



Newsletter

9 States Looking to Repeal Section 504

January 28, 2026/in [Legal Advocacy](#), [Press Releases](#)/by Jackie Dilworth

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 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. It was upheld by the U.S. Supreme Court in its landmark *Olmstead v. L.C.* (Lois Curtis) decision in 1999. 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 people with disabilities 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 regulation categorically excluding gender dysphoria from the protections of Section 504.

CALL TO ACTION: Texas State Attorney General

Constituent Affairs Line

1-800-252-8011

Bob Kafka

Renowned Texas Disability Advocate

February 24, 1946—December 26, 2025



**EQUALITY
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Don't Mourn, Organize!

Bob Kafka, founder of and organizer for REV UP and ADAPT, died December 26th in his home in Austin, TX. A leader in the disability rights movement at the national, state and local levels, Bob spent his adult life working to make the world a better place for people with disabilities. Born in the Bronx he served in the army during the Vietnam war and later became a lifetime member of the Paralyzed Veterans of America. After the service, Bob came to Texas to attend the University of Houston for his undergraduate degree in Economics and graduate degree in Special Education. He was a founding member of the Coalition of Texans with Disabilities, and served on the board of the Coalition for Barrier Free Living/Houston Center for Independent Living. He founded the Southwest Wheelchair Athletic Association as well. About five years ago a friend turned over hosting Barrier Free Futures, a week-

ly radio show on disability and aging, which aired on Santa Fe PBS Station KSFR and is also a podcast with the same name. His favorite phrases in later years were "Onward" and the Joe Hill quote "Don't mourn, organize!"

I first met Bob as we marched to the Capitol to urge legislators to expand Medicaid. He guided our group through the building and made sure we reached our representatives. Bob was a no-nonsense advocate—focused, direct, and unwavering in his commitment to elevating the voices of people with disabilities. For him, it wasn't only about removing barriers; it was about ensuring that people with disabilities stood on equal footing with their non-disabled neighbors.

He was a true grass roots advocate.

We all make choices every day.

What if you couldn't?

What if that power was never given to you?



People with disabilities face this challenge.

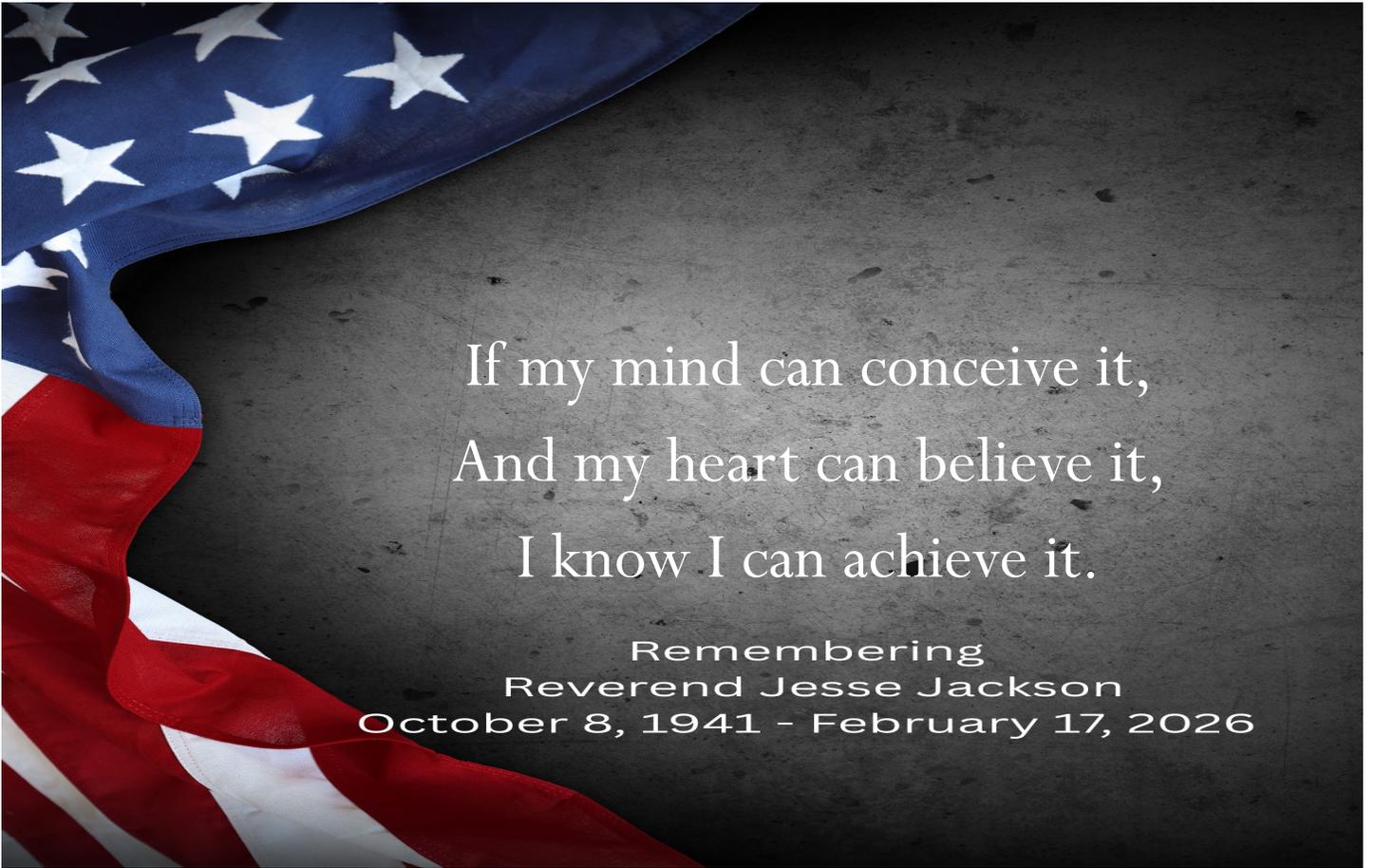
Make a difference in your life or the life of someone you love.

**We need YOU!!!! All are welcome
Become an Officer or Board Member**



Contact: leah.beltran@disabilityinaction.org

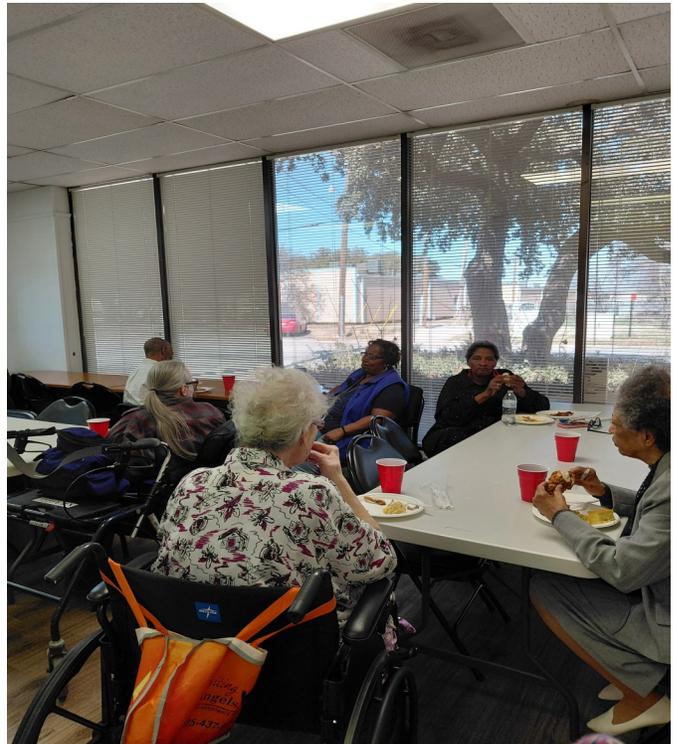
Or call Leah Beltran at (325) 672-5460



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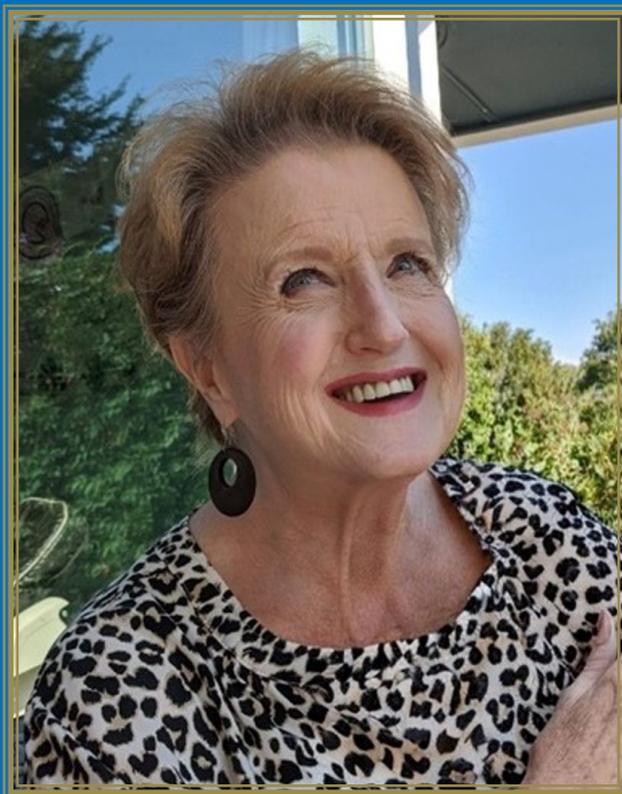
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Nancy Penland

In January, we lost a remarkable advocate for people with disabilities. Our agency began as a satellite office of the Center for Independent Living, "Life, Inc." in Lubbock, Texas, where Nancy served as the Director of Programs for more than 30 years. She played a pivotal role in the development of Disability in Action and was my supervisor and mentor for six years.

Nancy was an intelligent, incisive thinker who offered straightforward, practical guidance as a supervisor. Her training was thorough, detailed, and grounded in real-world experience. Everything I know about programming in a Center for Independent Living, I learned from her.

As was taught to me, Nancy worked in partnership with people that came to the Center for guidance and assistance. She was always conscious of the independent living philosophy of empowering people to have control over their own lives and that they have the capability to make decisions about how they want to live.

Nancy has 4 wonderful sons and many grandchildren. She will be missed.



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Carole Cosby-Independent Living Specialist II



Find us on Facebook!
Disability in Action, Inc.



This publication is supported by funding through HHSC. Opinions expressed in this newsletter do not necessarily represent those of Disability in Action funding sources.

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Accessible entrances at the front and the back of the building