many states, these plans have helped change unfair practices and policies and shaped new laws.

More integrated employment opportunities and workplace accommodations also became available. This helped more disabled people to join the workforce, earn more money and support themselves.

Olmstead also changed how society thinks about and treats disabled people. When disabled people take part in everyday life, nondisabled people can see that disability is a regular part of being human. Communities that include everyone and are accessible to everyone are better for all of us, not just disabled people.

When states did not follow the law, the Department of Justice (DOJ) could investigate, sue, and reach settlement agreements that required states to make

changes. Today, DOJ is backing away from that role. Read more about this change in **Part 4** and **Part 5**.

Part 4 — The Office of Legal Counsel June 2026 Opinion

What is an OLC opinion, and what does it do?[3]

The Office of Legal Counsel (OLC) is part of DOJ. It gives legal advice to the President and to federal agencies. When the White House or an agency asks a legal question, OLC writes an opinion. That opinion is treated as the official position of the federal government, and federal agencies are expected to follow it.

But OLC is not a court. An OLC opinion does not change a law, cancel a rule, overrule the Supreme Court, or tell judges what to do. A future administration can withdraw it. **Part 5** explains what this means in practice.

How the OLC opinion came about

On February 17, 2026, the White House Counsel's Office asked OLC whether Section 504 and the ADA require that disabled people receive services in the most integrated setting. Before answering, OLC asked for the views of the Department of Health and Human Services (HHS) and two offices inside the Justice Department.

OLC issued its opinion on June 18, 2026, four days before the 27th anniversary of the *Olmstead* decision. It is 39 pages long and was signed by Lanora Pettit, a senior Justice Department lawyer. Its title is "Application of the Rehabilitation Act and Americans with Disabilities Act to State Institutionalization of Patients with Severe Mental Illness or Disabilities."

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[3] You may notice an OLC opinion is sometimes called a "slip opinion." That means it has been released but has not yet been printed in its final form. Even though it is not yet in final form, a slip opinion is the OLC's real legal position, and agencies act on it. But it is only an opinion. It is not a law passed by Congress, not a rule, and not a decision by any court.

What the White House asked

The White House asked three questions:

1. Did *Olmstead* say the law requires services in integrated settings?
2. If not, could Congress require it?
3. Did Congress require it?

OLC answered 'no' to the first and third questions. It skipped the second because it had already decided that Congress never required services in integrated settings.

What the OLC opinion says

The OLC opinion makes five main points.

1. *Olmstead* is much narrower than people thought

The OLC opinion says the Supreme Court decided only one thing in *Olmstead*: that keeping a disabled person in an institution without a good reason can be discrimination. It says *Olmstead* did not create a requirement that services be provided in the most integrated setting. Courts have read *Olmstead* very differently for decades.

2. The law contains no integration mandate

The OLC opinion says Title II of the ADA (the part that covers state and local governments) does not mention segregation or ban it. It argues that Congress left this out on purpose.

3. Putting someone in an institution is discrimination only if disability was the only reason

The OLC opinion says putting a disabled person in an institution is discrimination only if disability was the one and only reason. If the state has any other reason, the OLC opinion says there is no discrimination at all. This is sometimes called the "sole factor" test.

The opinion gives examples of such reasons: safety, medical needs, whether someone will take medication without supervision, and shortages of space and staff in community programs.

4. The federal rules go beyond what the law allows

The OLC opinion says HHS and DOJ went beyond their power when they made rules about community integration. It says the agencies can cancel those rules. A court has since erased the integration parts of HHS's Section 504 rules. Read more about this in **Part 6**.

5. A requirement would raise constitutional problems

The OLC opinion argues that requiring states to serve disabled people in integrated settings might go beyond what the Constitution lets Congress do. It says the requirement cut through state mental health programs like a chainsaw. OLC did not decide this question. But it used these doubts as a reason to read the law narrowly.

Part 5 — What the opinion does and does not do

The OLC opinion does not change your rights. The ADA, Section 504, and *Olmstead* are the same today as they were before it came out. You still have the right to live in your community. What is changing is how much the federal government will enforce the law.

What the OLC opinion cannot do

- **It cannot overrule *Olmstead*.** Only the Supreme Court can change its own decisions. *Olmstead* is still the law in every state.
- **It cannot change the ADA or Section 504.** Only Congress can change a law.
- **It cannot tell judges what to do.** Judges decide what the law means. For more than 25 years, they have read *Olmstead* very differently from the OLC opinion.
- **It cannot cancel rules on its own.** To cancel a rule, an agency must publish a plan, take public comments, and respond to them. That takes months or years, and the result can be challenged in court. The government skipped that process for HHS's Section 504 integration rules by asking a court to erase them instead. The court did so on September 23, 2026 (read more about this in **Part 6**). DOJ's ADA integration rule is still in place.
- **It cannot cancel court orders or settlements.** A court order stands until a court changes it. But the federal government is now asking courts to change or end some of these orders and settlements (see below).
- **It cannot stop your services.** Nobody's Medicaid, waiver slot, or service plan changed because of it.
- **It cannot stop you from going to court.** You can still bring an *Olmstead* claim. The OLC opinion says so itself.
- **It cannot excuse states from following the law.** States must still follow the ADA, Section 504, the federal rules, and their own state laws. Many state laws give even more protection.

What has already happened

The OLC opinion's real power is over how the federal government enforces the law. That power is already being used. For example:

- **June 25, 2026.** Senators introduced a resolution supporting *Olmstead* and asking the government to withdraw the OLC opinion. The resolution says plainly that the OLC opinion does not overrule the ADA, Section 504, or *Olmstead*.

- **July 20, 2026.** DOJ withdrew its 2011 *Olmstead* guidance, which states and courts had relied on for 15 years. Go to **Part 6** for more.

- **July 22, 2026.** One hundred members of Congress asked the government to withdraw the OLC opinion and to say who helped write it. They asked for answers by August 5. So far, the government has not answered.

- **August 13, 2026.** The government changed sides in one of its own court cases, about children with complex medical needs in Florida nursing facilities. The government had already won. Now it is asking the court to undo the part of its win that protects children who are at serious risk of being placed in an institution.

- **August 31, 2026.** In *Texas v. Kennedy*, the government stopped defending the integration parts of HHS's Section 504 rules and joined the states in asking the judge to erase them.

- **September 3, 2026.** Eighteen governors wrote to the U.S. Attorney General, asking DOJ not to undo progress on community living for disabled people.

- **September 11, 2026.** DOJ and North Carolina asked a court to end a 2012 community living settlement early. The settlement helps adults with serious mental illness move out of adult care homes and into their own homes, with services. It was set to last until July 2027. The settlement's

independent reviewer has reported that the state still has not met some major requirements.

- **September 23, 2026.** HHS and five states jointly asked the judge in *Texas v. Kennedy* to strike down the integration parts of HHS's Section 504 rules. The judge agreed. This erased those parts of the rules nationwide. Go to **Part 6** for more on the case and what it has to do with the OLC opinion.

- **September 28, 2026.** The chairs of the House Disability Caucus, Representative Debbie Dingell (D) and Brian Fitzpatrick (R), introduced H.Res. 1586. The resolution says that *Olmstead* reflects what Congress intended: disabled people should live and get services in their communities. Representatives Kean (R), Lawler (R), Wilson (R), Scanlon (D), and Simon (D) are cosponsors.

The federal government is backing away from Olmstead cases and agreements

For more than 25 years, DOJ used *Olmstead* to investigate states, bring lawsuits, and reach settlements. Those settlements helped many disabled people leave institutions or avoid going into one. Now DOJ is using the OLC opinion to step back from that work, as the Florida and North Carolina cases show. Advocates worry that more states will try to get out of their agreements.

But court orders, and settlements that a court oversees, stay in place until a judge changes or ends them. The judge decides, not DOJ. People protected by a settlement, their families, and their advocates may be able to ask the court to hear from them first. If a settlement in your state is at risk, contact your state's Protection and Advocacy agency. Go to **Part 7** for more ways to protect the right to community living.

What could happen next

- **The government could go after the ADA integration rule.** DOJ's integration rule under Title II of the ADA was not part of *Texas v. Kennedy*. But the OLC opinion says DOJ can cancel it. If DOJ uses the normal

rulemaking process, there will be a public comment period. That is when speaking up matters most, so watch for it. DOJ could also try the same kind of court shortcut it used in *Texas v. Kennedy*.

- **The government could investigate states less.** Fewer investigations mean less pressure on states that are breaking the law.
- **The government could back out of more cases and settlements.** Other states with *Olmstead* settlements could be next.
- **States could use the OLC opinion as an excuse.** A state might point to it to defend keeping people in institutions or to justify cutting home and community-based services. The OLC opinion does not give any state permission to break the law.

Why many people say the OLC opinion is wrong

Disability advocates, legal scholars, and members of Congress have all said the OLC opinion gets the law wrong. Here is why.

- **The rule is much older than the OLC opinion suggests.** The most integrated setting requirement was written in 1977 and applied across the federal government in 1978. That is 12 years before the ADA and 21 years before *Olmstead*. Congress knew about it. When Congress passed the ADA, it told the Attorney General to write matching rules, and he did. This is not something agency lawyers invented.
- **Almost no court agrees.** Federal appeals courts across the country have applied *Olmstead* the same way for more than 25 years. Administrations of both parties enforced it. The OLC opinion admits it is out of step with the courts.
- **The "only reason" test does not hold up.** Under this test, a state can escape responsibility by giving almost any reason other than disability itself, including not having enough community services. But the state decides how many community services exist. If a state can excuse itself by

pointing to a shortage it created, the right means nothing. *Olmstead* specifically rejected Georgia's argument that limited money and space meant there was no discrimination.

- **The OLC opinion mixes up two different things.** It points to homelessness and disabled people in jail to argue against community living. These harms are real, and disabled people have experienced them more than anyone. But they come from governments failing to fund housing and voluntary community-based services, not from community living itself. The answer is to pay for the services people need, not to put more people into institutions when they could live in the community with support.

- **Congress already said segregation is discrimination.** It is written into the ADA itself, and the Supreme Court relied on it in *Olmstead*. And in September 2026, members of both parties in the House introduced a resolution saying *Olmstead* reflects what Congress intended: that disabled people should live and receive services in their communities.

- **This right was won, not given.** The 1977 rules exist because disabled people occupied a federal building for nearly a month until the government signed them. That history is why the integration mandate exists at all. The OLC opinion, written 49 years later, does not undo what disabled people built.

What this means for you right now

Nothing about your services has changed because of the OLC opinion or the court's order in *Texas v. Kennedy*. You do not need to do anything today.

But someone may tell you otherwise. They may say a service is ending, that a community placement is no longer required, or that *Olmstead* does not apply anymore. If that happens:

1. **Ask them which law changed.** The ADA, Section 504, and Olmstead have not changed.

2. **Write down what they said, who said it, and the date.**

3. **Get help. Part 7** explains where and how to get help.

Part 6 — What Is *Texas v. Kennedy*, and What Does It Have to Do with the OLC Opinion?

What the case was about

Texas v. Kennedy was a lawsuit in federal court in Texas. States sued the federal government to challenge HHS's Section 504 rules. The case ended on September 23, 2026.

In 2024, HHS updated the Section 504 rules for the first time in almost 50 years. The update spelled out what the integration mandate requires of state and local agencies. It did not create a new right. It wrote down what federal courts had already been requiring for years.

In September 2024, 17 states sued to block the update. They also asked the court to declare Section 504 itself unconstitutional. HHS was the defendant, and Justice Department lawyers represented it. Normally, the government defends its own rules when they are challenged in court.

The case was first called *Texas v. Becerra*. Case names follow the official who holds the job, so it became *Texas v. Kennedy* when a new HHS secretary took office.

What the OLC opinion has to do with it

The June 2026 OLC opinion makes the same argument the states made. It says there is no integration mandate in Section 504 or in Title II of the ADA. It says the agencies went beyond their power when they wrote the integration rules in 1977, 1978, and 1991.

An OLC opinion sets the official legal position of the President and federal agencies. Once it was issued, HHS and DOJ were expected to follow it. That gave the government its reason to stop defending its own rules.

How the case unfolded

- **April 2025.** After pressure from the disability community, the states dropped their claim that Section 504 itself is unconstitutional.
- **January 23, 2026.** Nine states filed a new complaint aimed at the integration mandate. They asked the court to throw out HHS's integration rule and all of the 2024 updates. They also asked the court to stop HHS from telling states they may not put disabled people at serious risk of institutionalization.
- **May to July 2026.** Four of the nine states left the case after disabled people and their organizations pressed their Attorneys General: Indiana (May 1), South Dakota (May 12), Kansas (June 10), and Missouri (July 20). In all, 12 states left the case because of this kind of advocacy.
- **July 1, 2026.** Alaska, Florida, and Texas asked the court to add the OLC opinion to the case as support for their side. The court agreed on July 8. The government's own legal opinion was now being used against the government's own rules.
- **July 20, 2026.** DOJ said it would no longer rely on its 2011 *Olmstead* guidance and pointed to the OLC opinion as the reason. The integration parts of the 2024 update closely follow that guidance.
- **August 31, 2026.** On the day its answer was due, DOJ, on behalf of HHS, stopped defending the integration parts of the rules. Instead, it joined the states in asking the judge to erase them and end the case.
- **September 1, 2026.** DREDF and other national disability organizations released a statement condemning the agreement. They said it was one

more way the federal government is abandoning its duty to protect the right to live in the community.

- **September 23, 2026.** The judge signed the order. Five states were still in the case: Alaska, Florida, Louisiana, Montana, and Texas.

What the court's order does

The judge, James W. Hendrix, signed the order and final judgment on September 23, 2026. The order:

- Erases HHS's main integration rule for Section 504
- Erases the definition of "most integrated setting" and the other places the Section 504 rules use those words
- Leaves the rest of the 2024 Section 504 updates in place
- Closes the case and dismisses the states' other claims "without prejudice." That means the states could bring those claims again later

The erased parts of the Section 504 rules are gone everywhere, not just in the five states that stayed in the case. The government usually argues that a court can cancel a rule only for the people and states in the case. It agreed not to make that argument here, though it said it may make it in other cases. The judge also wrote that when a court erases a rule, it is erased for everyone.

What the order does not do

- **It does not overrule *Olmstead*.** Only the Supreme Court can change its own decisions.
- **It does not change Section 504 or the ADA.** Only Congress can change a law it passed.
- **It does not affect DOJ's ADA integration rule.** That rule covers state and local governments under Title II of the ADA. It was not part of this case.

But it may be next. The June 2026 opinion says DOJ went beyond its authority when it wrote that rule, too.

Still, an important enforcement tool is gone, and states may read the ruling as a signal that they can do less.

Why advocates say this is not how it is supposed to work

- **The rule did not come out of nowhere.** The most integrated setting requirement has been in the Section 504 rules since 1977 and across the whole federal government since 1978. DOJ wrote a matching ADA integration rule in 1991. The Supreme Court decided *Olmstead* in 1999. Federal appeals courts have applied it the same way for more than 25 years. The 2024 update wrote down what was already required.

- **The opinion admits it is out of step.** In its own pages, the opinion says its reading of *Olmstead* does not match how federal courts understand the case. The government asked a court to accept a position its own lawyers admit almost no court has taken.

- **Nobody in the courtroom argued the other side.** Courts work best when both sides are represented. Here, the defendant agreed with the states suing it, so the judge heard only one argument. Disability organizations and allies planned to file "friend of the court" briefs defending the rules. The case ended before the court heard a full defense.

- **Rules are supposed to be canceled in public.** To get rid of a rule, the government normally has to publish its plan, take comments from the public, and respond to them. Asking a judge to erase the rules skipped that step. The people most affected never got a chance to weigh in.

Where to get more information

This case is over, but its effects are still unfolding. DREDF posts updates on these pages:

- *Texas v. Kennedy* (formerly *Texas v. Becerra*): What It Is and How You Can Help Stop the Attack on Section 504 — case updates, Attorney General contact information, a sample letter, and a call script
- Webinar: *Texas v. Kennedy* (2026): The Renewed Attack on Section 504 and Olmstead (February 25, 2026)
- Texas and Eight Other States Renew Attack on Section 504 and the Right of Disabled People to Live in Their Communities (January 28, 2026)
- Defend *Olmstead* and Integration! Tell Your Governor and State Attorney General to Sign the Commitment (August 13, 2026)
- Statement of National Disability Organizations on the Department of Justice's Proposed Resolution of *Texas v. Kennedy* (September 1, 2026)

Part 7 explains what you can do, including how to tell your Attorney General you oppose what their state did in this case.

Part 7 — What Now? Protecting the Right to Community Living

For disabled people and families:

The ADA, Section 504, and *Olmstead* still protect disabled people's right to live in the community. Your rights have not changed.

Still, the OLC opinion is a sign that our right to live in the community may be under threat. It is very important for the disability community to protect it. DOJ has stopped using its own *Olmstead* guidance. It stopped defending the integration parts of the Section 504 rules, and a court has erased them. And it is asking courts to undo or end orders and settlements that protect community living. Some states may take this as a signal that they can do less to follow *Olmstead*. This means that violations of the law could go unnoticed if we do not

work together. If you or someone you know faces barriers to living in the community, here are some things you can do:

- **Document your experience.** Write down what is happening and how it is affecting you. Keep all letters, emails, and other papers about it in a safe place.

- **Tell your story.** Tell your family and friends about what you are going through. If you feel comfortable, you can also contact your local newspaper and TV station.

Some disability rights organizations are collecting stories about cuts to Medicaid. If cuts to Home and Community-Based Services (HCBS) in your state are affecting you, tell your story to DREDF.

- **Get legal help**. Reach out to people who can help you advocate for your rights. Some ideas are:

    - **The Protection and Advocacy agency for your state (P&A)**. P&As offer free help. Thay can give you information, refer you to other services, help you advocate for yourself, investigate abuse and neglect, and provide legal representation. You can find your state's P&A using this National Disability Rights Network tool.

    - **Local legal aid organizations.** Legal aid organizations give free legal help to people with low incomes in cases that are not criminal cases. You can find legal aid organizations in your area using this National Legal Aid & Defender Association tool or this Legal Services Corporation tool.

    - **Disability rights organizations.** Many disability rights organizations may be able to help you. Some work for people with all types of disabilities. These are called cross-disability organizations. Others focus on one type of disability or a group of similar disabilities. Reach out to an organization you trust.

For advocates, providers, and organizations:

Advocates and civil rights organizations to work together to protect community living. Attacks on community living affect every community, not just disabled people. Disability rights groups and other civil rights groups must build partnerships and work together. When we build coalitions, we learn from each other, and we are stronger together.

- **Watch for new federal rules and comment on them.** The federal government makes rules that affect disability rights and community living. Proposed rules can be found on Regulations.gov. The public usually has 30 to 60 days to comment on a proposed rule. Organizations and advocates should comment to show how the rules will affect disabled people and their ability to live in the community. Comments also help advocates to challenge rules that violate our rights. Keep in mind that the government may also try to get rid of rules by settling lawsuits, as it did in *Texas v. Kennedy*. Watch those cases too.

- **Support *Olmstead* enforcement and lawsuits.** Organizations and advocates that serve disabled people should keep track of problems with *Olmstead* enforcement and violations of the integration mandate. Share this information work with organizations bringing lawsuits to enforce the integration mandate.

- **Watch the *Olmstead* settlements and court orders in your state.** DOJ is now asking courts to end or change agreements that protect community living. If your state has one, follow the court filings and the reports from any independent monitor. Share what you learn with your P&A and with organizations that may be able to ask the court to hear from the people the agreement protects.

- **Follow what your state is doing.** Some states support the right of people to live in the community through policies and funding, and other states do not. Keep track of what states do about community-based services and supports. When state lawmakers act to protect home and community-

based services and other community supports, organizations and advocates should speak up in support. When state lawmakers act to cut these services and supports, advocates and organizations should speak out and organize to stop the cuts.

For everyone:

Everyone has a part to play in protecting community living. Here are some more actions individuals and organizations can take to support Olmstead and the integration mandate:

- **Share stories and lived experience.** Share your community living story and the stories of people you know with your friends, family, and community. Help people understand why *Olmstead* and the integration mandate matter.

- **Submit testimony.** Share your community living story with public officials. Write letters and speak at public meetings about why *Olmstead* and the integration mandate matter. Speak out against proposals that cut funding for home and community-based services and other community supports.

- **Contact elected officials and support advocacy campaigns**. Call and write letters to your elected officials at the local, state, and federal level. Tell them why you support *Olmstead*. Tell them to take action to enforce and protect *Olmstead* and support community living for disabled people. Ask your U.S. Representative to cosponsor H.Res. 1586, which supports Olmstead.

    - Use this tool to find your federal elected representatives.

    - Use this resource to tell your Governor and state Attorney General to follow the integration mandate and support the disability community.

    - If you live in Texas, Florida, Alaska, Louisiana, or Montana, use this resource to contact your state Attorney General. Your state was one of the five that stayed in the *Texas v. Kennedy* lawsuit until the court erased the integration parts of HHS's Section 504 rules. The case is over. It still matters to tell your Attorney General that you oppose what they did, and that you expect your state to keep following the integration mandate.

- **Stay informed.** These resources share updates and ways to take action:
    - Defend Community Integration Coalition
    - DREDF's Resource on Defending *Olmstead*
    - DREDF's Resource on *Texas v. Kennedy* and Protecting Section 504
    - The Arc's Resource on *Olmstead* Enforcement

Part 8 — Additional Resources

Statements from disability rights organizations about the House Resolution (H.Res. 1586).

DCIC Applauds Bipartisan House Resolution Reaffirming the Right of Disabled People to Live in Their Communities (September 28, 2026)

Statements from disability rights organizations about the Order and Final Judgment in *Texas v. Kennedy*.

National Disability Organizations Condemn the Federal Government's Abandonment of Its Commitment to Community Integration for People with Disabilities, as Approved by the Court in Texas v. Kennedy (September 24, 2026)

Texas v. Kennedy Abandons Federal Commitment to Community Integration (September 24, 2026) | American Association of People with Disabilities

Statements from disability rights organizations about the OLC opinion.

We Belong in the Community, Not in Institutions (June 24, 2026) | Disability Rights Education and Defense Fund

Children Need Congress and the Administration to Preserve the Promise of *Olmstead* (June 23, 2026) | First Focus on Children

Consortium for Constituents with Disabilities Strongly Condemns Attacks on the Integration Mandate (June 22, 2026) | Consortium for Constituents with Disabilities

On the 27th Anniversary of *Olmstead*, NHeLP Condemns Recent OLC Memo Undermining the Rights of People with Disabilities (June 22, 2026) | National Health Law Program

ASAN Condemns OLC Memo Threatening Community Living (June 22, 2026) | Autistic Self Advocacy Network

DOJ Opinion on Olmstead Threatens the Right of People With Disabilities to Live in the Community (June 19, 2026) | The Arc of the United States

ACLU Statement on DOJ Memo Threatening the Right to Community Living for People with Disabilities (June 19, 2026) | American Civil Liberties Union

Memorandum Released Regarding the Integration Mandate (June 18, 2026) | American Council of the Blind

Bazelon Center Statement on DOJ Memo Attacking Longstanding Protections for People with Disabilities (June 18, 2026) | Bazelon Center for Mental Health Law

CPR Condemns Administration Attack on the Rights of Individuals with Disabilities to be Integrated in their Communities (June 18, 2026) | Center for Public Representation

DOJ Memo Is Attempting to Turn Back the Clock on Integration and Olmstead's Promise (June 18, 2026) | American Association of People with Disabilities

Additional reports, guidance, and background materials.

Background Information on Call for States to Join Statement to Support Community Integration

Statement to Ask Governors and State Attorneys General to Join

Form for Governors and State Attorneys General to Join

Plain Language Roundup: Integration Mandate | ASAN

Resources on Texas v. Kennedy

Texas v. Kennedy (formerly *Texas v. Becerra*): What It Is and How You Can Help Stop the Attack on Section 504 | DREDF

Texas v. Kennedy (2026) — The Renewed Attack on Section 504 and *Olmstead* (webinar, February 25, 2026) | DREDF

Texas and Eight Other States Renew Attack on Section 504 and the Right of Disabled People to Live in Their Communities | DREDF

Statement of National Disability Organizations on the Department of Justice's Proposed Resolution of *Texas v. Kennedy* (September 1, 2026) | DREDF

News articles on the OLC Opinion and community response.

DOJ memo stokes fear among disability advocates of a return to institutionalization (June 20, 2026) | NPR

People with disabilities fear service cuts as Trump's DOJ questions legal protections (July 31, 2026) | CBS News

Trump's actions signal a move toward institutionalizing people with disabilities, advocates warn (July 1, 2026) | AP News

Virginia disability advocates fear impact from new DOJ memo (July 17, 2026) | Radio IQ

Trump Administration Claims People With Disabilities Don't Have Right To Community-Based Services (June 22, 2026) | Disability Scoop

They grew up with disability rights. Now, they're fighting to keep them (August 20, 2026) | NPR

Olmstead reversal puts HCBS at risk for people with disabilities, advocates say (July 21, 2026) | McKnights Home Care

DOJ memo sparks alarm over disability rights and community integration (June 26, 2026) | Wiley Online Library

DOJ Abandons Olmstead Defense as Texas v Kennedy Advances (August 28, 2026) | AJMC

Federal Olmstead retreat shifts pressure across the disability service system (September 1, 2026) | Access Press

NC wants out of mental health settlement as disability protections weaken (September 16, 2026) | North Carolina Health News

The Promise We Made to Americans with Disabilities is Under Attack (August 11, 2026) | TIME

Glossary

These are plain-language explanations, not legal definitions. They are here to help you read this guide. If you need to know how a term applies to your own situation, talk to a lawyer or your state Protection and Advocacy agency.

Terms are listed alphabetically.

Accessibility

Designing places, programs, and information so disabled people can use them. An accessible building has ramps and elevators. An accessible meeting has captions or interpreters.

Accommodation

A change to a rule, a practice, or a space that lets a disabled person take part. Examples: a different work schedule, materials in large print, or permission to bring a service animal.

Americans with Disabilities Act (ADA)

A federal civil rights law from 1990 that bans discrimination against disabled people. It covers jobs, state and local government, businesses open to the public, transportation, and telecommunications (information received on the phone, on television, and on some websites).

Administrative Procedure Act (APA)

The law that says how agencies must create or cancel rules. They usually have to publish a plan, take public comments, and answer them.

At serious risk of institutionalization

When a person is not in an institution now, but likely to end up in one if needed services are not provided. Most courts have said the law protects people in this situation too. The federal government is now arguing against that.

Attorney General (AG)

The top lawyer for a state. Each state has one. The U.S. Attorney General leads the Department of Justice.

Civil rights

The rights that protect people from discrimination and guarantee equal participation in public life. Disability rights are civil rights.

Community-based services

Services that help you live in your own home and neighborhood. Examples: personal assistance, in-home nursing, supported employment, and help with daily tasks.

Community integration

Disabled and nondisabled people living, working, learning, and taking part in community life alongside each other. It does not mean living without support.

Community living

Living in an ordinary home in an ordinary neighborhood, with whatever services you need, rather than in an institution.

Consent decree

An agreement that settles a lawsuit and is approved by a judge. A judge can enforce it.

Defendant

The person, agency, or government being sued in a court case.

Department of Health and Human Services (HHS)

The federal agency that runs Medicaid and enforces Section 504 in health and human services programs. Its predecessor wrote the first Section 504 rules in 1977.

Department of Justice (DOJ)

The federal agency that enforces many civil rights laws, including Title II of the ADA.

Deinstitutionalization

Moving people out of institutions and into the community. Done well, it comes with the services and housing people need. Done badly, it leaves people without help. That difference matters a lot in current debates.

Discrimination

Treating someone worse because of who they are. Under disability law it includes more than open hostility. It includes shutting disabled people out, refusing accommodations, and segregating disabled people unnecessarily.

Final judgment

A court's last decision in a case. It ends the case in that court.

Friend-of-the-court brief

A written argument filed by someone who is not a party to a case, to help the judge understand the issues. It is also called an amicus brief.

Fundamental alteration

A defense a state can raise in an *Olmstead* case. The state argues that serving a person in the community would mean changing its whole service system in a way that is not reasonable, given its money and the needs of other disabled people.

Guidance

A document an agency writes to explain how it understands and enforces a law. Guidance is not a rule and does not have the force of law. But it tells the public, states, and courts what the agency thinks.

Home and Community-Based Services (HCBS)

Medicaid services delivered in your home or community instead of in an institution. Many states provide them through waiver programs.

Independent living

A philosophy and a movement built on the idea that disabled people should direct our own lives. It does not mean doing everything alone. It means having control over the supports we use. Everyone depends on other people. Different people need different kinds and amounts of support.

Independent reviewer (or monitor)

A person chosen to check whether a state is following a settlement agreement and to report on its progress.

Injunction

A court order telling a person or agency to do something or stop doing something. In disability cases a court may order a state to expand community services. An injunction stays in force until a court changes it.

Institution

A place where disabled people live under the control of staff, apart from the community. Examples: state psychiatric hospitals, nursing facilities, intermediate care facilities, and some large group homes.

Integrated employment

A regular job in the community, alongside nondisabled coworkers, for regular wages. Not a segregated workshop or a disability-only setting.

Integration mandate

The rule that state and local governments must provide services in the most integrated setting appropriate to a disabled person's needs.

Medicaid

Public health insurance run jointly by the federal government and the states. It pays for most long-term services and supports in this country, both in institutions and at home.

Medicaid waiver

A special arrangement that lets a state use Medicaid money for home and community-based services. Waivers often have a limited number of slots. That is why many states have waiting lists.

Most integrated setting

A setting where disabled people are around nondisabled people as much as possible. For most people, that means their own home in their own community.

Notice-and-comment rulemaking

The process an agency must follow to create or cancel a rule. The agency publishes what it wants to do, the public comments, and the agency has to answer before issuing a final rule. It takes months or years, and the result can be challenged in court.

Nursing facility (nursing home)

An institution that provides medical and personal care to people who live there. Many disabled people of all ages live in nursing facilities, even though they could live at home with the right services.

Office of Legal Counsel (OLC)

An office inside the U.S. Department of Justice that gives legal advice to the President and to federal agencies. Its opinions guide the government. They do not bind courts.

Olmstead v. L.C.

The 1999 U.S. Supreme Court decision saying that keeping disabled people in institutions without a good reason is discrimination under the ADA. It was brought by Lois Curtis and Elaine Wilson, two women from Georgia. More information is in Footnote 1 of this guide.

Olmstead plan

A state's written plan for serving disabled people in the community and reducing unnecessary institutionalization.

Opinion

A written explanation of what a law means. Other courts may have to follow a court's opinion. An agency opinion, like OLC's, binds only the President and federal agencies.

Precedent

A past court decision that other courts must or should follow.

Protection and Advocacy (P&A) agency

An organization in every state and territory that federal law gives the power to protect the rights of disabled people. P&As give free legal help.

Public entity

A state or local government, or any of its departments and agencies. Title II of the ADA applies to public entities.

Regulation (also called a rule)

A binding requirement written by a federal agency to carry out a law passed by Congress. Rules have the force of law until they are properly changed or canceled.

Rehabilitation Act of 1973

The federal law that contains Section 504. It was the first major federal disability rights law.

Rescind

To cancel or withdraw. When an agency cancels a rule, it usually has to use notice-and-comment rulemaking. A court can also cancel a rule. See "Vacate."

Resolution

A written statement that the House or the Senate votes on to show where it stands on an issue. A resolution like this is not a law. It does not change anyone's rights, and the President does not sign it. But it shows where members of Congress stand and can put pressure on the government.

Section 504

Section 504 of the Rehabilitation Act of 1973. It bans disability discrimination by any program that gets federal money. The rules enforcing it were issued in 1977, after disabled people organized protests and sit-ins across the country.

Segregation

Separating disabled people from everyone else. Congress named segregation as a form of discrimination in the ADA itself.

Self-determination

Making your own decisions about your own life — where you live, who you live with, how you spend your day, and what supports you use.

Settlement agreement

An agreement that ends a legal dispute. Some settlements can be enforced in court.

Slip opinion

An official opinion that has been released but has not yet been printed in its final form. A slip opinion is not a rough draft. It is the real position of the office that issued it. It is also not a law, a rule, or a court decision.

"Sole factor" test

The test used in the June 2026 opinion. Under it, putting a disabled person in an institution is discrimination only if disability by itself was the one and only reason. If the state has any other real reason, the opinion says there is no discrimination.

Statute

A law passed by Congress. Statutes are stronger than rules, guidance, and agency opinions.

Supports and services

The help a person uses to live their life. This can include personal care, nursing, transportation, job coaching, communication support, and much more.

Titles of the ADA

The ADA is divided into parts called titles. Title I covers jobs. Title II covers state and local government. Title III covers businesses open to the public. This guide is mostly about Title II.

Title II

The part of the ADA that covers state and local governments and their services. This is the part at issue in *Olmstead* and in the June 2026 opinion.

Vacate

To cancel. When a court vacates a rule, the rule no longer has any legal force. On September 23, 2026, a court vacated the integration parts of HHS's Section 504 rules.

Waiting list

A list of people who qualify for home and community-based services but cannot get them yet, because the state has not paid for enough slots. Long waiting lists are one reason disabled people end up in institutions.

Without prejudice

When a court dismisses a claim "without prejudice," the person who brought it can bring it again later.