IOWA DD Council
infoNET
SUMMER 2026

Federal Challenges to Americans with Disabilities Act

by Carlyn Crowe, Public Policy Manager, Iowa DD Council

Every summer we recognize the anniversary of the Americans with Disabilities Act (ADA). July 26 was the **36th anniversary** of its passage. Not as well-known, but just as important, is the **Olmstead Decision of 1999**, the landmark law and court ruling that literally opened doors to the community for people with disabilities.

Both the ADA and the Olmstead decision have had a lot of attention this summer because their enforcement is being questioned. More on what that means is included in this issue of our newsletter. Our focus is on what's happening in Washington, D.C. and how it could affect you. There's A LOT to cover, and not enough room to cover it all.

One thing is clear, **the changes being considered could take away the supports and the rights of people with disabilities that advocates have worked hard on for decades.**

We hope this newsletter will help you decide how you can help protect and improve the ability of people with disabilities to live included, respected, and supported lives — in our communities, our state, and our country. Every Iowan is represented in Congress by three people - two US Senators and one US Representative. Your federal elected officials may not know how these changes will affect you or someone you love.

- **Connect with your federal elected officials**. You can find out who represents you at:congress.gov/members/find-your-member.
- **Consider joining or starting an advocacy group.** A shared voice carries further than one on its own.
- **Vote this November.** All of Iowa's U.S.House seats and one U.S. Senate seat are on the ballot. Use your vote to use your voice.

"The ADA is a dramatic renewal not only for those with disabilities but for all of us, because along with the precious privilege of being an American comes a sacred duty to ensure that every other American's rights are also guaranteed. Together, we must remove the physical barriers we have created and the social barriers that we have accepted. For ours will never be a truly prosperous nation until all within it prosper."

— President George H.W. Bush
(when signing ADA into law)

Medicaid Community Services Mandate Challenged

Last month, the US Department of Justice released a memo (justice.gov/olc/media/1446701/dl) that says states do not have to serve people with disabilities in the community. The memo argues that the Americans with Disabilities Act and other federal laws do not require states to serve people with disabilities "in the most integrated setting appropriate to their needs."

The **"integration mandate rule"** says that paying for services in the community is not optional - it's required. The rule says that not offering a community option would be against federal civil rights laws. If the Federal government changes this rule, states would no longer have to fund HCBS waivers. They could eliminate home and community based programs without any federal pushback, and people might see their services cut or limited to services provided in institutional settings.

Three states (led by Texas) are still challenging the integration mandate in the courts (tinyurl.com/3fcmhbap). Iowa had been a part of this lawsuit, but pulled out last year. Alaska, Florida, and Texas say that they should not be required to pay for services to people with disabilities delivered in community settings. This new memo signals that the Federal government agrees with them.

Why is This Important?

- **This memo does not change the law or court decisions like Olmstead**, but it does become the official policy of our Federal government. That means it could change how departments and offices interpret the law. They could stop enforcing this part of the law, basically letting states do what they want. Even though only three states are challenging this in the courts, the decision made will affect services in all states.
- **It may be harder to appeal denials of service in the community**. If Iowa stops paying for the services you need in the community, it may be harder to get the Federal government to override the state's decisions.
- **Challenges to basic services like these make it even harder to push for sensible changes** like increasing Medicaid income and asset limits, because the fight becomes protecting the services that are already in place instead of working to set policies that level the playing field for Iowans with disabilities who want to work and live in the community.

> "Olmstead remains the law of the land, but this opinion tells people with disabilities that the federal government seeks to attack one of their most basic civil rights."
>
> *Shira Wakschlag*
> *Senior Executive Officer for Legal Advocacy The Arc of the United States*

Congress has a lot of say in these decisions. They could change federal Medicaid law to protect HCBS services and clarify that they are a requirement. Our next Governor and State Legislature can protect community services and refuse to limit access, scale back waivers, and cut services.

This is one of those rare issues that you can talk about with your federal and state elected officials, since both have a say in where and how Medicaid services are provided.

Join Us for Virtual Capitol Chats & Listening Sessions!

Capitol Chats

(iowaddcouncil.org/capitol-chats)

Thursday, August 27 (Noon - 1 p.m.)
Thursday, September 24 (Noon - 1 p.m.)
Thursday, October 22 (Noon - 1 p.m.)
Thursday, December 3 (Noon - 1 p.m.)

Listening Sessions

(iowaddcouncil.org/public-policy-agenda-2)

Monday, September 21 (6-7 p.m.)
Special Education/Transition/Post-Secondary

Monday, October 5 (6-7 p.m.)
Voting/Civic Engagement

You can watch recordings of the Community Inclusion/Health Care and Employment for People with Disabilities listening posts at youtube.com/@iowaddcouncil

Special Education Moving to HHS & DOJ

On June 16, 2026, the US Department of Education announced it will no longer be in charge of enforcing rules and laws for special education and vocational rehabilitation. This work will now be split between two departments that do not specialize in education - US Department of Justice (DOJ) and the US Department of Health & Human Services (HHS). This is the same Department of Justice that issued the memo saying there is no community inclusion mandate.

These changes do not rewrite special education laws, just who enforces them. All the laws about student Individualized Education Plans (IEPs) remain in force. It does not change the amount of funding that was set aside for these programs. It does change who is in charge of the day-to-day administration of special education programs.

The US Department of Education's Office for Civil Rights (OCR) has already been criticized for failing to enforce special education laws. Last year OCR cut staff in half and closed 7 of its 12 regional offices. Advocates warned that these staff cuts would lead to less enforcement in disability rights laws. It appears that worry has come true.

- Families whose children are denied services in schools or whose schools misused restraint/seclusion are able to appeal to the OCR as a last resort. **In 2025, OCR resolved only 1% of pending cases.** No restraint/seclusion cases were addressed in that 1%.
- The number of disability discrimination cases that were resolved went from 390 in 2024 to 83 in 2025. **That's a 79% drop in resolved cases**.
- A separate review by the Government Accountability Office found the **OCR dismissed more than 70% of the 9,000 complaints received in a six-month period in 2025**.
- States may not be held accountable for special education decisions. According to a recent report, **over half of states are not living up to their obligations under federal special education law,** with many receiving a failing grade from the U.S. Department of Education multiple years in a row. Only 20 states "meet requirements" under the Individuals with Disabilities Education Act (IDEA). Iowa is one of 23 states on the "needs assistance" list for two or more years in a row.

On a July call with disability advocates, the US Department of Education tried to quiet concerns about this move. The call created more confusion. Department staff explained that special education staff would move from one agency to another, but the work they do would not change.

> "That is significant new information because it raises a basic question: if IDEA is staying at ED and nothing is changing for states or families, why are the staff responsible for carrying out this work being moved to HHS? For families, the distinction matters. A child's rights may not change on paper, but those rights depend on whether the federal government can provide timely guidance, strong monitoring, clear accountability and education-specific expertise when states or districts fall short."
>
> Jacqueline Rodriguez, CEO
> National Council for Learning Disabilities

On July 30, the **US Senate Health, Education, Labor & Pensions Committee** passed a bill (S. 5046) to stop the Trump Administration from making this move. The one-page bill simply says the President cannot move special education oversight and responsibilities out of the Department of Education without Congressional approval.

The bill has bipartisan support and is co-sponsored by Sen. Susan Collins (R-Maine) and Sen. Tim Kaine (D-Virginia). Collins said the bill "keeps the administration of important landmark education programs at the Department of Education where Congress specifically put them, and where they belong."

While Senators in both parties are clearly concerned about this move, the bill has no clear path forward and is considered by experts to be a long-shot. You can watch the committee meeting on this at tinyurl.com/4b6ed7j2 (skip ahead to 45:50 time stamp).

Bottom line for families: Your child's rights did not move. Your child's rights did not change. What may be different is who is left to enforce those rights if something goes wrong.

Medicaid & SNAP Work Requirements Coming Soon

President Trump signed the "One Big Beautiful Bill Act" (also called H.R. 1) into law on July 4, 2025. It included strict new work requirements for some adults in order to keep their Medicaid coverage. Under these new rules, adult Medicaid members on **Iowa's Health & Wellness Plan** would have to work, go to school, or volunteer in the community for at least 80 hours per month. These requirements will go into effect nationally on January 1, 2027 (but Iowa's law will take effect a month earlier, on December 1, 2026).

Adults on Iowa's Health & Wellness Plan gained Medicaid eligibility under the Affordable Care Act (ACA). Forty-one states expanded their Medicaid programs under the ACA, including Iowa. There are a list of reasons for someone to be exempt from the work requirements, including being pregnant, being a caregiver for young children or a family member with a disability, and being "medically frail."

The US Department of Health & Human Services said "medically frail" individuals will have to prove they are unable to work in order to keep their coverage. Twenty-five states recently sued the Federal government over this requirement, arguing that the cost of hiring staff and getting technology in place to verify these exemptions is too high. On July 29, a federal judge refused to stop the roll-out of the work requirements.

While the lawsuit will continue, Judge Richard Stearns said that concerns about cost were not enough to block the new rules because the federal government is covering 90% of states' implementation costs. The timeline was set by Congress, not the agency, so is not something that can be argued in court.

The bottom line for Iowans: Iowans covered by the Iowa Health & Wellness Plan may need to get a doctor's note (or something similar) to prove they are unable to meet the new work requirements. These work requirements do not apply to Iowans with traditional Medicaid coverage or who receive services through an HCBS waiver.

Medicaid Fraud Crack-Down Could Impact Services

The US Department of Health & Human Services (HHS) is cracking down on Medicaid "fraud" and expanding its powers to **exclude providers** from participating in Medicaid programs. Over the past several months, the US Department of Justice established a "Task Force to Eliminate Fraud," chaired by Vice President J.D. Vance. HHS has also made it harder to get recertified as a Medicaid provider and announced it is not giving two states their federal Medicaid funding.

In July, HHS announced it would hold onto $868 million in federal Medicaid payments to California and stop $199 million from going to Minnesota, while they wait for more paperwork. HHS points to large expansion in California's in-home programs and billing issues with Minnesota's program (even though Minnesota has a historically low 2% error rate).

The Iowa Legislature also spent a lot of time this year talking about Medicaid fraud, even though Iowa's Medicaid "improper payment rate" is 1.9% (well below the national average of 6.1%). Iowa's Attorney General Brenna Bird is leading a "Medicaid Fraud Elimination Task Force" this summer to squeeze out that last remaining amount, saying "there is no acceptable amount of Medicaid fraud."

The 11-member task force does not include providers or Medicaid members - only state agency staff and managed care organizations. While their report is due in October, information on future meetings has not yet been made available to the public. Stay tuned to our website (iowaddcouncil.org) for updates on this. You can suggest recommendations to the task force here: MedicaidTaskForceComments@ag.iowa.gov.

The bottom line for Iowans:

- Iowa providers may face more hurdles and delays to get paid by Medicaid.
- Iowa Medicaid may have to spend more tax dollars to monitor Medicaid billings (and that may have to come at the expense of services).
- The recommendations coming out of the state's fraud task force will go to the Legislature in 2027 for consideration.

Social Security Disability Challenges Ahead

Several separate changes are affecting Social Security disability programs (SSI, SSDI) this summer, including staffing cuts, office closures, and proposed changes that will limit eligibility. The Social Security Administration runs disability benefits for 16 million Americans through SSI (for low-income people with disabilities) and SSDI (for people who've worked and paid into the system).

The agency lost 7,100 workers in the last year, the largest staff reduction in its history. In the last year, the agency lost 13% of its administrative law judges, the most ever in a single year. These are the judges who hear appeals when a disability claim is denied. This drop may mean longer waits for people fighting a denial.

As of May 2026, ten Social Security offices in nine states are either appointment-only or closed to the public, as the agency pushes more business online. Advocates say this makes it difficult for people without reliable internet access, older applicants, or people with certain disabilities to apply for and maintain their benefits.

The Social Security Administration is also in the process of changing its rules. **The Urban Institute says these changes could reduce SSDI eligibility for new applicants by as much as 20%** (and by as much as 30% for older Americans). Critics, including the Center on Budget and Policy Priorities, call it "likely to be the largest-ever cut to Social Security Disability Insurance."

A separate rule change specifically targets adults with disabilities who live with their families, yet another attack on home and community based services. The Social Security Administration's own report warned the rule change could cut benefits for more than 275,000 people with disabilities and cause a complete loss of benefits for more than 100,000 others. The change may cut monthly payments by up to one-third.

Finally, national disability advocacy organizations are warning Americans to watch out for a push to privatize social security. While President Trump has not proposed this, his Treasury Secretary Scott Bessent admitted the new Trump Accounts for newborns are "a back door to privatizing Social Security." That is something many Americans will be watching closely, but it would require a vote of Congress for this to happen.

SELF-ADVOCACY CONFERENCE
September 16 & 17, 2026
Gateway Hotel & Conference Center | Ames, IA

Join Us at the 13th Annual

Make Your Mark Conference!

Step into the spotlight and share your story! This year's theme celebrates the power of visibility, voice, and action in advocacy. Just like a powerful film, every story has the ability to inspire change, influence others, and leave a lasting impact.

We encourage Iowans with disabilities to take center stage—amplifying their voices, building confidence, and advocating for more inclusive communities. Whether you're behind the scenes or in the spotlight, your role matters. Register at: [iowaddcouncil.org/mym-conference.](iowaddcouncil.org/mym-conference)

Federal Judge Says “No” to SNAP Restrictions

The Iowa Department of Health & Human Services (Iowa HHS) asked the Federal government for permission to limit what Iowans could buy with their Supplemental Nutrition Assistance Program (SNAP) dollars. In May 2025, the Federal government approved this request, no longer allowing SNAP to be used to buy certain foods like pop and candy.

On Monday, June 22, a federal judge ruled that five states cannot limit what people can buy with SNAP. This ruling reversed the waivers for Iowa, Colorado, Nebraska, Tennessee, and West Virginia. It did not affect the 18 other states with waivers approved under a different set of rules and guidelines.

The judge said the US Department of Agriculture (USDA) went too far in its decision to waive certain rules. In approving these five waivers, the USDA changed the definition of “food” that Congress put in law. Agency rules cannot change the law - rules are to show how the state agency will put the law into practice. The judge said that the USDA went too far and changed the law when approving these waivers.

Governor Kim Reynolds responded to the decision, saying “the court’s decision is short-sighted and does nothing to improve the health of our country.”

What does this mean for Iowans?

- **Iowa’s law allowed the state to participate in a summer food program for children if the waiver allowing food limits was approved.** Since the state is no longer allowed to stop people from buying pop and candy with their SNAP benefits, the state will no longer participate in the summer EBT program that helps make up for the loss of school lunches over the summer for low-income children. The Iowa Legislature can fix this in 2027 by applying for a different waiver that would allow food restrictions or by allowing the state to participate in the summer EBT program (even if food restrictions are not approved).
- **This is not the end of this issue.** Another 18 states have restrictions that were approved using other types of waivers. Iowa could find other ways to request changes. The judge did say that her decision was not based on whether the limits were a good idea or not, “that is not before the court.” Iowa could rewrite its law to make the change allowable or it could make other changes that support healthy eating habits. “The federal defendants and the states may have a genuine desire to improve the health of SNAP households by encouraging healthy choices at the store, and they can take lawful steps to meet those goals,” Judge Jackson said. “But what they cannot do is violate the law and their own regulations along the way.”
- **Iowa made additional changes to its SNAP program this year to limit who can access SNAP benefits.** We will watch these changes to see if Iowa HHS makes additional changes to try to put these limits back into place.
- **Iowa is one of only six states that didn’t have to pay a “penalty” for a high SNAP error rate.** Under a new Federal law, states with SNAP payment error rates higher than 6% have to pay more of the cost of the program. The state’s share of the program cost increases as the error rate increases. Iowa’s error rate was 5.83% and the national average was 10.62%. Iowa made a lot of progress - in 2019 our error rate was 12.5%. This means the state is doing a good job administering the program.
- **The same law that added Medicaid work requirements also affects SNAP recipients**. Similar work-reporting requirements for SNAP are set to begin in 2027. It is important to note that people who lose eligibility for SSI or SSDI could also lose an exemption they currently rely on for SNAP work requirements — meaning cuts in one program can ripple into others.

What Advocates are Watching Next

If you feel overwhelmed by all the changes, you are not alone, and it is by design. The Trump Administration has openly said it is using a "flood strategy" to push for its priorities. While there is a lot to watch now, there is more on the horizon.

- **Court Cases:** Lawsuits (like the ones we list in this issue) are underway over the Medicaid work-requirement rollout, home and community based services, fraud strategies, and the movement of special education oversight. The decisions that judges make in these and other cases could change how (and whether) some changes take effect. It may also add to the "to do lists" of Congress and State Legislatures - sometimes judges tell lawmakers they need to make the law clearer.
- **Medicaid Work Requirement Flexibility:** Because states have flexibility in how they implement the new Medicaid work requirements, the real-world impact will vary significantly depending on where you live. These changes will be going live right as we transition to a new Governor. Even if the Governor is from the same political party, there will be delays and bumps in progress as new department directors and staff are hired. It's hard to know how Iowa will move forward under a new governor or whether the policies and priorities of the Reynolds Administration will continue.
- **Budget Reconciliation:** On July 21, the U.S. House of Representatives voted to continue funding the federal government at current levels through December 4, 2026. The Senate will need to pass the bill or the Federal government will run out of money at the end of September. Instead of passing a new budget, which they are required to do, Congress will need to pass a "budget reconciliation" to keep the government going after September 30. Passing a reconciliation means the same programs will be funded at the same funding level. That may be good news for programs that are worried about getting budget cuts. But this also means there are no funding increases for programs that are hit hard by inflation or are already unable to meet demand.
- **SAVE America Act:** The SAVE America Act is still alive and likely to be part of budget talks in the U.S. Senate. The U.S. House has already passed this bill. The SAVE Act would require voters to provide proof of citizenship when registering to vote and a photo ID when casting a ballot. A person's name on their ID must match their birth certificate, so there are a lot of questions about what this means for people who changed their names when they got married. There are also changes that could make it harder for people with disabilities to vote, including limiting use of mail-in ballots and showing paperwork that may require in-person voting.
- **HCBS Waiver Approval:** Iowa HHS and advocates with disabilities have spent countless hours on changes to our state's home- and community-based waivers (HCBS). The state has submitted its request to combine six diagnosis-based waivers into two broader age-based waivers: the Children and Youth Waiver and the Adults with Disabilities Waiver, while keeping the Elderly Waiver. These changes are part of the HOME project. We do not know how the Federal government will react to these requests, given the attacks on the community inclusion mandate.

Remember your US Senators and US Representative are back in Iowa for the month of August - this is a great time to connect with them about the issues you care about. Watch for them in your community or at the Des Moines Register's Soapbox at the Iowa State Fair (tinyurl.com/ycyrc2e5).

Key Resources

Iowa Medicaid: hhs.iowa.gov/medicaid
Iowa DD Council: iowaddcouncil.org
Disability Rights Iowa: disabilityrightsiowa.org

Social Security Administration:
1-800-772-1213 (TTY: 1-800-325-0778)
Request a hearing within 60 days of your notice.

If you have an ADA complaint:
ADA National Network | 1-800-949-4232
DOJ ADA complaint: ada.gov/file-a-complaint
EEOC (employment discrimination): eeoc.gov/

For Special Education/IDEA:
ASK Resource Center: Toll-Free: (800) 450-8667
National Council on Disability: ncd.gov
Iowa Department of Education: educate.iowa.gov/pk-12/special-education

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