



We Belong: BPDD response to U.S. Justice Department memo challenging right to community integration for people with disabilities

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The U.S. Department of Justice released [an opinion](#) last week that argues core civil rights laws—the Americans with Disabilities Act, the Rehabilitation Act, and the 1999 Supreme Court Olmstead decision—do not require states to integrate people with disabilities into the community. U.S. DOJ’s new opinion is contrary to decades of interpretation and long-standing legal precedent. It undermines the core civil rights laws that protect people with disabilities from being forced into institutions.

The U.S. DOJ opinion does not change the law or set new legal precedent. However, the U.S. DOJ is telling the White House and federal agencies what the law means. Federal agencies must follow this opinion. Advocates are concerned this opinion could mean that the U.S. DOJ’s Civil Rights Division may stop making sure the laws are followed and that agencies like the U.S. Dept. of Health and Human Services may repeal federal rules intended to make sure people with disabilities can live and access the community.

“People with disabilities fought for decades for the right to live in their homes instead of institutions,” said Jenny Price Wisconsin Board of People with Developmental Disabilities Executive Director. “We needed laws to ensure that they could not be set aside and set apart.”

Before Olmsted, the ADA, and the Rehabilitation Act, states were only required to pay for institutions and didn’t have to offer other options, even when people didn’t need or want to be in institutional settings, Price said. “Conditions in state institutions—which included abuse, neglect, and shortened lives—helped push for federal law changes that guarantee people with disabilities get to decide where they live, what they do, and who they see.”

People with disabilities should not be excluded from their communities because they need help or support to live the lives they choose, said Sydney Badeau, Wisconsin Board for People with Developmental Disabilities Board Chair.

“People with disabilities belong. In our homes, laughing by a campfire, playing in the park, learning at school, contributing at work,” Badeau said. “We belong out in the world making money, celebrating birthdays, meeting people, drinking coffee. We belong with our friends, our neighbors, and our families.”



“We fought hard so all people can live together,” Badeau said. “There is a place in our world for all of us and we will continue to fight for those rights.”

A separate legal case [Texas v. Kennedy](#) is challenging Section 504 of the 1973 Rehabilitation Act. Section 504 says states must serve disabled people in the most integrated setting appropriate and can’t put them at serious risk of institutionalization. The lawsuit wants to overturn that protection and let states decide whether to provide community services and not worry about creating conditions that force people into institutions.