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Chapter A Open Meeting—Accessibility For Persons With Disabilities

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I. STATUTORY AUTHORITY

RI GL 42-46-13 Open Meetings—Accessibility for persons with disabilities¹; RI GL 42-51-6(3) Governor’s Commission on Disabilities –Duties²; and RIGL 42-51-6.1 Governor’s Commission on Disabilities - Hearing Boards³

II. DEFINITIONS

A. The terms “meeting”⁴, “public body”⁵, “penalties”⁶ are defined in RI General Law 42-46-2 Open Meetings –“Meetings”.

B. “The Commission” shall mean the [Governor’s Commission on Disabilities](#).

C. “State agency”⁷ is defined in RI General Law 42-51-9 (3).

D. “Commissioner” shall mean a member of the Governor’s Commission on Disabilities appointed by the Governor, pursuant to RIGL 42-51-2.

E. “Hearing Board” shall mean the board of five (5) commissioners appointed by the Commission Chairperson, pursuant to RIGL 42-51-6.1, as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 and sections 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.

III. REQUIREMENTS

A. All public bodies shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are held in locations that conform to the State Building Code’s Accessibility of Meetings for Persons with Disabilities standard (attached).

B. The act does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of title 42 are held in accessible facilities by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this

section, such changes shall be made by December 30, 1991. The public bodies may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.⁸

IV. PROCEDURES

A. Transition Plan Review

1. Each public body's administrator (chief executive of the city or town, superintendent of schools, department director, etc.) will submit their RI Open Meeting Accessibility for Persons with Disabilities Transition Plan, RIGCD Form A to the Commission⁹ for review and approval.
2. The Hearing Board, with the assistance from the state building commission will review the transition plan at their next regularly scheduled meeting. The Committee shall:
 - a) Approve the plan,
 - b) Request clarification from the public body or
 - c) Propose a modification to the plan to the public body.
3. The public body's administrator will review any proposed modifications and revised the transition plan and resubmit it for review and approval to the Hearing Board.

B. Renovations to remove barriers to accessibility

1. The public body shall comply with the obligations to move all open meetings to accessible locations and/or remove barriers in existing meeting sites as expeditiously as possible. All open meetings shall be conducted in accessible locations after December 30, 1991, unless the state building commissioner for good cause grants an extension.
2. The public body's administrator shall notify the Commission when all renovations to open meeting site(s) required by the approved transition plan have been completed.
3. The Commission or the State Building Commission shall inspect all open meeting locations identified in the public body's transition plan, to ensure compliance. The public body's administrator will be notified of any barriers to accessibility remaining at the open meeting sites.
4. The public body's administrator will ensure the removal of any barriers to accessibility located in step 3 above, and notify the Commission when those barriers have been removed.

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- (d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.
- (e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.
- (f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.
- (g) The provisions of §§ 45-13-7 - 45-13-10, inclusive, shall not apply to this section.

² RIGL 42-51-6(3) Governor's Commission on Disabilities - 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.

(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.

³ RIGL 42-51-6.1. Governor's Commission on Disabilities - Hearing boards. –

(1) The commission's chairperson shall appoint five (5) commissioners as the hearing board for the purpose of conducting hearings and rendering decisions on matters relating to the provisions of chapter 87 of title 42 and sections 37-8-15.1 and 42-46-13 within the jurisdiction of the commission.

(2) Three (3) commissioners shall constitute a quorum of a hearing board.

(3) The hearing board is empowered to:

(i) Receive, investigate, and act upon charges of unlawful practices within its jurisdiction; and

(ii) In connection with any investigation or hearing held on any matter within its jurisdiction to hold hearings, administer oaths, take the testimony of any person under oath, and to require the production for examination of any books and papers relating to any matter under investigation or in question before the hearing board.

⁴ RIGL 42-46-2 (a) "Meeting" means the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" shall expressly include, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.

⁵ RIGL 42-46-2 (c) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government. For purposes of this section, any political party, organization, or unit thereof meeting or convening for any purpose is not and should not be considered a public body.

⁶ RI GL 42-46-8-d Open Meetings - Remedies available to aggrieved persons "The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars (\$5,000) against a public body or any of its members found to have committed a willful violation of this chapter. The total fine imposed for any meeting held in violation of this chapter shall not exceed five thousand dollars (\$5,000)

⁷ RIGL 42-51-9 (3) "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 functions.

⁸ RI GL 42-46-13

⁹ Governor's Commission on Disabilities
John O. Pastore Center - 41 Cherry Dale Court
Cranston, RI 02920-3049
401-462-0100 (voice); 462-0101 (tty) and 462-0106 (fax)
disabilities@gcd.ri.gov (e-mail) and
<http://www.disabilities.ri.gov> (website)

¹⁰ **Sample meeting notice accommodation language**

If accommodations (i.e. readers / interpreters / captioners) are needed to ensure equal participation, please contact the [insert name] at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting it. Call [insert phone #] (voice) or [insert tty # or "via RI Relay 1-800-745-5555" (TTY)].

¹¹ RI Interpreter Referral Service:] 222-5300 (v) 222-5301(TTY) or

¹² State Building Commission
One Capitol Hill
Providence, RI 02908
222-3032 (v/tty)