

## **TITLE 525 – GOVERNOR’S COMMISSION ON DISABILITIES**

### **CHAPTER 10 – GENERAL ADMINISTRATION**

#### **SUBCHAPTER 00 – N/A**

##### **Part 1 – ACCESS TO OPEN MEETING**

### **1.1 Statutory Authority**

- A. R.I. Gen. Laws § 42-46-13 Open Meetings – Accessibility for persons with disabilities;
- B. R.I. Gen. Laws §§ 42-46-5(b)(3) & (4) Open Meetings – Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct;
- C. R.I. Gen. Laws § 42-51-6 Governor’s Commission on Disabilities – Duties; and
- D. R.I. Gen. Laws § 42-51-6.1 Governor’s Commission on Disabilities – Hearing Boards.

### **1.2 Definitions**

- A. As used in this Part the following words and phrases shall have the following meanings unless the context shall indicate another or different meaning or intent:
  - 1. “Commission” means the Governor’s Commission on Disabilities.
  - 2. “Commissioner” means a member of the Governor’s Commission on Disabilities appointed by the Governor, pursuant to R.I. Gen. Laws § 42-51-2.
  - 3. “Hearing board” means the board of five (5) commissioners appointed by the Commission Chairperson, pursuant to R.I. Gen. Laws § 42-51-6.1, as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of R.I. Gen. Laws Chapter 42-87 and R.I. Gen. Laws §§ 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.
  - 4. “Meeting” means the same meaning as defined in R.I. Gen. Laws § 42-46-2(3).
  - 5. “Public body” means the same meaning as defined in R.I. Gen. Laws § 42-46-2(3).

## 1.3 Requirements

- A. All public bodies shall ensure that all open meetings of the public bodies are held in locations that conform to the State Building Code's Accessibility of Meetings for Persons with Disabilities standard.
- B. Public bodies are responsible for providing accommodations (such as interpreters for the deaf) when requested at their open meetings.
- C. All meeting notices must contain a clause describing how individuals could request interpreter services or other accommodations. Most interpreter referral services need:
  - 1. A minimum of three (3) business days to determine the availability of interpreters; and
  - 2. Specify: name and phone number of contact person; name of party requesting the interpreter; day, time and place the interpreter is needed; brief description of the interpreting situation; consumer's and type of sign language preferred; financing party; and name of preferred interpreter (if any).

## 1.4 Requesting an Open Meeting Telecommunications Accommodation Waiver

- A. Whenever a request for an Open Meeting Telecommunications Accommodation Waiver is made to the Commission, it shall provide the requesting party with a copy of these Regulations and assist the individual in preparing an Open Meeting Telecommunications Accommodation Waiver Request Form.
- B. The party requesting the waiver shall provide ~~medical information~~ a signed certificate attesting that the party:
  - 1. ~~Only medical information needed to document the need for the accommodation that is specifically related to limitations caused by the public body member's disability that prevent that member from attend meetings of that public body solely by reason of his or her disability. Has a disability as defined in R.I. Gen. Laws chapter § 42-87-1 of title 42 the Rhode Island General Laws; and~~
  - 2. ~~The Hearing Board and its staff member shall review any medical information needed to document that the individual is "a member of that public body, who has a disability" in relation to the need to be accommodated. The Board members and staff must handle confidential medical information in accord with the R.I. Gen. Laws § 5-37.3 Confidentiality of Health Care Communications and Information Act.~~

Cannot attend meetings of that public body in person solely by reason of his or her disability; and

3. ~~The state's rehabilitation /disability services experts may assist the Hearing Board understand the medical information provided. May participate by use of electronic communication or telephone communication; and~~
4. ~~Describe why the party cannot attend meetings of that public body in person. Other Commission personnel shall not participate in the review of nor have access to the individual's medical information.~~

#### **1.4.1 Granting or Rejecting a Telecommunications Accommodation Waiver**

- A. The Hearing Board shall review the Waiver Request at its next ~~scheduled~~ meeting and approve or reject the request. The member of the public body may appear and testify at meeting of the Hearing Board via telecommunication devices when their request is on the agenda. Notice of the meeting shall be sent to the affected public body and the member the waiver is requested for.
- B. The Hearing Board shall:
  1. Review ~~any advice provided by the state's rehabilitation/disability services experts regarding~~ the factors preventing the public body member's physical attendance at meetings of that public body.
  2. Conduct a technical review of possible electronic communication or telephone communication equipment or devices that would enable that member to participate in the public body's meetings.
- C. If the Hearing Board grants the waiver, the Board's staff person shall issue the waiver in writing:
  1. Send the original waiver to public body's presiding officer;
  2. Send a copy to the requesting member; and
  3. Place a copy of the waiver on the public record.
- D. If the Hearing Board rejects the waiver request, the Board shall state its reasons for rejection in writing to the requesting member, within a week of the meeting and place a copy of the waiver rejection on the public record.

#### **E. COVID-19 Pandemic, Expedited Waivers:**

1. The Commission's Executive Secretary may grant an Open Meeting Telecommunications Accommodation Waiver upon receipt of the request form if the requesting party

- a. Has a medical condition identified by the Centers for Disease Control (CDC) as one that might make the party vulnerable to becoming severely ill if they were to contract COVID-19, or
- b. Is taking a medication indicated as having potential to weaken the immune system.

## **1.5 Forms**

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