



STATE of RHODE ISLAND
Executive Department
GOVERNOR'S COMMISSION ON DISABILITIES
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Legislative Impact Statement

To: Robert E. Craven, Chair House Judiciary Committee
From: Elisabeth Hubbard, Executive Secretary
Re: House 6122 AN ACT RELATING TO STATE AFFAIRS AND GOVERNMENT – CIVIL RIGHTS OF PEOPLE WITH DIABILITIES

Tuesday, April 08, 2025

The Governor's Commission on Disabilities' Legislation Committee has developed a Legislative Impact Statement on the bill listed below. The Commission would be pleased to present testimony to the committee. Please contact me (462-01110) for additional information.

Section 504 of the Rehabilitation Act prohibits any organization that receives money from the Federal government from discriminating against people with disabilities. This includes schools, parks, hospitals, libraries, and many other places that use federal funding. The regulations of Section 504 inform the federal government and entities that receive federal funding on the rules they must follow to prevent discrimination against individuals with disabilities. RI's own civil rights law, R.I.G.L. 42-87 The Civil Rights of People with Disabilities Act, refers to Section 504 as guidance in interpreting the law.

17 states have filed a lawsuit asking the federal court to eliminate Section 504 and its regulations, arguing that the requirements to provide equal access to people with disabilities and to allow them to live in the community is too burdensome¹. This legislation would preserve the rights people with disabilities have under 504 in the event that the regulations are ruled unconstitutional or if they are rescinded by executive or administrative action, the effect of the law and regulations would continue to be incorporated into Rhode Island's own law.

Section 504 was passed over 50 years ago, and it took another 4 years and a nationwide protest for the regulations to be promulgated. It has been established as law since the regulations were passed in 1977. Before Section 504, people with disabilities were confined to institutions in deplorable conditions. We can look to Rhode Island's own recent history of the Ladd Center to see this. As a result of Section 504, people with disabilities live in their communities,

¹<https://www.texasattorneygeneral.gov/sites/default/files/images/press/HHS%20Rehabilitation%20Act%20Complaint%20Filestamped.pdf>

children with disabilities attend school with their peers, and people with disabilities work at competitive, integrated employment. It also set the foundation for later laws, including The Individuals with Disabilities Education Act (IDEA) and the Americans with Disabilities Act (ADA).

Some examples of the accommodations people receive under 504 include:

- A child with diabetes can receive glucose testing and insulin while in school so that they can attend school with their peers.
- A college student with juvenile rheumatoid arthritis in their wrists is given extra time to complete tests because of their difficulty writing.
- The entrance of a state Medicaid office has no steps and a wide enough doorway so that is accessible to someone who uses a wheelchair.
- A patient who is deaf and receiving treatment for cancer is provided with an ASL interpreter so they can effectively communicate with their doctor and understand their condition and treatment.
- A state employee with a mobility impairment is ensured that their office will have an accessible restroom.
- A person with a developmental disability receiving vocational services from the state is employed in a local coffee shop and not in a sheltered workshop.
- A resident is able to participate in a town meeting by using the FM loop system provided, which transmits from the microphone to their hearing aid.

The state has been working on an Olmstead Plan to help ensure that people with disabilities are able to live in the least restrictive environment possible and have equal access to the services and opportunities offered by the state. State Olmstead Plans are based on the rights affirmed in 504 and the Supreme Court decision, *Olmstead v. Curtis*, which established the right of people with disabilities to be free of unnecessary institutionalization. The state is also subject to two consent decrees based on the *Olmstead v. Curtis*. At this time, the state agencies subject to the consent decrees intend to honor their obligations, but a reversal of 504 and the Olmstead decision would prevent people with disabilities from enforcing their rights in the future.

This bill would solidify these rights in state law and preserve them for Rhode Islanders. It would ensure that we continue towards integration and equal access and not return to the days of institutions.