

## **PLANNING FOR ACCESSIBILITY**

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The *Accessibility Planning and Resource Guide for Cultural Administrators* is an online companion to the printed text *Design for Accessibility: A Cultural Administrator's Handbook* (2003). The *Guide* provides guidance to cultural administrators on how to achieve accessible and inclusive programming for everyone including individuals with disabilities and older adults. It is designed to help your organization not only comply with Section 504 and the Americans with Disabilities Act but also to assist in making access an integral part of your organization, including its staffing, mission, budget, education, meetings, programs and beyond. This document takes these laws and principles and applies them to cultural service organizations and other arts and humanities groups in both the public and private sector.

The *Guide* outlines a step-by-step “nuts and bolts” process for achieving accessible practices by setting the standard and illustrating how cultural organizations can make it happen. It features examples of “best practices” that illustrate specific methods for opening existing programs, services, facilities, and activities to individuals with disabilities and older adults, as artists, arts administrators, board members, volunteers, teachers, students and audience members. This online text takes advantage of Internet

technology by presenting and linking to a wide variety of resources that assist cultural organizations. It also provides necessary information to enable arts and humanities service organizations to assist their grantees/constituents in achieving accessible programming.

*Accessibility Planning and Resource Guide for Cultural Administrators* is an update of *Design for Accessibility: An Arts Administrator's Guide* (1994) produced by the National Endowment for the Arts (NEA) and the National Assembly of State Arts Agencies (NASAA). The National Arts and Disability Center at the University of California Los Angeles under contract and in partnership with the NEA and NASAA produced this *Guide*. The *Guide* expands upon the direction provided in the 1994 text by the National Arts Access Task Force and reflects changes over the last decade in technology, methods and resources. We would like to express our deep appreciation to the state arts agencies that provided examples of their work for the *Guide*. Their examples of best practices demonstrate the substantive efforts being made to ensure that people with disabilities and older Americans fully participate in the cultural mainstream.

## **How to Use Accessibility Planning and Resource Guide for Cultural Administrators**

**The *Guide* contains sections/parts that may be used individually.** In general, the steps are arranged to facilitate a step-by step, sequenced order of actions. Each section includes Web links to recommended additional readings, publications, organizations or resources that provide information or technical assistance.

**There are several ways to search and navigate this guidebook.** By utilizing the search function, you will find all the information on a topic within the Guide. Cross-references may also be found through the index of all contents.

**This document provides both standard legal access requirements, and specific examples of successful efforts** undertaken by regional, state and local cultural groups that go above and beyond the law.

**The *Guide* contains material that can easily be downloaded.** You may reprint any of the materials in the *Guide* itself. Please follow the rules and "terms of use" of all the linked sites.

**This *Guide* is a working document and will be updated on a regular basis.** If you find that an address or number has changed or is incorrect, please e-mail Suzanne Richards at [richard@arts.endow.gov](mailto:richard@arts.endow.gov) and let us know.

### **Network**

**Users are urged to network!** Contact information to hundreds of disability, federal, and arts related organizations are listed throughout the document. You are also encouraged to contact your state and/or local arts service organizations, state chapter

of [VSA Arts \(http://www.vsarts.org/\)](http://www.vsarts.org/), and other organizations that serve people with disabilities and older adults. Grant-providing organizations may suggest groups that have received grants based on the excellence of their programming and audience development. Disability groups may provide valuable resources and technical assistance.

**Keep your [state arts](#) or [humanities](#) agency updated on your organization's successful access projects!** This information may be shared by state and regional arts agencies. In this way, the *Guide* may further facilitate networking and highlight exemplary efforts.

### **Disclaimer**

The information presented in this *Guide* is intended solely as guidance and is neither a determination of an organization's legal rights and responsibilities under Section 504 of the Rehabilitation Act of 1973 as amended; the Americans with Disabilities Act (ADA), or any of the laws referenced to them herein, nor binding on any agency with enforcement responsibilities under Section 504 or the ADA. It is not intended to and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States.

### **Access Philosophy**

**Access is a civil rights issue, with a moral imperative.** Access to cultural programs is a legal requirement of the Arts and Humanities Endowments' Section 504 Regulations and the 1990 Americans with Disabilities Act. The access laws extend civil rights similar to those now available on the basis of race, color, sex, national origin and religion to people with disabilities.

**Access is a diversity issue. Section 504 and ADA promote diversity and inclusion by ensuring broader access to the arts and humanities for all people, regardless of ability.** The 504 Regulations and the ADA's definition of a person with a disability extends beyond those who have visual, hearing, mobility or learning disabilities to individuals with life-threatening illnesses including people with AIDS or who are infected with HIV, the AIDS virus.

**Reducing the physical and attitudinal barriers to people with disabilities by creating environments accessible to all is the fundamental principle underlying access and universal design.** Creating attractive environmental changes that accommodate people with and without disabilities goes beyond minimum access standards and is the intent of universal design.

**Access benefits the greater population.** Reinforce the idea of universal design: what is an accommodation for one-person maybe a convenience for many. Many people experience temporary disabilities, and most experience the natural process of aging. A person need not self-identify as having a disability in order to make use of

accommodating tools, devices or resources that will allow him/her to participate more fully.

**Access should be integrated into all facets and activities of your organization, from day-to-day operations to long range agency goals and objectives.** Ultimately, every member of an organization is responsible for access.

**Access accommodations and services should be given a high priority and earmarked in the budget process.** Since all organizations are legally required to serve staff, participants and others with disabilities, they also must be committed to providing those accommodations, which are reasonable and necessary.

**Access has economic benefits.** People with disabilities and older adults comprise a significant part of the U.S. population, and are potentially a vast market for the arts. Access is related to audience development in the broadest sense: it provides opportunities for people to be involved in all aspects of the arts, to the fullest extent possible.

**Cultural organizations should lead by example, not merely by legal authority.** They should strive to meet or exceed federal, state or local legal requirements.

**Access is a dynamic work in progress, as new initiatives are developed, art forms change and expand, and new technologies are introduced.** *Accessibility Planning and Resource Guide for Cultural Administrators* contains examples of basic, legally required access accommodations as well as specific "best practice" models that go above and beyond the law.

## **Nondiscrimination Mandates in a Nutshell**

The Americans with Disabilities Act (ADA) requires cultural organizations to make their programs, services and activities, including employment, accessible to qualified persons with disabilities. ADA is based on Section 504 of the Rehabilitation Act of 1973 as amended, which mandates nondiscrimination by federal grantees; however, ADA is more comprehensive in its scope. ADA applies whether or not an arts organization receives federal funds.

ADA Title I, 42 U.S.C. Sec. 12111 et seq. mandates equal opportunity in employment. As of July 26, 1994, employers with 15 or more employees are covered. The U.S. Equal Employment Opportunity Commission issued rules, 29 CFR Part 1630, and administers Title I.

ADA Title II, 42 U.S.C. Sec. 12131 et seq. requires all state and local governmental arts and humanities entities make all programs, services and activities (including employment) accessible. There are requirements for self-evaluation, transition plans, grievance procedures and an ADA Coordinator. ADA Title III, 42 U.S.C. Sec. 12181 et seq. mandates museums, galleries, theaters and all other places of public

accommodation remove architectural barriers where that is readily achievable and otherwise ensure nondiscrimination in their programs, services and activities. The U.S. Department of Justice issued rule, 28 CFR Parts 35 and 36 and administers Title II and III. There are no exemptions based on the number of employees, physical size, or budget.

ADA does not supersede any state or local law, which gives the person with a disability greater or equal protection than afforded under ADA. Almost all states have laws prohibiting discrimination against persons with disabilities.

## **Access for All**

How does a cultural organization achieve access for all? Cultural organizations need to know their accessibility assets and what they need to do to meet or exceed legal standards. This review would include looking at the organization's physical accessibility; their buildings, grounds, and facilities and their communication with staff, board, program participants and audience members. Programs put on by a cultural organization such as exhibitions, lectures, videos, plays and concerts as well as materials about the programs including catalogues, labeling scripts, brochures, map, Web sites and publicity should be planned and designed to welcome people of all ages and abilities.

## **Universal Design**

***Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.***

***–Ron Mace, Design Pioneer and Visionary of Universal Design***

Universal design is an affordable, sustainable and inclusive design approach that incorporates and goes beyond the legal requirements of the ADA and 504. The intent of universal design is to simplify life for everyone by making products, communications and the built environment more accessible and usable by as many people as possible at little or no extra cost. Environments are created that are more "people friendly" and open to a diverse population of people of all ages, abilities and size.

There are seven key principles of universal design, each with specific elements that may be applied to develop or evaluate existing environments, products and communications.

## Seven Universal Design Principles

### **Principle One: Equitable Use**

The designs are useful and marketable to people with diverse abilities.

### **Principle Two: Flexibility in Use**

Designs accommodate a wide range of individual preferences and abilities.

### **Principle Three: Simple and Intuitive Use**

Uses of designs are easy to understand, regardless of the user's experience, knowledge, language skills or current concentration level.

### **Principle Four: Perceptible Information**

The designs communicate necessary information effectively to the user regardless of ambient conditions or the user's sensory abilities.

### **Principle Five: Tolerance of Error**

The designs minimize hazards and the adverse consequences of accidental or unintended actions.

### **Principle Six: Low Physical Effort**

The design can be used efficiently and comfortably and with a minimum of fatigue.

### **Principle Seven: Size and Space for Approach to Use**

The design provides appropriate size and space for approaching, reaching, manipulating and using regardless of user's body size, posture or mobility.

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### **Effective Communication for Program Participation**

Section 504 and the ADA are intended to provide people with disabilities equal opportunity to participate in programs, activities, goods and services within integrated and inclusive settings. This includes activities conducted by cultural organizations made available to the public such as performances, tours, receptions, lectures, seminars, educational workshops, residencies, exhibitions and conferences. Titles II and III of the ADA require that organizations provide individuals with disabilities with effective communication mechanisms to ensure that they may participate. Auxiliary aids and services include a wide range of communication techniques and devices. These may include services such as qualified interpreters, readers and note takers; devices such as assistive listening systems or adapted computer equipment, written materials for individuals with hearing loss; taped text, computer diskettes, Braille or large print materials for individuals with vision loss.

There are no "one-size-fits-all" solutions to communicating with and about people with disabilities. Organizations need to explore ways to accommodate the diverse needs of each population and develop well thought out policies and procedures for accommodating the need of the population they serve. All staff and volunteers who come in contact with the public needs to be aware of the organization's policies and be

knowledgeable about auxiliary aids and services provided. Lastly, the public should be informed of the auxiliary aids and services the organization provides through their promotional and marketing materials. This may be done through signage on the facility, advertising, Web site and other means.

**See also:** Adaptive Environment Center's [Fact Sheet 2: Providing Effective Communication \(1992\)](http://www.adaptenv.org/neada/fact2.pdf) (<http://www.adaptenv.org/neada/fact2.pdf>)  
This "Fact Sheet" produced by the Adaptive Environment Center, Inc. and Barrier Free Environments, Inc. describes several different methods of making information and communication accessible. Places of public accommodation are required to ensure that customers or clients with disabilities affecting hearing, vision, speech or cognition are provided with effective communication through **auxiliary aids and services** that enable them to fully benefit from facilities, services, goods and programs.

[Ten Commandments of Etiquette for Communicating with Persons with Disabilities \(United Cerebral Palsy, 1994\)](http://www.ucp.org/ucp_generaldoc.cfm/1/9/6573/6573-6573/190)

([http://www.ucp.org/ucp\\_generaldoc.cfm/1/9/6573/6573-6573/190](http://www.ucp.org/ucp_generaldoc.cfm/1/9/6573/6573-6573/190))

This document is a quick guide for proper etiquette when communicating with persons with disabilities.

See *Design for Accessibility: A Cultural Administrator's Handbook* (2003),

[Chapter 5, Effective Communication and Program Access](http://www.arts.gov/resources/Accessibility/DesignAccessibility.html)

(<http://www.arts.gov/resources/Accessibility/DesignAccessibility.html> )

## **Defining Disability**

The information in this Guide is directed towards entities with responsibilities under Section 504 of the Rehabilitation Act, 1973, 29 U.S.C. § 794 and the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. These two principal federal laws share the same definition of disability.

A disability is defined as (1) a mental or physical impairment that substantially limits one or more major life activities (sometimes referred to as an actual, or present, disability) (2) a record of a mental or physical impairment that substantially limits one or more major life activities (sometimes referred to as a history of a disability); or (3) being "regarded as" having a mental or physical impairment that substantially limits one or more major life activities (also described as a perceived disability). 42 U.S.C. § 12102(2) (ADA); 29 U.S.C. §§ 705(9)(B) and 705(20)(B) (Rehabilitation Act).

## Statistics About People with Disabilities and Older Americans

### People with Disabilities

According to Disability Status 2000, [A Census Brief published in March 2003](http://www.census.gov/prod/2003pubs/c2kbr-17.pdf) (<http://www.census.gov/prod/2003pubs/c2kbr-17.pdf>), **49.7 million Americans over the age of 5 have a disability**. They represent **19.3** percent of the 257.2 million people aged 5 and older in the civilian noninstitutionalized population. This means that nearly **one in five Americans has a disability**.

- Within this population, 5.2 million were between the ages of 5 and 20 ; 30.6 million were between the ages of 21 and 64; 14 million were 65 and over.
- 9.3 million (3.6 percent) with a sensory disability involving sight or hearing.
- 21.2 million (8.2 percent) with a condition limiting basic physical activities, such as walking, climbing stairs, reaching, lifting or carrying.
- 12.4 million (4.8 percent) with a physical, mental or emotional condition causing difficulty in learning, remembering, or concentrating.
- 6.8 million (2.6 percent) with a physical, mental or emotional condition causing difficulty in dressing, bathing or getting around inside the home.
- 18.2 million of those aged 16 and older with a condition that made it difficult to go outside the home to shop or visit a doctor.
- 21.3 million of those aged 16 to 64 with a condition that affected their ability to work at a job or business (11.9 percent of the 178.7 million people this age).

**HIV/AIDS Surveillance Report**, Vol.14, **estimated number** of diagnoses of AIDS through 2002 in the United States is **886,575**. Adult and adolescent AIDS cases total **877,275** with **718,002** cases in males and **159,271** cases in females. Through the same time period, **9,300** AIDS cases were estimated in children under age 13.



## Older Americans

**Currently 35 million (12.4% of the population) Americans are over the age of 65.** According to the U.S. Administration on Aging by the year 2030, 70.2 million Americans will be over the age of 65 (20.1% of the population). **Thus, by 2030 one in five Americans will be over the age of 65.**

**See also:** For [statistics by state](#), go to demographic profiles at the U.S. Census Bureau Web site (<http://censtats.census.gov/pub/Profiles.shtml>)  
Center for Disease Control HIV/AIDS information  
(<http://www.cdc.gov/hiv/stats/hasrlink.htm>)

## Step-by-Step Guide to Accessible Cultural Programs and Organizations

The next section takes you through a ten-step process to provide increased accessibility to arts and humanities programs and organizations. For each step you will be provided with information that is based on the law, advice from the field, existing resources and examples of practices.

The success of any access effort will require the active participation and involvement of persons with disabilities. Therefore, we strongly recommend that you **involve members of your community with many different types of disabilities to provide ideas, resources, guidance and feedback** regarding your efforts.