

DECLARATION OF EMERGENCY

**Office of the Governor
Division of Administration
Office of State Americans with
Disabilities Act Coordinator**

Disability Accommodations for Open Meetings
(LAC 4:I.Chapter 8)

In accordance with Act 452 of the 2021 Regular Session of the Louisiana Legislature and through the provisions of R.S. 49:962, the Office of State Americans with Disabilities Act (ADA) Coordinator hereby adopts LAC 4:I.Chapter 8 to provide accommodations, upon request, to people with disabilities to participate in open meetings held by executive branch state agencies. This Emergency Rule is adopted and effective as of August 1, 2023 and will remain in effect for a period of 180 days unless renewed by the office or until adoption of the final rules, whichever occurs first.

This Emergency Rule is necessary to remove barriers that prevent individuals with disabilities from equal opportunity and full participation in the public policy making process. It gives a voice to people with disabilities who have been historically ostracized and excluded from participating in the administration of their government. By doing so, it seeks to avoid sanctions or penalties from the United States related to potential civil action for conducting public meetings that are inaccessible to people with disabilities. It also serves as a unifying measure across agencies to ensure consistency and fulfill the rulemaking required by R.S. 42:17.14(E)(4).

Title 4

ADMINISTRATION

Part I. General Provisions

Chapter 8. Disability Accommodations for Open Meetings

§801. Accommodations

A. The federal Americans with Disabilities Act (ADA) requires state agencies to provide accommodations to ensure people with disabilities have an equal opportunity to benefit from its programs, services, and activities.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Americans with Disabilities Act Coordinator, LR 49:

§803. Agency Requirements

A. Pursuant to R.S. 46:2593(1), the Office of the State Americans with Disabilities Act Coordinator requires each executive branch state agency, except those listed in R.S. 42:17.2(I), to provide accommodations, upon request, to people with disabilities to participate via teleconference or video conference in the agency's open meetings.

B. Agencies listed in R.S. 42:17.2(I) shall provide accommodations, upon request, to people with disabilities to facilitate their in-person participation in the agency's open meetings. Examples of such accommodations may include, but are not limited to, providing an interpreter or assisted listening device, or ensuring the meeting is held in a location that adheres to the ADA's Standards for Accessible Design.

C. People with disabilities are defined as any of the following:

1. a member of the public with an ADA-qualifying disability;
2. the designated caregiver of such a person; or

3. a participant member of the agency with an ADA-qualifying disability.

D. The written public notice for the open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the agency representative to whom a disability accommodation request may be submitted.

E. The agency representative shall provide the requestor with the accommodation, including the teleconference or video conference link if applicable, for participation as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

F. All disability accommodation requests, whether submitted by telephone or email, must be documented by the agency and included in its annual mandatory report pursuant to R.S. 46:2596.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Americans with Disabilities Act Coordinator, LR 49:

§805. Agency Limitations

A. Upon receipt of an accommodation request, an executive branch state agency may only ask if the requestor has an ADA-qualifying disability or is a caregiver of such a person (yes or no). Agencies may not require the requestor to complete a medical inquiry form or disclose the actual impairment or medical condition to support a disability accommodation request.

AUTHORITY NOTE: Promulgated in accordance with Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Americans with Disabilities Act Coordinator, LR 49:

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