

Attorney General Brenna Bird
Office of the Attorney General of Iowa
Hoover State Office Building
1305 East Walnut Street
Des Moines, IA 50319

March 3, 2025

Dear Attorney General Bird,

On behalf of Iowans for Section 504, representing thousands of children and adults with disabilities, their families, and the provider community who serve them, we are writing to express our strong concern regarding Iowa's participation in the Texas vs. Becerra lawsuit. This case seeks to dismantle Section 504, a vital protection that has been in place for nearly five decades to ensure equal access to education, employment, and healthcare for individuals with disabilities.

While we represent and serve Iowans with disabilities in a variety of ways, we are united and stand firm in our opposition to Iowa's involvement in this lawsuit. This case is not just legally unjust but a cruel and inhumane attack on vulnerable populations, stripping them of essential healthcare and dignity. It is cruel to weaponize the legal system against those who need protection the most.

You have publicly stated that Iowa joined this lawsuit to help protect Iowans with disabilities and that 504 plans for students are not in jeopardy. However, on page 37 of the Texas vs. Becerra lawsuit, Iowa asserts that Section 504 is unconstitutional. On page 42, the lawsuit asks the court to declare it unconstitutional and to relieve states of any obligation to enforce it. While this request does not explicitly call for the revocation of Section 504, such a declaration would leave it vulnerable to future legal challenges and eventual repeal, weakening the protections that have allowed individuals with disabilities to receive an education, secure employment, and access necessary healthcare services.

Furthermore, the concerns raised regarding language around transgender individuals do not actually appear in the legislative sections of Section 504, but rather in its preamble. If there are concerns regarding the preamble's language, that is a separate issue that could be addressed through legislative processes rather than an outright attack on the statute as a whole.

Section 504 has been federal law since 1977 and was recently updated after a thorough, two-year engagement process with the disability community to identify and reduce barriers to equitable opportunities. The COVID-19 pandemic amplified many of these barriers, underscoring the necessity of strong legal protections in healthcare, employment, and education. Section 504 mandates that any entity receiving federal funding must provide equal access to individuals with disabilities. While it is commonly recognized for ensuring educational accommodations, its protections extend far beyond that. For example, it guarantees access to lifesaving medical care—many wheelchair users are still denied basic diagnostic procedures such as MRIs or mammograms due to inaccessible equipment. It also upholds fair hiring practices by restricting discriminatory medical inquiries during job interviews, ensuring that qualified individuals are not unfairly excluded from employment opportunities.

Given these essential protections, we respectfully ask: how does declaring Section 504 unconstitutional serve to protect Iowans with disabilities?

Iowans for Section 504, along with the thousands of individuals and families we represent, respectfully request that you withdraw our state from this lawsuit immediately. Iowa has long been a leader in

protecting the rights of people with disabilities, and remaining in this lawsuit directly contradicts that legacy.

We appreciate your time and consideration of this urgent matter. We welcome the opportunity to discuss this further and look forward to your response.

Sincerely,

Iowans for Section 504

Mistie Johnson, Association of People Supporting Employment First

June Klein-Bacon, Brain Injury Alliance of Iowa

Katie Greving, Decoding Dyslexia Iowa

Sherri Nielsen, Easterseals Iowa

Brooke Lovelace, Iowa Developmental Disabilities Council

Tammy Wilgenbusch, Iowa International Dyslexia Association

Patty Beyer & Kathy Specketer, Learning Disabilities Association of Iowa

Kate Pace, Iowa Nurses Association

Sydney Marshman, Iowa Occupational Therapy Association

Dr. Isaac Hooley, Iowa Psychological Association

Dr. Rachael Suddarth, Iowa Speech-Language-Hearing Association

Ashlea Lantz & Robert Ludke, Value Inclusion, Inc.