



1925-2025
Legacy. Impact. Possibilities.

March 4, 2025

Defend Section 504 of The Rehabilitation Act

Dear Attorney General Ken Paxton:

Note: ASHA also sent this letter to the attorneys general of Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, South Carolina, South Dakota, Texas, Utah, and West Virginia.

On behalf of the American Speech-Language-Hearing Association (ASHA), I write to ask that you withdraw from the *Texas v. Becerra* lawsuit that has the potential to undermine essential protections for people with disabilities.

ASHA is the national professional, scientific, and credentialing association for 241,000 members, certificate holders, and affiliates who are audiologists; speech-language pathologists (SLPs); speech, language, and hearing scientists; audiology and speech-language pathology assistants; and students.

Our members serve the 10% of the U.S. population who have a communication disability, the 15% of American adults with hearing loss, and the approximately 15 million adults with dysphagia.^{1,2,3} Through screening, assessment, intervention, and caregiver training, audiologists and SLPs serve the needs of individuals with a wide variety of communication disorders and help improve individual health and educational outcomes.

As specialists in communication sciences and disorders, our members are experienced with the use of augmentative and alternative communication (AAC) and working with sign language interpreters. Audiologists and SLPs can provide individuals with disabilities critical training and consultative support on the use of auxiliary aids and services. Training individuals, families/caregivers, and providers on the use of AAC is critical for effective communication between the individual and their care team to make autonomous medical decisions. In addition, when providing training or educational services, it is necessary for individuals to have resources that allow them to be as independent as possible.

ASHA strongly supports Section 504 of the Rehabilitation Act and its regulations that allow people with disabilities to be fully included in education and health care settings. ASHA also supports many provisions of the 2024 update to the HHS regulations² including those that expanded communication access requirements, as well as the preamble to the 2024 HHS regulations that states that gender dysphoria *may* be a disability depending on the facts of the individual case.⁴

As audiologists and SLPs, our members witness the value of Section 504 every day in their places of employment including schools, health care facilities, university clinics, and their communities. Some examples include:

- Allowing K-12 students with disabilities to receive necessary accommodation and support services, such as extended test times or accessible classrooms

- Ensuring someone who is deaf or hard of hearing is able to get an interpreter at a doctor's office
- Allowing children with swallowing disorders extra time to complete lunch
- Helping someone who has had a stroke return to work by ensuring they receive necessary physical accommodation or an adjusted workload
- Ensuring important health care discharge instructions are explained orally and in writing
- Integrating students with disabilities as much as possible into classrooms with their non-disabled peers
- Ensuring hospitals are equipped with assistive listening devices to allow adults and those with hearing loss to fully participate in their care
- Making sure closed captioning is available to an individual with a communication disorder who needs it to understand training videos at work
- Allowing a child with a cochlear implant to fully participate in the classroom through the use of an FM system in which the teacher speaks into a microphone that directly connects to the child's device

Although a recent joint status update states there is no intent to eliminate the entire Section 504 from the law, ASHA is still concerned about the scope of the lawsuit because the text of the complaint specifically asks the court to "declare 504 unconstitutional."

Losing any Section 504 protections would have far-reaching consequences—not only for individuals with disabilities, but also for their families, communities, and society as a whole.

If the court agrees with the states bringing the lawsuit, people with disabilities will lose civil rights. These rights have successfully protected millions of Americans for over 50 years. **We ask that you withdraw from the *Texas v. Becerra* lawsuit due to its potential to undermine essential protections for and participation by people with disabilities.**

Thank you for allowing us to share our knowledge and expertise as the national association representing audiologists and SLPs who work closely with individuals with disabilities every day. If you or your staff have questions, please contact Rebecca Bowen, ASHA's director of health care policy for value and innovation, at rbowen@asha.org, or Bill Knudsen, ASHA's director of education policy, at bknudsen@asha.org.

Sincerely,



A. B. Mayfield-Clarke, PhD, CCC-SLP
2025 ASHA President

¹ Morris, M. A., Meier, S. K., Griffin, J. M., Branda, M. E., & Phelan, S. M. (2016). Prevalence and etiologies of adult communication disabilities in the United States: Results from the 2012 National Health Interview Survey. *Disability and Health Journal*. 9(1):140–144. <https://doi.org/10.1016/j.dhjo.2015.07.004>

² Blackwell, D. L., Lucas, J. W., & Clarke, T. C. (2014). Summary health statistics for U.S. adults: National Health Interview Survey, 2012. *National Center for Health Statistics. Vital Health Stat Feb*:(260):1-161. <https://pubmed.ncbi.nlm.nih.gov/24819891/>

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- ³ Bhattacharyya, N. (2014). The Prevalence of Dysphagia among Adults in the United States. *Otolaryngology—Head and Neck Surgery*. 151(5):765-9. <https://aao-hnsfjournals.onlinelibrary.wiley.com/doi/10.1177/0194599814549156>
- ⁴ American Speech-Language-Hearing Association. (13 Nov. 2023). ASHA Response Letter to the U.S. Department of Health and Human Services Regarding Discrimination on the Basis of Disability in Health and Human Services Programs. <https://www.asha.org/siteassets/advocacy/comments/asha-response-letter-hhs-sec504-111323.pdf>