

**RHODE ISLAND GOVERNMENT REGISTER  
PUBLIC NOTICE OF PROPOSED RULEMAKING**

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**AGENCY:** Governor's Commission on Disabilities

**RULE IDENTIFIER:** Chapter C

**REGULATION TITLE:** Coordinating Compliance by State Agencies with Laws Protecting the Rights of Individuals with Disabilities

**RULEMAKING ACTION:** Direct Final

**Direct Final:** If no formal objection is received on or before **April 27, 2018** the Governor's Commission on Disabilities will file the adoption without opportunity for public comment.

**TYPE OF FILING:** Repeal

**TIMETABLE FOR ACTION ON THE PROPOSED RULE:**

Public notice date 03/27/2018 and End of comment period 04/27/2018.

**SUMMARY OF PROPOSED RULE:** This regulation is being repealed and replaced by 525-RICR-10-00-02 Inclusion in State Government Employment, Programs and Activities as part of consolidation and codification of Commission regulations regarding the coordination of state government compliance with state and federal disability rights laws and regulations.

**COMMENTS INVITED:**

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **April 27, 2018** to the addresses listed below.

**ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:**

**Mailing Address:** Governor's Commission on Disabilities  
John O. Pastore Center, 41 Cherry Dale Court  
Cranston, RI 02920-3049

**Email Address:** [bob.cooper@gcd.ri.gov](mailto:bob.cooper@gcd.ri.gov)

**WHERE COMMENTS MAY BE INSPECTED:**

**Mailing Address:** Governor's Commission on Disabilities  
John O. Pastore Center, 41 Cherry Dale Court  
Cranston, RI 02920-3049

**FOR FURTHER INFORMATION CONTACT:**

ATTN: Bob Cooper, Executive Secretary Governor's Commission on Disabilities  
John O. Pastore Center, 41 Cherry Dale Court  
Cranston, RI 02920-3049  
(401) 462-0100 or [bob.cooper@gcd.ri.gov](mailto:bob.cooper@gcd.ri.gov)

**SUPPLEMENTARY INFORMATION:**

**Regulatory Analysis Summary and Supporting Documentation:**

The fiscal impact to both the state and city or town is based on the 2010 US Department of Justice: Disability Rights Section of the Civil Rights Division's Final Regulatory Impact Analysis of the Final Revised Regulations Implementing Titles II and III of the ADA, including Revised ADA Standards for Accessible Design Final Report.

The Final RIA also acknowledges that the final rules will undoubtedly confer substantial and important benefits that cannot be readily quantified or monetized. In this sense, the regulatory assessment must be considered conservative since it almost certainly understates the overall value of the final rules to society. Few would doubt, for example, that the psychological and social impacts of the ability of persons with disabilities to fully participate in public and commercial activities without fear of discrimination, embarrassment, segregation, or unequal access have significant value. Society generally will also experience benefits from the final rules that are difficult to monetize, including: reduced administrative costs (from harmonization of the final rules with model codes); increased worker productivity (due to greater workplace accessibility); improved convenience for persons without disabilities (such as larger bathroom stalls used by parents with small children); and, heightened option and existence values. In addition to unquantifiable benefits, there may be negative consequences and costs as well, such as costs if an entity defers or foregoes alterations, potential loss of productive space during additional required modifications to an existing facility, or possible reduction in facility value and losses to some individuals without disabilities due to the new accessibility requirements.

Small Businesses must comply with this regulation. Any person or entity doing business in the state, any person or entity regulated, by the state or having received financial assistance from the state, or under any program or activity conducted by the state, its agents or any entity doing business with the state. RI Gen. Laws § 42-87-2. Discrimination prohibited.

**Authority for This Rulemaking:** R.I. Gen. Laws § 42-51-6(3) Governor's Commission on Disabilities - Duties.

**Regulatory Findings:**

In the development of the proposed adoption consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

**The Proposed Repeal:**

The Governor's Commission on Disabilities proposes to repeal Chapter C:



RHODE ISLAND AND PROVIDENCE PLANTATIONS  
Executive Department  
**GOVERNOR'S COMMISSION ON  
DISABILITIES**

John O. Pastore Center, 41 Cherry Dale Court  
Cranston, RI 02920-3049

[voice] (401) 462-0102 [tty] via RI Relay 711 [fax] 462-0106  
[e-mail] [bcooper@gcd.ri.gov](mailto:bcooper@gcd.ri.gov) [website] [www.disabilities.ri.gov](http://www.disabilities.ri.gov)

**RULES AND REGULATIONS PERTAINING TO**

**Chapter C Coordinating Compliance by State Agencies with Laws Protecting the  
Rights of Individuals with Disabilities**

Rule proposed on August 25, 1992  
Public Hearing on September 21, 1992  
Adopted on September 26, 1992  
Effective on October 15, 1992  
Technical Revisions on October 10, 1997  
Advertised October 21, 1999  
Public Hearing November 22, 1999  
Amendment adopted November 22, 1999  
Effective December 27, 1999  
Technical Amendments Adopted September 15, 2003  
Technical Amendments proposed on August 11, 2009  
Adopted on September 21, 2009  
Effective on October 28, 2009

**Compilers Notes:**

Red or Blue text indicates link to an endnote or web link, move mouse to colored text and click to open.  
All forms references are available on line at [www.disabilities.ri.gov](http://www.disabilities.ri.gov)

I.	STATUTORY AUTHORITY .....	2
II.	DEFINITIONS .....	2
III.	PROCEDURE .....	2
IV.	IMPLEMENTATION.....	2
V.	FORMS .....	2
VI.	ENDNOTES .....	2

## **I. STATUTORY AUTHORITY**

RI GL 42-51-6(3) Governor's Commission on Disabilities - Duties<sup>1</sup>.

## **II. DEFINITIONS**

- A. "The Commission" shall mean the [Governor's Commission on Disabilities](#)<sup>2</sup>.
- B. "State agency"<sup>3</sup> is defined in RI General Law 42-51-9(3)

## **III. PROCEDURE**

- A. The State of Rhode Island has developed a uniform procedure for ensuring compliance with the Americans with Disabilities Act.
- B. The State Coordinating Committee on Disability Rights has been formed to identify areas where the most efficient methods for compliance are through systemic change rather than at the departmental or agency level. This committee will review the recommendations from working groups that will conduct periodic self-evaluations of all services, activities, and programs of state government and state agency employment practices.
- C. Each self-evaluation working-group shall review all operations of the state agencies and departments represented on the working group. Any areas of potential non-compliance found shall be described in detail on ADA 504 Action Plan GCD Form C. The report shall also include recommended steps to bring about conformance with the ADA Self Evaluation and Compliance Plan for the State of Rhode Island and Providence Plantations.

## **IV. IMPLEMENTATION**

The Commission's Chairperson, Executive Secretary or designee shall issue directives and instructions to ensure the full implementation of the self-evaluation and compliance plans.

## **V. FORMS**

The Commission's staff shall prepare and revise the forms referenced above, as necessary.

## **VI. ENDNOTES**

These endnotes are the text of several general laws and are provided for clarification and are not part of the regulation. They are subject to revision, as amended by the General Assembly.

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<sup>1</sup> **RIGL 42-51-6(3) Governor's Commission on Disabilities – Duties**

(3) Coordinating compliance with federal and state laws protecting the rights of individuals with disabilities by state agencies;

**RIGL 42-51-9. Governor's Commission on Disabilities - Definitions.**

(2) "Federal and state laws protecting the rights of individuals with disabilities" means, but is not limited to, the Americans with Disabilities Act of 1990, 42 USC § 12101 et seq.; title V of the Rehabilitation Act of 1973, 29 USC § 794; R.I. Const., art. I, § 2; the provisions of chapter 87 of title 42 and §§ 23-6-22, 37-8-15, 37-8-15.1 and 42-46-13.

Governor's Commission on Disabilities Regulation: Chapter C Coordinating Compliance by State Agencies with Laws Protecting the Rights of Individuals with Disabilities

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(4) "Coordinating compliance" means the authority to:

(i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance with federal and state laws protecting the rights of individuals with disabilities;

(ii) Establish a grievance procedure to promptly and equitably resolve complaints of noncompliance with federal and state laws protecting the rights of individuals with disabilities involving state agencies, including the power to investigate possible discrimination and eliminate unlawful practices by informal methods of conference, conciliation, and persuasion;

(iii) Initiate complaints against any state agency that willfully fails to comply with federal and state laws protecting the rights of individuals with disabilities to the appropriate state or federal agency; and

(iv) Develop, make periodic revisions to, and oversee the implementation of a transition plan for the removal of environmental and communication barriers in state-owned facilities.

<sup>2</sup> Governor's Commission on Disabilities  
John O. Pastore Center - 41 Cherry Dale Court  
Cranston, RI 02920-3049  
401-462-0100 (voice); tty via 711 and 462-0106 (fax)  
[disabilities@gcd.ri.gov](mailto:disabilities@gcd.ri.gov) (e-mail) and  
<http://www.disabilities.ri.gov> (website)

<sup>3</sup> RIGL 42-51-9(3) **Governor's Commission on Disabilities - Definitions.**

"State agency" means any department, division, agency, commission, board, office, bureau, council or authority, either branch of the Rhode Island general assembly or any agency or any committee thereof or any other agency that is in any branch of Rhode Island state government and which exercises governmental function.

To be Repealed