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February 25, 2025

The Honorable John B. McCuskey
Attorney General of West Virginia
State Capitol Complex, Building 1, Room E-26
Charleston, West Virginia 25305

RE: Texas v. Becerra

Dear Attorney General McCuskey:

The West Virginia Developmental Disabilities Council (Council) is a 32-member board established by an Executive Order of the Governor on March 6, 1972. The Council is funded by a grant under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000 (Public Law 106-402 or DD Act). The Council consists of West Virginia citizens with developmental disabilities, family members and representatives from state and private agencies.

The Council has been monitoring the case in *Texas v. Becerra* since its initial filing in 2024. We were pleased to see your initial statements in mid-February highlighting your commitment to people with developmental disabilities maintaining their rights under Section 504 of the Rehabilitation Act.

However, we remained concerned about the specific "Demand for Relief" in the case for "d. Declare Section 504, 29 U.S.C. § 794. Unconstitutional." We were glad to see the joint filing from plaintiffs and respondent to clarify the case is not seeking to declare Section 504 to be unconstitutional. The Council would like to see more clarification on whether the joint filing alters the noted "Demand for Relief" to declare Section 504 as unconstitutional.

The Council appreciates your continued efforts to seek this clarification in a formal way to protect Section 504 of the Rehabilitation Act.

Sincerely,

Jessica Sykes
Council Chair

Sincerely,

Tina E. Wiseman
Executive Director