

Federal Policy Updates from Washington, D.C.



Introductions



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Agenda

- Olmstead and Community Living
- Special Education
- Medicaid Work Requirements
- Federal Policy Priorities Update
- Questions



Olmstead

What is Olmstead?

- Olmstead v. L.C. was a Supreme Court case decided in 1999 that affirmed that people with disabilities have the right to receive appropriate services in the community rather than in institutions.
- The Court said that unjustified institutionalization of individuals with disabilities is discrimination under the ADA.
- Upheld the *integration mandate*, which requires states to provide services in the "most integrated setting."



Olmstead

DOJ Memo on Olmstead

- On June 18, 2026, the Department of Justice (DOJ) released a memo that reinterprets the Olmstead decision and claims that federal law *does not* support the integration mandate.
- This is out of step with how courts have understood the Olmstead decision for decades.

Additional Notice on Olmstead Guidance

- On July 20, the DOJ released an additional notice saying it will not rely on current guidance documents related to Olmstead.
- The DOJ also said it plans to revisit and potentially update the Olmstead guidance.

Olmstead

What do these actions mean?

- DOJ's recent actions do not overturn Olmstead, change the law, repeal existing regulations, or prevent people from filing lawsuits if they have been discriminated against.
- But the memo and the change on guidance may mean that the DOJ is changing how it handles complaints and enforces protections related to community integration.
- A rollback of enforcement would make it harder for individuals to seek help from the federal government.



What happens next?

- DOJ has said it plans to revisit its Olmstead guidance, and it could also change or create new regulations related to the integration mandate.
 - These steps could provide opportunity for public comment.
- Courts will continue to take and decide individual cases related to ADA, Section 504, and Olmstead.
- NDSS and other organizations are monitoring for DOJ enforcement actions and state policy changes following the memorandum.

Special Education

Interagency Agreement

- On June 16th, the Department of Education announced an Interagency Agreement that would shift functions of the Office of Special Education and Rehabilitative Services (OSERS) to the Department of Health and Human Services, and the Office for Civil Rights (OCR) to the Department of Justice.
- Other offices like Elementary and Secondary Education and Postsecondary Education have already been shifted to the Department of Labor.

Special Education

Congressional Action

- On July 30, the Senate HELP Committee passed a bill that prohibits the Department of Education from transferring certain offices, including OSERS, out of the Department of Education.
- This bipartisan bill would reverse the current Interagency Agreement (IAA), and will prevent the Department from signing future IAAs regarding special education.

Special Education

What happens next?

- The bill will next have to pass the full Senate. There is not yet a House version of this bill.
- NDSS will continue to advocate for this bill on Capitol Hill, and will provide updates as necessary.



Special Education

What this means for students with Down syndrome?

- The Individuals with Disabilities Education Act (IDEA) is still the law, and students with Down syndrome and other disabilities still have the right to a free appropriate public education in the least restrictive environment.
- Efforts to shift key functions of the Department of Education to other federal agencies could cause delays and disruptions for students with disabilities in accessing services.

Special Education

Scan below to contact your Members of Congress and urge them to keep special education at the Department of Education



Medicaid Work Requirements

Background

- In July 2025, Congress passed legislation that made major changes to Medicaid.
 - Directed states to establish "community engagement" requirements for certain Medicaid enrollees.
- Affected individuals will need to work, volunteer, or attend an educational program for a certain number of hours per month in order to keep their coverage.
- Many people with disabilities **will not** have to meet the work requirements.

Medicaid Work Requirements

Who needs to meet the work requirements?

- The work requirements apply to adults ages 19-64 who are covered under the ACA Medicaid expansion.
- Many individuals with disabilities are exempt from the work requirements.
- Most people with Down syndrome who are enrolled in Medicaid qualify through the traditional eligibility pathways related to disability or age, **not** the Medicaid expansion.

Medicaid Work Requirements

Additional exemption for people with disabilities covered by Medicaid expansion

- Some people with disabilities do receive Medicaid through the Medicaid expansion.
- These individuals could still qualify for the "medical frailty" exemption under the law.
 - Intended to cover people with disabilities who would have difficulty meeting work requirements.

Medicaid Work Requirements

Additional exemption for caregivers covered by Medicaid expansion

- Some caregivers who are enrolled in Medicaid may receive coverage through the Medicaid expansion.
- These individuals could qualify for the caregiver exemption if they provide care on a regular basis for:
 - A child under age 14; OR
 - An individual with a disability.

Medicaid Work Requirements

What can I do now?

- States must implement their work requirement systems by January 1, 2027.
- Whether you think you will be subject to work requirements or not, Medicaid enrollees can take steps now to prepare:
 - Verify and/or update contact information with your state
 - Watch for any messages or letters from your state Medicaid program
 - Hold onto any documents showing you receive benefits like SSI, SSDI, Medicaid waiver services, or Medicare
 - If you are a caregiver, save any documentation that can show you are a caregiver.

Share Your Story!

Data makes you credible, stories make you memorable!

- To make the biggest impact on Capitol Hill, our team relies on stories from community members
- We encourage everyone to share their stories with NDSS staff, so we can continue to amplify the voices of individuals with Down syndrome on Capitol Hill
- Please email policy@ndss.org to share your story!

Federal Policy Priorities

Charlotte Woodward Organ Transplant Discrimination Prevention Act

- On June 17, the Charlotte Woodward Organ Transplant Discrimination Prevention Act passed the Senate HELP Committee. Next step is consideration by the full Senate.

SSI Savings Penalty Elimination Act

- 6 Senators and 4 Representatives have signed on to cosponsor the SSI Savings Penalty Elimination Act since the Down Syndrome Advocacy Conference.



Federal Policy Priorities

IDEA Full Funding Act

- 9 Representatives have signed on to cosponsor the IDEA Full Funding Act, bringing the total to 170 cosponsors in the House.

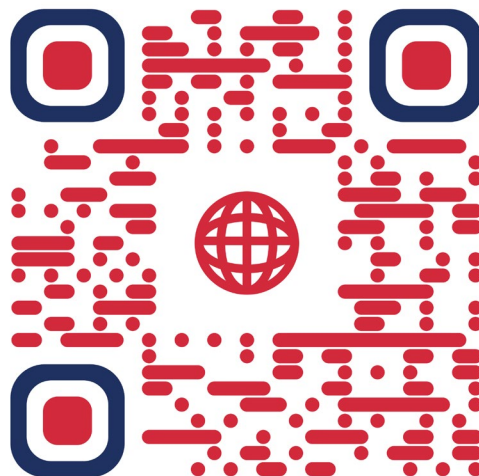
Research

- The DeOndra Dixon INCLUDE Project Act passed the House of Representatives last month! Thank you to our partners at the Global Down Syndrome Foundation for their leadership on this issue.



Federal Policy Priorities

- As we approach the last couple of months of the 119th Congress, our team will continue to update the community on any legislation impacting individuals with Down syndrome.
- Scan below to sign up for our policy newsletter!



Questions?

If you have other questions, please email
policy@ndss.org!

