Step 9: ENFORCE 504/ADA COMPLIANCE WITHIN YOUR ORGANIZATION

Guidance on Enforcing 504/ADA Compliance

Assisting and Enforcing Compliance with Your Grantees

Guidance on Enforcing 504/ADA Compliance

Cultural organizations should provide leadership by setting a good example that is evidenced in their policies, guidelines, plans, budgets, meetings, conferences, panels, community outreach, and through inclusion of people who are disabled or older as staff, board, panelist, and advisors.

All board and staff should be educated in access issues, accommodations (i.e., how to hire a sign language interpreter or reader on short notice), and the agency's grievance procedure.

Access implications should be considered when monitoring, developing or revising all employment practices and policies.

Access is a work in progress, which requires preventative maintenance. To ensure 504/ADA compliance is being monitored and even upgraded, the agency's access policy and/or mission statement, self-evaluation document, grievance procedure, and access implementation plan should be **reviewed and re-evaluated regularly**. Access seminars for staff should be held on a regular basis as well.

> **Example:**   As part of new employee training, have each new staff person complete portions of the "Arts and Humanities Accessibility Checklist" (Step 6).

Enforcing access compliance, both in-house and with grantees, requires commitment and consistency. Access policies that are not integrated into standard operating procedures are doomed to failure. Consistently enforcing access compliance demonstrates your organization's concern for, and commitment to, cultural diversity. Creativity can open doors and welcome people in ways nothing else can.

Assisting and Enforcing Compliance With Grantees

Every opportunity should be taken to educate constituents on their compliance responsibilities through <u>all</u> conferences, workshops, orientation meetings, printed materials and through staff/board members.

Enforcing access compliance takes salesmanship. Remind your grantees that providing and promoting accessible activities to people who are older or disabled is a positive marketing strategy, which involves an enormous, constantly increasing, new audience.

Plan to enforce your policies.   According to ADA and Section 504, access compliance deadlines have already passed. Develop a **compliance timetable** that gives grantees deadlines for access improvements. Have a strategy in place to deal with these issues. By monitoring and/or having a record of grantees' access efforts, you are protecting your organization if complaints occur.

Does your agency require that its grantees perform an access self-evaluation?
When it comes down to it, grant recipients are required to have completed a self-evaluation (and transition plan if needed) at some point, and have it on file for inspection.

 Part of enforcement means you're going to put your money where your mouth is.
 Determine when your agency will withhold funds based on an applicant's continued non-compliance or failure to complete compliance plans. In what situations will your agency refuse to grant money at all? How will your agency follow up on compliance? Will your agency provide financial and/or technical assistance to assist grantees with compliance?

Enforcement information provided to grantees should include your organization's Standard Grievance Procedure, which includes the steps your agency, must take to enforce the law if all efforts to secure voluntary 504/ADA compliance fail. Grantees/constituents should be encouraged to develop their own Grievance Procedures.

One of the greatest challenges to enforcing access compliance is keeping the requirements simple, manageable, practical and relevant to even the smallest grant-receiving organization. By nurturing the access efforts of applicants, and keeping them in the grant network, funding organizations can continue to promote access to the arts for all people.

Enforcing Compliance with Grantees in the Application Process

Funding guidelines should contain your organization's Access Compliance/Nondiscrimination Statement, and other access language that helps applicants better understand what is required.

Guidelines may include:

1. Statement(s) informing grant applicants that accessibility is reviewed as part of the panel process, and that access efforts or the lack thereof will be reflected in their score. For example, "Organizations will be ranked according to program and facility accessibility. A lower score may result in denying the grant request, or lowering the amount of the funds awarded."

2. Specific Access Questions for Panel Evaluation. For example,
   "What have you done in this year to educate your board and staff on access?";
   "In the coming year, what are your specific plans for making your facility, programs and services more accessible to people with disabilities?" By asking in this way, applicants should go into more detail and provide a clearer picture of their ongoing access work, rather than providing panelists with a copy of last year's plans.

   Example of applicant questions:

   A. **Facility Accessibility**: How will this project be accessible to people with disabilities? If the facility is not fully accessible, does the organization have a plan in place for making it fully accessible?

   B. **Program Accessibility**: Give specific examples of how the applicant organization plans to involve or increase involvement of racially/ethnically diverse populations, people with disabilities, older individuals, women and other special populations in community served. Explain specifically how these special constituencies will be outreached to as potential audience members.

   C. Explanations and/or a **listing of the various types of disabilities of underserved populations.**

   D. The **types of access accommodation** that may be planned, budgeted, and included in the application.

   E. Guidance in **where to list costs for program accommodations**.

   > Example: **The Minnesota Arts Board** Institutional Support Application includes a line item under Operating Expenses for applicants to list last years actual costs for accommodations, current and projected expenditures.

   F. **An "Accessibility Checklist"** for programs and facilities.

   G. A line requesting the **name and number(s) of the applicant's Accessibility Coordinator**, or the person directly responsible for access.

H. An "Assurance of Compliance" statement/form that includes assertive access requirements. While many grant-making organizations include legal requirements concerning compliance with federal regulations in applications or grant contracts, others add more specific and informative language concerning access requirements.

> **Example**: An Assurance of Compliance form could include requirements for the grant recipient to:
>
> 1. Present their funded programs/activities in sites that are accessible;
>
> 2. Promote and advertise programs and facilities as accessible to individuals with disabilities by using access symbols (such as the wheelchair symbol) in all printed materials;
>
> 3. Include a statement that "all programs, activities and services will be provided equally without regard to race, color, religion, national origin, age, sex, or disability" in funded promotional materials;
>
> 4. A provision that the grant applicant agrees to take steps necessary to correct any under-representation identified by your agency to achieve a reasonably representative participation in employment and all programs, activities, and services.

See also: Step 5: Non Discrimination Policies and Assurances of Compliance.

I. The phone and TTY (TDD) number of your agency's Accessibility Coordinator.

J. Local support agencies to contact for assistance with access.

> **Example:** "Applicants concerned about complying with Section 504 and the Americans with Disabilities Act, meeting the needs of people with disabilities or accessibility issues in general should contact the following organizations for assistance."

Assisting and Enforcing Compliance Through Grantee/Constituent Access Evaluations

It is strongly recommended that art and humanities service organizations be actively engaged in helping grantees and/or constituents prepare a Grant Recipient/Constituent Self-Evaluation, which may be based on the "Arts and Humanities Accessibility Checklist" (Step 6), and tailored to the requirements, plans and resources of the grant-making agency.

Grant-making organizations may administer the grantee self-evaluation in a variety of ways: for example, it may be included with the application or grant contract and a copy returned with the final report; or it may be featured in a non-grant-making organization's newsletter. The bottom line: **grant-making organizations must require that grantees be able to produce self-evaluation and transition plan documents at some point in the grant process**.

Photocopied components of the "Arts and Humanities Accessibility Checklist," may be provided to constituents, grant applicants or grant recipients to help them evaluate their facility, policies, programs and activities.

Working with their Access Advisory Committee, arts and humanities groups can develop a grantee/constituent self-evaluation (and transition plan if needed) tailored to the requirements and resources of their agency.   For example, the Advisory Committee may provide guidance on what "reasonable accommodations" are, since access accommodations may vary from program to program.

Grantee evaluations should not necessarily be a Yes/No format, as this doesn't always provide meaningful information or require any in-depth commitment; rather, "What kinds of accommodations are you offering for deaf and hard-of-hearing constituents?;" "Do you offer at least one sign-interpreted performance of each production?"

Grantee/constituent evaluations will provide a concrete vehicle to encourage, educate and help enforce access compliance. In order to overcome the "fear factor", grantees should be reassured that surveys exist to **help** them comply. The self-evaluation is an education instrument, not a club.

Since grantee evaluations can be misinterpreted or misunderstood by the grant recipient, responses may not always be accurate, clear or useful. To obtain precise information and to better educate grantees on accessibility, some state arts agencies have one or two staff "site evaluators" perform the survey on-site **with the grant recipient**; this direct survey method could be part of a statewide survey initiative, or be included in the on-site grant review process.   Many arts and humanities organizations have found that grantees and constituents are more at ease when technical assistance workshops are offered prior to implementing the evaluation.

Site/program studies may be performed by outside consultants, such as an Independent Living Center, Mayor's Commission on Disabilities, etc.

The survey results should enable **both** the grant-making **and** constituent agency determine additional strategies necessary to educate and assist grantees, and incorporate these strategies into their access plan and budget.

Many states have issued the NEA's <u>Section 504 Self-Evaluation Workbook</u> to grantees. You may also use the "Arts and Humanities Accessibility Checklist" in Step 6.

Enforcement information provided to grantees should include your organization's Standard Grievance Procedure, which includes the steps your agency takes to enforce the law if all efforts to secure voluntary 504/ADA compliance fail. Grantees/constituents should be encouraged to develop their own Grievance Procedures. See Step 5: "Establish a Standard Grievance Procedure for Resolving 504/ADA Grievances and Formal Complaints."

Examples of Grantee/Constituent Evaluation Efforts

Example: **National Assembly of State Arts Agencies** produced an encouraging, non-threatening self-assessment, "Report of the NASAA Task Force on Cultural Pluralism," based on the findings from a telephone survey. Constituents were asked to analyze:

Indicators of Commitment: Have you determined what you must do to become accessible?

Indicators of Accomplishments: Have you made any access improvements?

Standards: Have you determined a minimum level to guarantee access?

Example: The New Jersey Arts Access Task Force, a cosponsored project of the **New Jersey State Council on the Arts (NJSCA)** and the New Jersey Theatre Alliance instituted a self-assessment and ADA planning tool to assist arts organizations to complete a self evaluation of ADA policies, services, programs and facilities and meet the Arts Council comply with the NJSCA grant requirement. The tool provides practical guidance that can be used by cultural institutions in their process of ensuring the arts in New Jersey are accessible to people with disabilities.

Example: The status of accessibility efforts in the Kentucky arts community were reported in *"Accessibility Services Are Improving in Kentucky's Cultural Facilities*, an article in the September/October 2002 edition of <u>The Blue Moon</u>, a bi-monthly publication by the **Kentucky Arts Council.** According

to the results of 2 years of documentation from the applications of the General Operating Support and Challenge Grants 74% of the arts organizations surveyed answered they are providing necessary access to individuals with mobility disabilities, the numbers are significantly lower in the area of visual and hearing disabilities. Based on this data, arts organizations were offered the opportunity to attend workshops and have onsite evaluations of facilities, general technical assistance and training in program access.

Best Practices – Enforcement Through a Grant Application

Georgia Council for the Arts
Fiscal Year 2005 Organizational Grant Application

Applicants address the following as part of their application narrative:

Program Access for People with Disabilities:
Describe how your organization helps people with disabilities have more meaningful access *to the content* of your programs/services. (Use of assisted listening devices, audiotape descriptions, videotext display of programs, Braille or large-print programs and didactic material, etc.).

Describe any special efforts made to encourage people with disabilities to participate in your programs/services as artists or audience members.

Diversity:
Describe the diversity of your board, staff and volunteers (age, gender, ethnicity, professional background, education, areas of expertise, disability, sexual orientation, etc.).

Facility Accessibility:
Indicate if the facilities in which your programs/services will take place and the offices in which you manage your organization are fully accessible to people with disabilities (including ease of entrance, circulation and exit, and bathroom access). If not, please describe your plans to achieve compliance with Americans with Disabilities Act and Section 504 regulations."

Describe efforts being made to further diversify your board, staff and volunteers.

Applicants are provided with the following suggestions for addressing program access for people with disabilities, diversity and facility accessibility.
Administration/Governance
In addressing diversity and facility accessibility under

Administration/Governance, discuss steps your organization has taken over the past year, is taking this year, or plans to take next year. Use the following as a guide in determining what to include in your response.

Usually the first step in analyzing how underserved populations are represented in your organization is an organization self-evaluation. In evaluating your progress in this area, ask yourself the following questions:

- ***Has the organization conducted a "self-assessment" in this area?***
  For example: The board has conducted an actual review of all policies, procedures, programs and services to identify factors that hinder or support efforts to include underserved populations and has identified steps necessary to make changes.
- **Has the organization adopted formal policies and procedures that support efforts to include underserved populations?**
  For example: The board has articulated a mission or vision statement that expresses an appreciation of diversity; the board promotes the inclusion of underserved populations; the board has adopted written policy statements that affirm action and commitment to increase the involvement of underserved communities in programs, services, administration and governance.
- ***Has the organization conducted a community needs assessment using surveys or public meetings?***
  For example: The organization has completed an inventory of artists and organizations in the community to assist in identifying those who have been historically underserved. Perhaps the board has established a task force or advisory committee with the authority to study the issue and make recommendations for board action. It is clear who in the organization has the responsibility and authority to monitor and implement the recommendations.
- ***Has the organization undertaken formal planning to address its need to increase involvement by representatives of underserved communities? Does the planning process involve representatives of underserved communities?***
  For example: The board has approved a written plan with clearly articulated goals and desired outcomes, timetables and information on how progress toward meeting those goals will be evaluated. A written plan should include a description of the process used to develop the plan and information about those involved in the process.
- ***Has the organization articulated specific strategies to facilitate more representation from underserved communities?***
  For example: The organization may join with other arts organizations, businesses, civic groups, and other cultural organizations to develop a pool for future recruitment.
- ***Has the organization established regular, ongoing mechanisms (committees, task forces, a monitoring and evaluation process) to***

provide oversight to its commitment to accessibility?

For example: The board has established a standing accessibility committee that reports regularly on progress in this area; an annual program evaluation process includes an evaluation of progress made toward increasing involvement of underserved populations.

Programs / Services

In addressing Criteria #4 and #5 [diversity and facility accessibility] under Programs / Services, discuss steps your organization has taken over the past year, is taking this year or plans to take next year to increase involvement of underserved populations in its programs and services.

- *Has the organization increased the involvement of artists from historically underserved populations in its programs and services?*
- *Has the organization increased programming that demonstrates awareness of the artistic expressions reflective of underserved populations?*
- *Has the organization used publications and media to address issues of accessibility?*

  For example: marketing materials are used to create visibility for underserved populations as participants; marketing materials are produced in more than one language, if appropriate; advertisements and other promotional materials are targeted to help get the word to underserved communities.

- *Has the board allocated appropriate levels of financial and personnel resources to the organization's accessibility programs and services?*

  For example: There are adequate budget and human resources to implement accessibility goals and objectives.

- *Does the board support staff and board professional development that focuses on accessibility issues and concerns?*

  For example: The organization belongs to organizations or subscribes to publications that focus on underserved populations and issues of inclusiveness; the organization supports attendance at conferences and workshops dealing with access issues; the organization employs, or plans to employ, a consultant to address issues and concerns as they relate to the underserved communities in their communities.

The Georgia Council for the Arts offers assistance to organizations in dealing with accessibility issues. Technical assistance grants, files of printed information (including self-evaluation questionnaires) and staff assistance are available.

Kentucky Arts Council
FY 2004 General Operating Support I & II Application

The following passage is taken from page 3 of the application.

Accessibility Check List

List which of the following accessibility services your facility(ies) provides for persons with disabilities:

For persons with mobility disabilities:
- ❐ Accessible-height telephones
- ❐ Accessible-height drinking fountains Accessible-height mirrors in restrooms
- ❐ Accessible-height paper towel dispensers in restrooms
- ❐ Grab bars in restrooms
- ❐ Sufficient door width (36") for restrooms
- ❐ Ready information or signage regarding fully accessible restrooms
- ❐ Facility doors with electrical operating controls
- ❐ Wheelchair-compatible outdoor paving
- ❐ Wheelchair-compatible indoor carpeting Ramped access
- ❐ Accommodations for wheelchair seating free of sight-line barriers
- ❐ Accessible dressing rooms for performers with disabilities
- ❐ Accessible stage for performers with disabilities

For persons with visual disabilities:
- ❐ Braille signage on restroom doors Braille signage on elevator controls
- ❐ Braille room numbers Braille exit signs
- ❐ Readily available large-print materials Audio description
- ❐ Taped text

For persons with hearing disabilities:
- ❐ Assistive listening systems Hearing aid-compatible telephones
- ❐ Captioning
- ❐ Telecommunications devices (TDDs) Sign language interpretation

For persons with speech disabilities:
- ❐ Computer terminals
- ❐ Speech synthesizers
- ❐ Computer communication board

Other accommodations:
- ❐ Notice in publicity materials of availability of access services for persons with disabilities (e. g. sign language interpretation, audio description, etc.)
- ❐ Sensitivity training concerning persons with disabilities for staff Sensitivity training concerning persons with disabilities for volunteers
- ❐ Sensitivity training concerning persons with disabilities for board

Florida Arts Council
2003- 2004 Cultural Support Grants Program

Applicants are required to respond to the following questions;

➢ Are the applying organization's facilities and PROGRAMS accessible (See glossary of definition) to persons with disabilities?
  ☐yes ☐no

  If no, is accessibility part of the organizations long range plans?
  ☐yes ☐no

➢ Has an ADA self-evaluation o f the organizations facilities and PROGRAMS been conducted?
  ☐yes ☐no
  If yes, give date completed _____

➢ Have policies and procedures been established which address non-discrimination against persons with disabilities?
  ☐yes ☐no

➢ Do you have a complaint process for discrimination on the basis of disability?
  ☐yes ☐no

➢ Please provide the designated staff person's name and title who is responsible for Section 504, ADA and Florida Statutes 553 Compliance: _____

  Are other staff members informed and trained in access issues?
  ☐yes ☐no

New Jersey State Council on the Art
Organizational Grants Guidelines & Applications 2003-2004

The following Passage is taken from New Jersey State Council on the Arts 2003-2004 Organizational Grants Application, page 15.

Accessibility and ADA Compliance
Ensuring that the programming supported by the Council is available to the widest possible audience is among the highest of the Council's priorities. This includes access for people with disabilities. The Americans with Disabilities Act (ADA) was signed into law in 1990 and requires that all providers of public programs and services make those offering equally accessible to all people regardless of any individual's physical or mental disability. Recognizing that the removal of barriers that keep people with disabilities from full participation can be a costly proposition, the ADA allows for the gradual removal of barriers, taking into account an organization's available resources. Having a transition plan to guide your efforts is therefore essential. Even if an organization does not seek or receive Council or other public funding, it is still responsible under the ADA for addressing its accessibility.

General Operating and General Program Support Applicants- An ADA plan is not required to be filed with the applicant for GOS/GPS applicants. However, organizations that receiving FY 04 funding will be required as a condition of receiving FY04 final payment to submit a new or updated board-approved ADA plan based on completing the new, updated, comprehensive self-assessment, survey tool developed by the New Jersey Arts Access Task Force. Incorporating what has been learned as the ADA has been interpreted in court cases and from various self-assessment tools from around the country, the Task Force has developed this comprehensive document to aid organizations in understanding their compliance status and accessibility in all key areas: facilities, programs, marketing, employment, sensitivity training, policy and handling grievances.

Using this self-assessment, along with an outline that will be provided, organizations are required to develop or update their ADA plans following the structure of the self-assessment. Plans will be due from GOS/GPS grantees by December 15, 2003 for review. A plan must be evaluated as "adequate" as a prerequisite to receiving the final payment for FY04.

Special Project, Project Serving Artists and Community Arts Collaboration Applicants- These applicants not also applying for GOS or GPS must complete the Project Accessibility Checklist provided by the Council and submit it with their applications. The checklist can be obtained from the Council's Web site at njartscouncil.org, at a grant application workshop (see inside front cover), or by calling the Council to request a copy at 609-292-6130.

The checklist should focus on the project for which funding is being sought. Applicants are cautioned that any evidence that is found to be contrary to what is noted on the checklist could be grounds for rescission of any grant awarded. Applicants are strongly encouraged to use the NJ Art Access Task Force self-assessment survey tool review the accessibility of facilities to be used for the project and programmatic access.

Four (4) copies of the completed Checklist must be submitted with the application package. The Checklist is not required for Arts Education Special Initiative applications.

Minnesota State Arts Board

From the Minnesota State Arts Board Institutional Support Application 2004:

ADA PLAN

Please complete the following and attach this page as a cover sheet to your Americans with Disabilities (ADA) access plan. An access plan should describe your accomplishments related to the ADA, and outline any future goals for making your facilities, programs, and services accessible to persons with disabilities. We expect that plans will vary in length depending on the mission, size, and scope of your organization. Our ADA access plan includes the following:

- A policy statement regarding accessibility and a brief description of how the policy was developed
- The ways in which our facilities, programs, and services are currently accessible to people with disabilities
- Accessibility goals yet to be addressed
- Projected costs (if any and a timeline of action steps to accomplish our accessibly goals

Enforcing Compliance in the Grant Review Process

Application Review Panels should include people who have disabilities and/or access expertise. Your organization's access policies should be reinforced in Grant Review Criteria. Panelists should be fully briefed on how to rank efforts to provide accessible programs, or a lack thereof, when evaluating grant applications. For example, a poor score may result in denying the grant request, restriction of the grant or lowering the amount of the funds awarded.

Example: The Institutional Support Grant of the **Minnesota State Arts Board** is awarded on the basis of formula funds and a merit component. Formula funds are awarded to applicants who meet the criteria in 4 designated areas, one of which is accessibility. Organizations must demonstrate efforts to increase accessibility as shown by an ADA access plan. Merit funds are awarded above and beyond formula funds on the basis of exceptional achievement in one of the 4 designated areas.

Enforcing access compliance requires commitment and consistency; many states are using a gradual method to bring grantees into compliance by increasing access components, such as plans and self-evaluations, in the application/review process year-by-year.

Example:	Year 1:	Questions on the application determine the current state of applicants' accessibility, and ask if the organization has an access self-evaluation and/or compliance plan on file. If not, the state arts agency provides the applicant with an access self-evaluation form, which must be returned with the final report.
	Year 2:	With the application, grantees are required to submit an access plan that addresses the non-compliance issues identified in their self-evaluation.
Example:	Year 1:	First-time applicants must submit a letter of commitment to develop a Cultural Access Plan.
	Year 2:	Submit a Cultural Access Plan (a self-assessment of applicant's agency, with measurable goals, objectives and strategies to insure access of people with disabilities or who are older as staff, board and audiences.)
	Year 3:	Applicant submits a brief report summarizing progress in access efforts.

Staff and/or the review panel may request evidence that efforts to resolve access deficiencies are included in the grantees' plan.

Staff and/or the review panel may be given power to request an audit if accessibility is in doubt; access compliance may be verified by a site visit performed by a qualified person.

Enforcing Compliance with Money

Experience has shown that the power of the purse strings is very strong in enforcing access compliance: grant funds may be restricted, rescinded, or denied. Remember, equal access with dignity is a civil right under Section 504 and ADA. Inaccessible programs, services and facilities are discriminatory; grant-making organizations are legally responsible if they fund applicants who fail to--or cannot demonstrate efforts to--comply with the law. As one panelist with a disability said, "The best way to get someone's attention is to stop using an inaccessible facility, <u>and tell them why!</u> <u>Stop the money!</u> We've told some larger institutions, 'When you get a ramp, we'll turn over your check.'"

Enforcing access should not be limited to punitive financial measures; a very positive and effective approach is to provide grantees with financial and/or technical assistance to improve their accessibility and comply with the law. Some show of funding, even $100 "Quick Grants" for capital improvements, may assist grantees in opening their activities to wider audiences, e.g., small grants for workable solutions, such as large print labeling, training audio describers or hiring an access consultant to review architectural plans.

See also: Step 7: Financial Considerations – Funding Accessibility Through Grants Programs.

Best Practice — Accessibility Review of Applicants or Grantees

Maryland State Arts Council

MSAC ACCESSIBILITY REVIEW PROCESS

1. **Initiation**
   An Accessibility Review can typically be initiated by one of the following:

   - **Grantee**- When a grantee or grant applicant identifies through a self survey that they may have an accessibility issue,
   - **Staff**- When MSAC staff or representatives identify that there is an accessibility issues at any grantee's facility,
   - **Public**- When a member of the public files a written complaint regarding accessibility of a grantee.

2. **Process**
   Upon initiation of an Accessibility Review, a representative of the MSAC will be sent to conduct an Accessibility Audit. The Accessibility Audit will determine whether the grantee meets the criteria and intent of the Maryland State Arts Council Guide to Policies & Procedures Regarding Grantee Accessibility for Persons with Disabilities. The results of the audit will be submitted to the MSAC 504/ADA Coordinator. The MSAC 504/ADA Coordinator will notify the Grantee of the results of the Accessibility Audit.

3. **Appeals**
   A Grantee may appeal the results of the accessibility audit conducted by the MSAC representative to the MSAC Executive Director. The Executive Director and the 504/ADA Coordinator will present the appeal request to the MSAC Accessibility Advisory Panel. The MSAC Accessibility Advisory Panel will review the details of the situation including the Accessibility Audit and make a recommendation to the Executive Director of the MSAC who will have the final and binding decision.

Arizona Commission on the Arts
the state arts agency

Arizona Commission on the Arts

Checklist for Assessing Accessibility

Dear FY2005 Grantee:

The Commission asks its new grantees to tell us about their organization's accessibility for individuals with disabilities. We have found that it's helpful to let you know why we ask for this information and how it is used.

Accessibility to your programs, services and facilities is a key part of building participation and engaging new people with your organization, as well as an obligation. With the passage of the Americans with Disabilities Act on July 26, 1990, public and private institutions must be in compliance with legislation designed to reduce the physical and social barriers facing over 50 million disabled Americans. Assessing your present facilities and programs is the first step, letting you identify any changes you may need to make to comply with the federal legislation. This *Checklist* is a first step in determining your organization's accessibility. It ***does not*** include the specifications for physical accessibility that are part of the ADA, and we ***do not*** use this information to ensure your compliance. That is your responsibility. To ask for more information on the specifications or other resources that are available to help arts organizations understand and meet the ADA, please see the last page of this *Checklist*. We ***do not*** use this information in awarding or releasing your grant. You should respond with information regarding the facility(ies) in which you present Commission-sponsored programs, as accessibility of your programs is required whether you own your facility, rent facility space or tour.

We ***do*** hope that this *Checklist* helps you focus on the positive aspects of your current outreach, and stimulates some common-sense ways to expand your audience and better serve all members of the community. We use your completed *Checklist* to help us design and provide additional assistance for organizations to achieve greater access through consultants, workshops or other means; and to identify models of what is working that can be shared. We've also added a section for you to tell us what specific resources would be of most use to your organization. You may not be familiar with all of the language or types of accommodations listed. If you have any questions, please call Mollie Lakin-Hayes, ADA Coordinator for the Commission, at 602/229-8220; or email at mlakinhayes@ArizonaArts.org.

Also, **ARTability – Accessing Arizona's Arts**, is a consortium which makes arts and cultural programming more accessible to people with disabilities. This is a great resource to get additional assistance, and to promote your accessible programs and facilities to people with disabilities. Contact ARTability at 602/757-8118 (Phoenix) or 520/631-6253 (Tucson); or by email at artabilityaz@hotmail.com

Thank you.
Rev. 6/20/03   *f/forms/accessibility checklist*

Through public support of the arts, the Commission works on behalf of the people of Arizona connecting the arts to communities. The Arizona Commission on the Arts provides a variety of services and funding to help make the connection between artists and communities vital and of lasting value. Call today for more information.

Checklist for Assessing Accessibility

Please type or print clearly

Name of Organization _____

Address _____

City _____ AZ _____ Zip _____

Telephone _____ TTY _____

Fax _____ Email _____

Contact Person _____

Date *Checklist* Completed _____

➲ **Please check the artistic discipline*(s)* of your organization:**

☐ Crafts   ☐ Multidisciplinary
☐ Dance   ☐ Music
☐ Interdisciplinary/Performance Art   ☐ Theatre
☐ Literature   ☐ Visual Arts
☐ Media   ☐ Other _____

➲ **Please check the primary activities of your organization:**

☐ Arts Center   ☐ Performance Facility
☐ Arts Service   ☐ Performance Group
☐ Educational   ☐ Performance Presenter
☐ Gallery/Exhibition Space   ☐ Literary
☐ Museum   ☐ Other _____

The following questions ask you to consider a wide range of accommodations that can be implemented. This does not represent a list of legally-required accommodations.

ACCESS TO FACILITY

➲ **Is the entryway accessible to people with limited mobility *(i.e., people who use wheelchairs, canes, crutches, walkers or are unsteady)*? Does the facility have:**

☐ Yes   ☐ No   ☐ N/A   Ramp
☐ Yes   ☐ No   ☐ N/A   Hand railings on ramps
☐ Yes   ☐ No   ☐ N/A   Steps
☐ Yes   ☐ No   ☐ N/A   Hand railings on steps
☐ Yes   ☐ No   ☐ N/A   Doors which open easily *(are lightweight, require minimal pressure)* or automatically
☐ Yes   ☐ No   ☐ N/A   Entrances at least 36" wide

➲ **Is the entryway accessible to people with visual impairments *(i.e. low vision, blind)*? Does the facility have:**

☐ Yes   ☐ No   ☐ N/A   Large-print signage
☐ Yes   ☐ No   ☐ N/A   Well-lighted
☐ Yes   ☐ No   ☐ N/A   Braille and raised lettering on all signage

➲ **Is the entryway accessible to people with hearing impairments *(i.e. hard-of-hearing, deaf)*? Does the facility have:**

☐ Yes   ☐ No   ☐ N/A   Buzzer door
☐ Yes   ☐ No   ☐ N/A   If Yes, is there a visual entry code *(flashing light)*?

➲ **Is patron parking available? Does the facility have:**

☐ Yes ☐ No ☐ N/A Designated "Accessible Parking" with signage and required clearance
☐ Yes ☐ No ☐ N/A A portion of the "Accessible Parking" designated for vans
☐ Yes ☐ No ☐ N/A Clear passage to entry *(i.e. smooth and level surface, ramps which have a grade of no more than 1" in every 12", curbcuts, etc.)*

➲ **Is the interior space accessible to people with limited mobility? Does the interior have:**

☐ Yes ☐ No ☐ N/A Ramp
☐ Yes ☐ No ☐ N/A Hand railings on ramps
☐ Yes ☐ No ☐ N/A Steps
☐ Yes ☐ No ☐ N/A Hand railings on steps
☐ Yes ☐ No ☐ N/A Firm, smooth, level floor surfaces
☐ Yes ☐ No ☐ N/A Elevators
☐ Yes ☐ No ☐ N/A Chair lifts
☐ Yes ☐ No ☐ N/A Doors which open easily *(are lightweight, require minimal pressure)* or automatically
☐ Yes ☐ No ☐ N/A "Accessible Restrooms"
☐ Yes ☐ No ☐ N/A Integrated and dispersed wheelchair seating
☐ Yes ☐ No ☐ N/A Companion seating *(i.e. standard seating next to wheelchair seating)*

➲ **Is the interior space accessible to people with visual impairments? Does the interior have:**

☐ Yes ☐ No ☐ N/A Large-print signage/labeling
☐ Yes ☐ No ☐ N/A Braille signage
☐ Yes ☐ No ☐ N/A Braille-marked elevator buttons
☐ Yes ☐ No ☐ N/A Raised letter signage
☐ Yes ☐ No ☐ N/A All areas well-lighted
☐ Yes ☐ No ☐ N/A Is free of hazardous overhangs and protruding objects
☐ Yes ☐ No ☐ N/A Abrupt changes in level are clearly marked
☐ Yes ☐ No ☐ N/A Designated seating/companion seating

➲ **Is interior space accessible to people with hearing impairments? Does the interior have:**

☐ Yes ☐ No ☐ N/A Visual emergency alarm system
☐ Yes ☐ No ☐ N/A Designated seating/companion seating
☐ Yes ☐ No ☐ N/A Unobstructed sightline to interpreter(s)

➲ **If your organization tours, what steps do you take to assure that the program is accessible?**

☐ Yes ☐ No Prior to contracting, a site visit is completed to evaluate accessibility, or access questions/an accessibility checklist is completed by the host organization
☐ Yes ☐ No An assurance of compliance with regard to access for people with disabilities is included in the contract
☐ Yes ☐ No If the facility is not accessible, the program is held in an alternate facility that is accessible.

ACCESS TO PROGRAMS

➲ **Does your organization use the following to make its programs accessible and fully integrated to people with visual impairments?**

☐ Yes ☐ No ☐ N/A Large-print materials
☐ Yes ☐ No ☐ N/A Braille materials
☐ Yes ☐ No ☐ N/A Audio-taped materials
☐ Yes ☐ No ☐ N/A Audio description
☐ Yes ☐ No ☐ N/A Computer disks

➲ **Does your organization use the following to make its programs accessible and fully integrated to people with hearing impairments?**

☐ Yes	☐ No	☐ N/A	Assistive listening devices:
☐ Yes	☐ No	☐ N/A	a) Infrared
☐ Yes	☐ No	☐ N/A	b) Audio loop
☐ Yes	☐ No	☐ N/A	c) FM system
☐ Yes	☐ No	☐ N/A	Real-time captioning
☐ Yes	☐ No	☐ N/A	Sign language interpreters
☐ Yes	☐ No	☐ N/A	Scripts and text of verbal presentations - printed
☐ Yes	☐ No	☐ N/A	Scripts and text of verbal presentations - on computer disk
☐ Yes	☐ No	☐ N/A	Captioned audio-visual presentations
☐ Yes	☐ No	☐ N/A	Oral interpreters
☐ Yes	☐ No	☐ N/A	TTY

➲ **If organization has TTY, is TTY number listed on letterhead or promotional materials?**

☐ Yes ☐ No

ACCESSIBLE COMMUNICATION AND OUTREACH

➲ **Does your organization encourage fully-integrated participation from individuals with disabilities in the areas of:**

☐ Yes	☐ No	Employment	☐ Yes	☐ No	Staff/guest artists
☐ Yes	☐ No	Volunteers	☐ Yes	☐ No	Audiences/participants

➲ **Does your organization publicize its accessibility?**

☐ Yes	☐ No	By telephone	☐ Yes	☐ No	On audio cassette tape
☐ Yes	☐ No	By TDD	☐ Yes	☐ No	On computer diskette
☐ Yes	☐ No	In large print	☐ Yes	☐ No	Through the media *(including captioning)*
☐ Yes	☐ No	In Braille	☐ Yes	☐ No	Through direct mail

➲ **Does your organization have any paid employees with disabilities? People with:**

☐ Yes	☐ No	☐ Don't Know	Mobility limitations
☐ Yes	☐ No	☐ Don't Know	Visual limitations
☐ Yes	☐ No	☐ Don't Know	Hearing limitations
☐ Yes	☐ No	☐ Don't Know	Learning disabilities
☐ Yes	☐ No	☐ Don't Know	Mental disabilities

➲ **Does your organization have any volunteers with disabilities? People with:**

☐ Yes	☐ No	☐ Don't Know	Mobility limitations
☐ Yes	☐ No	☐ Don't Know	Visual limitations
☐ Yes	☐ No	☐ Don't Know	Hearing limitations
☐ Yes	☐ No	☐ Don't Know	Learning disabilities
☐ Yes	☐ No	☐ Don't Know	Mental disabilities

➲ **Does your organization have any guest artists with disabilities? People with:**

☐ Yes	☐ No	☐ Don't Know	Mobility limitations
☐ Yes	☐ No	☐ Don't Know	Visual limitations
☐ Yes	☐ No	☐ Don't Know	Hearing limitations
☐ Yes	☐ No	☐ Don't Know	Learning disabilities
☐ Yes	☐ No	☐ Don't Know	Mental disabilities

➲ **Does your organization have Board or Committee members with disabilities? People with:**

☐ Yes	☐ No	☐ Don't Know	Mobility limitations
☐ Yes	☐ No	☐ Don't Know	Visual limitations
☐ Yes	☐ No	☐ Don't Know	Hearing limitations
☐ Yes	☐ No	☐ Don't Know	Learning disabilities
☐ Yes	☐ No	☐ Don't Know	Mental disabilities

➲ **Does your organization have a designated staff member responsible for Access and ADA/ Section 504 compliance?**

☐ Yes   ☐ No   Organization has a designated staff person
    ☐ Yes   ☐ No   1. Have they been trained?
    ☐ Yes   ☐ No   2. Do they have a disability?

➲ **Is fully-integrated accessibility a part of your organization's strategic plan?**

☐ Yes   ☐ No

➲ **Check if you would like to receive more information about:**

☐   **ARTability – Accessing Arizona's Arts** - information and services to assist with making programs and facilities more accessible, such as staff/volunteer training, calendars of accessible events, referrals and more. To join or for information on how ARTability can assist your organization, contact ARTability at 602/757-8118 (Phoenix) or 520/631-6253 (Tucson); or visit www.artability.org; or email to artabilityaz@hotmail.com

☐   **Design for Accessibility: A Cultural Administrator's Handbook** *(a how-to reference and resource guide for integrating older adults and people with disabilities into all aspects of an arts organization – visit http://www.arizonaarts.org/online_tools/accessibility/ to order)*

☐   **ArtBridges Consultants and Consultant Services Grants** to assist arts organizations in making their facility and/or their programs accessible, to plan an audience development strategy to reach people with disabilities, or to develop an achievable 2-3 year accessibility plan.

☐   **Arizona Relay Service** *(a free service to allow phone communication between your organization and people with hearing or speech impairments, if your organization or the individual does not have a TTY machine)*

➲ **Is there any other help or information you might need?**

☐   Please have someone call me about this specific question or issue: _____

☐   Other: _____

Please retain a copy of this checklist for your own planning process. Return this checklist to:
Arizona Commission on the Arts
417 W. Roosevelt St.
Phoenix AZ 85003-1326

Checklist adapted from work of Mary Jane Owen, Director, Disability Focus, Inc., 1010 Vermont Ave, N.W., #1100, Washington DC 20005; and with assistance from Paula Terry, Office of AccessAbility, National Endowment for the Arts

This document is available in alternative formats by contacting the Arts Commission at 602/255-5882.

h/organization grants/grant notification packets/accessibility checklist.doc   Rev. 6/15/04