

STOP THE ATTACK ON COMMUNITY CHOICE IN MONTANA

WHAT'S HAPPENING WITH SECTION 504 AND THE INTEGRATION MANDATE?

Montanans value independence, family, and the freedom to make decisions about where and how we live; including people with disabilities.

Montana is currently part of a multi-state lawsuit challenging federal rules under Section 504 of the Rehabilitation Act of 1973 that protect the rights of people with disabilities to receive services and live in their communities.

What is at Risk?

The U.S. Supreme Court affirmed the integration mandate in *Olmstead v. L.C.*. This decision guarantees that when individuals with disabilities can safely and successfully live in their community, they should do so and should not be unnecessarily be placed in an institution.

Why Does this Matter to Montana?

Institutionalization often limits personal freedom and daily life activities. It can separate individuals from family, disrupt friendships, restrict employment and educational opportunities, and reduce access to social and civic life.

Montana has long invested in home and community-based services, that preserve and support individual choice. Montana is actively updating our *Olmstead* Plan to strengthen community integration of people with disabilities into the wider community. The lawsuit undermines Montana's own **state led** efforts. Protecting community living aligns with Montana values: freedom, fiscal responsibility and strong families and communities.

THIS LAWSUIT ELIMINATES INDIVIDUAL CHOICE.

What the lawsuit is about:

The states are contesting a Section 504 rule issued by the U.S. Department of Health and Human Services (HHS).

The rule requires governments and federally funded organizations to:

- Deliver services in community settings whenever possible
- Avoid policies or practices that place people with disabilities at serious risk of unnecessary institutionalization

The states are asking the court:

- To declare the rule unlawful
- Stop HHS from enforcing the rule, and
- Eliminate safeguards that prevent unnecessary institutionalization



Why this matters:

If you're a student, senior, or someone who might need help living at home—like assistance with accessing accommodations in school, bathing, transportation, or cooking—504 protections make sure programs can't push you into a nursing home or institution just because you need support.

This includes programs most Montanans rely on, like:

- Montana Medicaid Home and Community-Based Services (HCBS)
- Public transportation services
- 504 Plans that provide accommodations to students in school

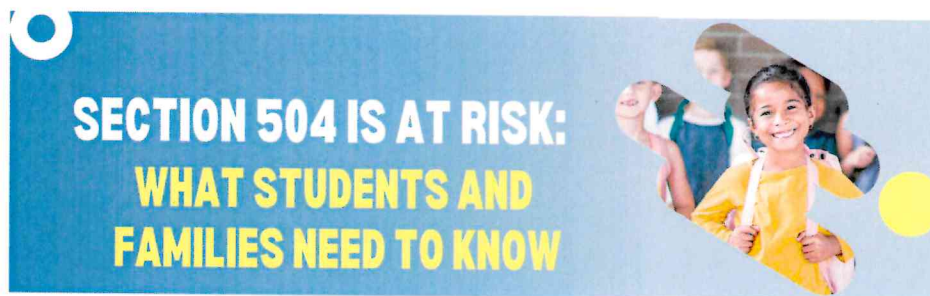
What you can do:

Join Montana's disability and senior community and urge the Governor and Attorney General to withdraw from the case and protect the right of people to live in and contribute to their communities.

Protect the ability of seniors and people with disabilities to live in their communities by reaffirming Montana values of Freedom, Family and Community.

Visit <https://www.mtcil.org/action-alerts/> for ways you can take action.





What Is Section 504?

Section 504 of the Rehabilitation Act is a federal civil rights law that prohibits discrimination against students with disabilities in schools that receive federal funding. It applies to public K-12 schools, colleges, universities, and many private schools that receive federal funds. **Section 504 is crucial** for:

- Students with diabetes, ensuring they receive insulin at school.
- Students with severe allergies, allowing them to safely eat lunch.
- Students with ADHD, providing necessary classroom accommodations.
- Students who use wheelchairs, guaranteeing building access.
- Students with anxiety or depression, offering essential supports.

For many, Section 504 is the only protection available, especially since not all students with disabilities qualify for special education under IDEA, which does not apply to colleges.

What Is This Case Challenging?

Montana and eight other states are part of a lawsuit called **Texas v. Kennedy**. This case is about a rule that helps protect students with disabilities from being placed in institutions when they don't need to be and provides them with accommodations to access their education. The case also questions whether the government can enforce these protections. If the lawsuit is lost, it could make it harder for schools to be held responsible when they don't follow the rules for students with disabilities.

What Could Change for Students?

Harder Fights for Accommodations

1. Schools might deny or delay 504 plans and reduce or eliminate supports. Families could face tougher battles or need legal assistance.

Less Accountability for Discrimination

1. Weak enforcement could result in limited investigations and slower complaint resolutions, potentially increasing costly litigation.

More Segregation

1. Without strong oversight, schools might opt for separate classrooms, increasing restrictive placements for students.

Why This Matters

Students with disabilities face higher rates of suspension, expulsion, isolation, and bullying. Section 504 has supported students' educational needs for over 50 years. It allows students to learn alongside peers, access school safely, participate fully, and pursue higher education. Weakening enforcement shifts the burden from schools to families, affecting thousands of students with disabilities in Montana.

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