

## TRANSCRIPT

### Open Meeting Law Web Training: Accessibility for All

#### **1. Introduction/General Rules**

Slide 1

Welcome to the Attorney General's presentation *Open Meeting Law: Accessibility for All*. The purpose of this presentation is to provide guidance to public bodies and members of the public on compliance with laws governing public meetings as well as laws ensuring rights for persons with disabilities.

Slide 2

The Open Meeting Law requires that public bodies conduct public business in open meetings. A public body is defined as a multiple-member board, commission, committee or sub-committee, established to serve a public purpose. If you have questions about whether a particular entity is subject to the Open Meeting Law, please contact the Division of Open Government.

Slide 3

For a meeting to be truly "open to the public," it must be held at a location accessible to everyone, including persons with disabilities. Access must include the opportunity to be physically present at the meeting as well as the ability to see and hear what is being discussed by the members of the public body. To ensure that all citizens can access open meetings, public bodies must comply with several statutes, including the Americans with Disabilities Act, the Federal Rehabilitation Act of 1973, and certain state law provisions.

The ADA requires that state and local governments with more than 50 employees have a designated ADA Coordinator whose contact information should be included on all meeting notices. Whether or not a town has an ADA coordinator, as a best practice, the meeting notice should specify how to request a reasonable accommodation. This notice may also include information about the time it might take to obtain a particular service. For example, it might be reasonable to say, "Please note that for certain kinds of accommodations, such as provision of a sign language interpreter, it may be difficult to satisfy the request unless we receive a minimum of seven days advance notice." Public bodies should note, however, if a member of the public requests an accommodation inside the seven day window, for instance, the public body should make reasonable efforts to grant the accommodation requested.

#### **2. Physical Attendance**

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The general rule is that members of the public must be able to attend meetings, see the public body, and hear its discussions. In order to do that, members of the public have to be able to physically access the meeting location.

#### Slide 5

Public bodies must hold their meetings in locations that are reasonably accessible: both the building and the meeting room. Meetings must be held in locations accessible to persons with disabilities, including those using mobility assistance devices (like wheelchairs). For instance, public bodies must ensure that wheelchair access ramps are in good condition and that the slope of these ramps does not exceed what is permissible under the law. In our decisions, we've found that meetings held in a basement room or on the second floor were not accessible where they could not be accessed by members of the public with mobility impairments—via elevator or other means. In another decision, we found that a public body violated the Open Meeting Law by meeting on a raised stage such that members of the public with disabilities could not see or hear the deliberations taking place.

Other services such as accessible parking and accessible bathrooms may also be required.

### **3. Public Observation**

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Members of the public also have the right to observe the deliberations during open sessions.

For example, when a public body knows that someone with a hearing impairment will attend a certain meeting, it should consider making services available that meet the needs of that person. These services may include assistive listening devices (ALD), screen reader technology such as Communication Access Real-Time Translation, or "CART," or American Sign Language (ASL) interpreters. The state Commission for the Deaf and Hard of Hearing is available to assist in obtaining such services, and can be reached at 617-740-1600.

To accommodate visually impaired citizens, public bodies may wish to have large print and / or braille agendas and handouts available at meetings. Large print is considered 18.5 font or larger. Public bodies might also consider making the agenda and related documents available on a flash drive so that citizens using screen-reader technology may access them during the meeting.

Making a meeting accessible is not just about offering these services, but may be as simple as offering someone a seat at the front of the meeting room, moving chairs around to accommodate a wheelchair, or describing charts or graphics for individuals who cannot see them. It might also mean making the deliberations understandable to everyone, including individuals with cognitive disabilities. For example, a public body might consider limiting the use of acronyms during its discussions.

Note that public bodies do not violate the Open Meeting Law where they fail to make reasonable accommodations for disabilities of which they were not aware. Also note that, unlike open session meetings of public bodies, closed or executive sessions do not need to be accessible to the general public. This is because there is no legal requirement that members of the public be able to witness these private deliberations. If a public body member has a disability, however, the body may need to accommodate the needs of that member during both open and executive sessions.

#### **4. Remote Participation**

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The Attorney General's regulations permit remote participation by public body members in certain circumstances.

Before it can be used, remote participation needs to be formally adopted by the appointing authority. For local public bodies, that is the chief executive officer for the municipality, such as the Board of Selectmen or the Mayor. All other public bodies may adopt the practice by a simple majority vote of its members. Local commissions on disability may decide by majority vote of the commissioners at a regular meeting to permit remote participation for a specific meeting or for all commission meetings. Adoption by the municipal adopting authority is not required for these commissions. If a local commission on disability has adopted remote participation, a quorum of the commission does not need to be present at the meeting location. However, a local commission on disability must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location.

If the practice of remote participation has been properly adopted, one permissible reason for a public body member to participate remotely is due to personal disability that makes a member's physical attendance unreasonably difficult. Note, however, that even where a municipality or public body has not adopted remote participation, a public body may still need to accommodate one of its members in order to comply with state and federal disability laws.

Finally, the Attorney General's regulations do not require that a public body permit members of the public to participate remotely. If a public body chooses to allow the public to participate remotely, no special adoption or procedures are required.

#### **5. Contact Information**

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We thank you for taking the time to view this presentation and learn about the importance of making open meetings truly open to everyone. The Attorney General's Civil Rights Division is available to assist public bodies in complying with federal and state disability

requirements. If you have questions about how to comply with any of these laws, please call the Civil Rights Division at (617) 963-2939.

For questions concerning the Open Meeting Law, please contact the Division of Open Government at (617) 963-2540 or [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).