



Design for Accessibility

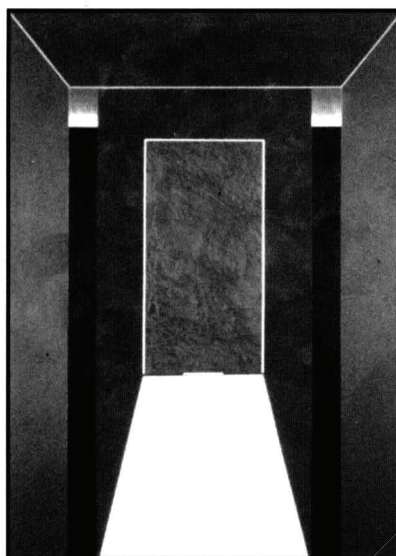
A Cultural Administrator's Handbook

Civil Rights for People with Disabilities: Framing the Discussion

No discussion on accessibility is complete without understanding the history of accessibility as a civil right. The Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 are significant laws in the United States long history of enacting legislation to ensure the civil rights of its people. The concept of civil rights in this country began with the signing of the Declaration of Independence. Unfortunately, We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness, although promising in sentiment, did not provide specifics. Hence, the disability rights movement, although relatively new, vividly brings the needs, concerns and rights of people with disabilities to national attention.

- 1776:** The Declaration of Independence states all men are created equal.
- 1865:** The Thirteenth Amendment to the Constitution abolishes slavery.
- 1868:** The Fourteenth Amendment holds that no state can deny any U.S. citizen equal protection under the law.
- 1920:** The Nineteenth Amendment grants women the right to vote.
- 1935:** The League of the Physically Handicapped, New York City, protests discrimination against people with disabilities by federal relief programs with sit-ins, picket lines and demonstrations.
- 1964:** The Civil Rights Act of 1964 prohibits employment discrimination based on race, sex, national origin or religion, and prohibits public access discrimination.
- 1967:** The Age Discrimination in Employment Act (ADEA) prohibits age discrimination for 40 to 65-year-olds. In 1986, it is amended to remove the 65-year-old age cap.
- 1968:** The Architectural Barriers Act mandates that federally constructed buildings and facilities be accessible to people with physical disabilities.
- 1970:** Disabled in Action organizes, after a successful employment discrimination suit against New York City's public school system, and files litigation on behalf of disability rights in several cities.
- 1971:** The U.S. District Court of Alabama, in a crucial victory for de-institutionalization, rules that people with disabilities cannot be locked away in custodial institutions without treatment or education.
- 1971:** Disabled activists in Washington, DC demonstrate to protest the Presidential veto of what will become the Rehabilitation Act.

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Design for Accessibility

A CULTURAL ADMINISTRATOR'S HANDBOOK



NATIONAL
ENDOWMENT
FOR THE ARTS



Art States
 NATIONAL ASSEMBLY
 OF STATE ARTS AGENCIES



The Kennedy Center

MetLife Foundation

Cover Artwork

Alex Wilhite, "Illusion of Red & Blue," 1988, acrylic on canvas, 38 x 28 inches. Courtesy of VSA arts Gallery, ©Alex Wilhite, 1994. Postminimalist Alex Wilhite's large-scale works are boldly abstract, geometrically precise and typically characterized by bright, strong colors. He makes his own paint from earth materials and uses acid-free paper, canvas and wood. Wilhite is a graduate of the Pratt Institute in Brooklyn, New York, and his work has been shown throughout the United States and Europe.

Order Information

Print copies of "Design for Accessibility: A Cultural Administrator's Handbook" may be obtained by contacting:

National Assembly of State Arts Agencies (NASAA)
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Washington, DC 20005
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Disclaimer

The information presented in this handbook 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 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.

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A Message from MetLife Foundation

Ten years ago MetLife Foundation partnered with the National Endowment for the Arts and the National Assembly of State Arts Agencies in the development and publication of "Design for Accessibility: An Arts Administrator's Guide." We are pleased to be part of this latest effort to sponsor "Design for Accessibility: A Cultural Administrator's Handbook." Making cultural facilities and programs more accessible for people of all abilities is an integral part of MetLife Foundation's commitment to inclusion. Working together, we can make a difference.

FOREWORD

Every person in America, including the 54 million citizens with disabilities and more than 35 million Americans who are age 65 and older, should be able to participate in the arts and the humanities. Cultural communities across the country are focusing on inclusion: integrating older adults and people with disabilities into all aspects of the organization—from planning and design to marketing and technical assistance.

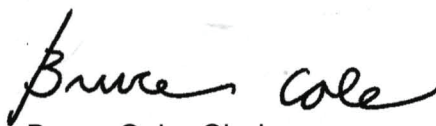
The National Assembly of State Arts Agencies (NASAA), the John F. Kennedy Center for the Performing Arts, the National Endowment for the Humanities and the National Endowment for the Arts are committed to fully accessible programming. Accessibility, however, must ultimately become everyone's responsibility to make a lasting difference, and it is organizations and individuals in the field who are making it happen.

"Design for Accessibility: A Cultural Administrator's Handbook" represents an update of the Arts Endowment's "The Arts and 504" (1992) with additional information from the 700-page "Design for Accessibility: An Arts Administrator's Guide" produced by the Arts Endowment and NASAA in 1994. This resource is designed to help you not only comply with Section 504 and the Americans with Disabilities Act, but to assist you in making access an integral part of your organization's planning, mission, programs, outreach, meetings, budget and staffing.

In the new millennium, inclusion must be ever present in our vision. As new technologies and methods are developed, the possibilities of access will change. Since the disability rights movement rose to prominence in the 1970s, federal legislation has been passed, and disabled individuals are finally becoming part of the cultural mainstream. Great strides have been made, particularly in architectural and program access. Many Americans with disabilities now have the opportunity to create and participate fully in the arts and humanities. Much work, however, remains to be done. We hope this handbook will assist you with that important work.



Dana Gioia, Chairman
National Endowment for the Arts



Bruce Cole, Chairman
National Endowment for the Humanities



Jonathan Katz, Chief
Executive Officer, National
Assembly of State Arts Agencies



Derek E. Gordon, Senior
Vice President, John F. Kennedy
Center for the Performing Arts

Goal of This Handbook

The goal of "Design for Accessibility: A Cultural Administrator's Handbook" is to provide guidance to cultural administrators on accessibility and inclusion for creating new or opening up existing programs to include individuals with disabilities and older adults, whether as staff, volunteers, program participants or audience members.

"Design for Accessibility: A Cultural Administrator's Handbook" addresses several key points:

- Cultural programs must be fully accessible and inclusive to every individual, including citizens with disabilities and older adults.
- Cultural service organizations need to set an example for their constituents by making their facilities, meetings, Web sites, print materials and activities fully accessible and inclusive to everyone.
- The assurance of equal opportunity for all people to participate in the humanities and the arts should be a fundamental starting point.

This handbook offers introductory guidance on how to accomplish these goals. More information about accessibility may be found under "Accessibility" at the National Endowment for the Arts' Web site, www.arts.gov, the National Endowment for the Humanities Web site, www.neh.gov, and by contacting organizations listed in the resource pages at the end of each chapter.

"We are advocates for full access to the arts. All arts organizations should be physically and programmatically accessible to all people with disabilities, artists and audiences alike. If these organizations provide anything less, they are breaking laws that have been in existence for thirty years."

Margaret Staton, Founder/Chair, and Deborah Lewis, Executive Director,
The Ethel Louise Armstrong Foundation

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photo by William Frederling

Dance Detour, Chicago, IL: Alana Yvonne Wallace, Maria Lainer and Heather Baumgarner

CHAPTER 1

Planning With Inclusion as the Goal

In the year 2003, more than 54 million Americans live with disabilities. Because of advances in medical science, the number of people surviving disabling accidents and conditions has grown and the proportion of people with disabilities in American society is increasing. As a result of federal legislation focusing on education, employment, and access to public and private services and facilities, people with disabilities are increasingly becoming an economic force, as well as gaining access to the cultural mainstream.

Further, 37 million Americans are age 65 or older. By the year 2030, the Census Bureau estimates that one out of four people will be over the age of 65. The profile of older adults is changing. People over 65 are healthier, work longer, are more interested in volunteer opportunities and have more resources than in previous generations. Increasingly, they will be more involved in recreational and cultural activities. Cultural organizations must plan for inclusion by providing fully accessible spaces and programs that welcome people of all ages and abilities.

As these demographic changes take place, the concept of universal design in architecture has provided a new way of thinking about inclusion. The goal of universal design is to make the human environment usable by as many people as possible.

Cultural organizations and agencies must move beyond old concepts that define people with disabilities and older adults as a "special" group of people. The focus of cultural organizations needs to shift to a policy of

"State arts agencies have the opportunity to change the way their grantees think about the ADA. They can help their constituents embrace and not fear what the program is about. It is a work in progress—and not meant to be done tomorrow. Why do it? Because it is the right thing to do. The arts are for everyone."

Wayne Lawson, Executive Director, Ohio State Arts Council

inclusion, a way of ensuring that people with disabilities and older adults have the same opportunities as other participants. Accessibility leads to inclusion and should be viewed as an organizational asset that creates a larger audience by engaging everyone in the arts and humanities. Older adults and people with disabilities will patronize organizations where they feel comfortable and welcomed.

Key Planning Points for Cultural Organizations

- Accessibility is an organizational asset.
- Access is a civil rights issue. Access to cultural programs is a legal requirement of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. State humanities councils and state arts agencies receiving federal funding need to understand these legal requirements.
- Involve people with disabilities and people of all ages throughout the accessibility planning process by establishing an access advisory committee.
- Include people with disabilities in the organization's definition of diversity.
- Plan for the inclusion of people with disabilities and people of all ages as an integral part of long-range or strategic plans.
- Articulate inclusiveness in value statements, goals and program strategies.
- Be a leader. Broker new partnerships; facilitate learning experiences and reward excellence.
- Include individuals with disabilities as staff, board members and volunteers.
- Remember that accessibility is only one means to a larger goal— inclusion in the cultural community of people of all ages, with and without disabilities.

“To be creative in later life provides an invaluable model of what is possible as we age, for our children, grandchildren, great grandchildren and society. As a role model in your family or in the lives of others, you can shape individual thinking and societal policies about aging. Historically, creativity has distinguished elders as “keepers” of the culture, those who pass the history and values of family and community on to the next generation...most important, aging and creativity present an unparalleled opportunity for us as individuals, to grow as we grow older, in ways that in younger years we could not even have dreamed.”

“The Creative Age” by Gene D. Cohen, M.D., PH.D., Avon Books, Inc., 2000

Objectives and Strategies

When developing a plan to achieve accessibility and inclusion, an organization should define its direct internal and external objectives, including:

- Thorough review of procedures and means of interacting with constituents.
- Appointment of an accessibility coordinator.
- Accessibility of buildings and grounds.
- Accessibility of public meetings.
- Design of print materials for legibility and easy comprehension.
- Accessibility of Web site for use by people with hearing, mobility and visual disabilities.
- Accessibility of other communication systems.
- Programming respectful and reflective of the community.

Indirect objectives for promoting accessibility and inclusion may involve:

- Educating constituents about their legal obligations and effective ways to achieve accessible programs and activities.
- Providing technical aid to constituents to remove physical barriers.
- Serving as an information resource and model of accessibility.
- Assessing the economic impact of audience expansion on cultural programming.
- Creating partnerships that promote inclusion and access.

“In order for a state agency to have a commitment to ADA, the ground work must be done by the 504/ADA coordinator. The coordinator must ensure that staff and board are educated and continuously updated regarding issues of compliance. The Ohio Arts Council’s access work includes: mandating that at least one person with a disability serve on every panel; establishing a statewide network of artists with disabilities; and professional development grants to assist their careers. None of this would have been possible without our Access Advisory Committee of artists with disabilities, keeping staff and board aware of access issues, and, most important, the strong and steadfast support of our Executive Director and our Board.”

Phyllis Hairston, Building Diverse Audiences & 504/ADA Coordinator,
Ohio Arts Council

Planning and Partnership Questions

No single strategy or plan is right for every cultural organization. A plan should be tailored to meet the needs of an organization's existing and future constituencies. The best way to do this is by including people with disabilities and people of all ages in the planning process. The following questions can help clarify what strategies are appropriate for your organization.

Q. For grant making organizations, such as state humanities councils and state arts agencies, what is the organization's commitment to ensuring that people with disabilities and people of all ages have access to the cultural activities within their area?

A. An organization should work with staff and representatives from the field to:

- Provide technical assistance to applicants and grantees.
- Ask grantees to document their accessibility efforts or assessments.
- Include accessible language in grant making criteria and application forms.
- Fund accessibility projects as part of audience expansion, technology programs and inclusiveness initiatives.
- Establish a complaint procedure.

Q. How can a cultural organization work together with its constituency to make cultural resources more inclusive and accessible to everyone?

A. Many tools exist to aid this discussion. The organization can send a questionnaire to the field to elicit the accessibility achievements and needs of constituents. It can hold strategic planning forums that include participants from other cultural organizations and from the disability community. The most useful tool is the creation of an ongoing advisory committee that includes people, with and without disabilities, who, along with staff and board members, help to develop the inclusive aspects of the organization's strategic plan. It is also important to have people with disabilities on review panels, on staff and on the board of directors.

Q. What are some strategies a cultural organization can use to help constituents achieve more inclusive environments?

A. In addition to funding, the organization can provide information and technical assistance with assessment, development and execution of accessibility plans. It can offer access workshops and include accessibility on the agenda at statewide or regional cultural conferences. It can make

accessibility resources available in print material, electronic postings of access resources on the organization's Web site and find ways for other groups with good track records to share their success stories.



Remember that many nonprofit organizations, as well as state and federal agencies dealing with disability and accessibility issues, may also provide information and services.

Q. How can a cultural organization promote partnerships?

A. A cultural organization, particularly a regional, state or local arts agency or state humanities council, knows its constituency and is familiar with other cultural organizations in its area. It can work to promote partnerships between complementary organizations. Strategies might include sharing the cost of equipment, promoting joint fundraising projects and producing cultural access guides. An organization may encourage constituents to form partnerships with private foundations and corporations to provide services, products or funding. An organization may also acknowledge its constituents' successes through awards, in "best practices" publications and feature articles, or on Web sites.

Q. What are the steps in planning for an accessible environment?

A. The first step in the planning process is making the commitment to accessibility. Assessing the organization's current accessibility assets and planning for what it needs should follow. Finally, an organization should advertise its accessibility assets to its constituents.

Q. How does a cultural organization evaluate its accessibility assets?

A. Chart what accessibility assets the organization has and what assets it needs to meet or exceed legal standards. Look at the buildings, grounds, programming, how meetings are conducted and communications systems.

"We at the Arts Endowment believe that it is important to listen to and celebrate the diverse voices of America, to literally hear and see all America singing and talking and painting and writing. Through lessons gleaned from the challenges of everyday life, Americans with disabilities have an important contribution to make to our democracy. We need to challenge America's sense of ease and entitlement, and demand that our nation open the doors of our cultural institutions so that people with disabilities may contribute their vision and craft to our country's journey through the rich and complex landscape of the 21st century."

William Ivey, Chairman, National Endowment for the Arts (1998-2001)

Examine procedures for interaction with employees, volunteers, program participants and audience members. The assessment should involve staff, the board of directors, outside consultants, the accessibility advisory committee, audience members and program participants.

Strategies should be developed to obtain needed accessibility assets as part of the overall strategic plan. An organization must determine:

- Who will be involved in implementing the plan and what their roles will be.
- What outside professional help will be needed.
- What it will cost to implement the plan.
- How the work will be funded.
- Whether the work will be done all at once or in stages.

Q. How does an organization use its accessibility assets to attract new audiences?

A. All too often organizations do substantial work to achieve inclusiveness but neglect to tell anyone about it. An important part of the planning process is to evaluate the organization's current marketing plan to see that it promotes the organization's accessibility assets, and to assure that its marketing tools reach people with various disabilities.

Q. When does the planning process end?

A. Planning is an organizational tool. Although a particular plan ends when the objectives and goals are reached (or a determination is made that they cannot be reached), the planning process never ends. Access issues, in particular, need ongoing attention. A permanent accessibility advisory committee can help keep the organization on track. A sound organization uses planning as a way to keep the objectives and goals of the organization balanced and to evaluate how well its mission is being met.

RESOURCES

Planning for Accessibility

“A State Arts Agency Strategic Planning Tool Kit”

Published in 2000 by the National Assembly of State Arts Agencies (NASAA) with advice and funding from the National Endowment for the Arts (NEA), the tool kit explores the conceptual basis of planning, outlines the process to use in creating a good strategic plan and includes case studies.

National Assembly of State Arts Agencies (NASAA)

1029 Vermont Avenue, NW, 2nd Floor

Washington, DC 20005

(202) 347-6352 voice

(202) 347-5948 TTY

(202) 737-0526 fax

www.nasaa-arts.org

“A Universal Environment: Beyond Access to Opportunity”

The New York State Council on the Arts (NYSCA) created this useful resource for accessibility planning, which is available on their Web site.

New York State Council on the Arts

175 Varick Street

New York, NY 10014

(212) 627-4455 voice

www.nysca.org/UniversalPlanning.html

The Office for AccessAbility of the National Endowment for the Arts (NEA)

The NEA Office for AccessAbility, established in 1976, is the Endowment's advocacy/technical assistance arm for people with disabilities, older adults, veterans and people living in institutions.

Work includes:

- Providing technical assistance to staff and grantees on making the arts fully accessible and compliant with the Endowment's Section 504 regulations and the Americans with Disabilities Act (ADA).
- Initiating cooperative projects and leadership initiatives with other federal agencies and nonprofit groups to educate professionals concerning accessibility issues.
- Encouraging support for the needs of older adults, individuals with disabilities and people living in institutions.

- Assisting applicants and grantees with project development involving targeted groups.
- Organizing and presenting panels, seminars and workshops for NEA staff, grantees and other federal agencies.

National Endowment for the Arts

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www.arts.endow.gov/partner/Accessibility/Brochure.html

Statistical Information

U.S. Census Bureau Statistics

The United States Bureau of the Census is the official resource for social, demographic and economic statistics. They also provide data on disability.

Disability Statistics (1997)

- Nearly 1 in 5 people—54 million—said they have some level of disability, while 1 in 8—33 million—report they have a severe disability.
- Among the population aged 15 and over, 25 million have difficulty walking a quarter of a mile or climbing a flight of 10 stairs, or have to use an ambulatory aid.
- 2.2 million are wheelchair users.
- 6.4 million use canes, crutches or walkers. 16.4 million have other mobility impairments.
- 18 million have difficulty lifting and carrying a 10-pound bag of groceries or grasping small objects.
- 7.7 million people have trouble seeing the words and letters in ordinary newspaper print (even with glasses).
- 8 million people have difficulty hearing or are deaf.
- 14.3 million have a mental disability, including 3.5 million with a learning disability.

U.S. Census Bureau

Washington, DC 20233

www.census.gov/hhes/www/disability.html

FOR EDUCATIONAL PURPOSES ONLY



photo by Marissa Roth

Smithsonian Institution, Washington, DC: Visitor Freddie Pecco with tactile and braille map

CHAPTER 2

Legal Overview: the ADA and the Rehabilitation Act

Introduction

This chapter provides cultural administrators with an overview of the general legal principles used to achieve accessibility for persons with disabilities. Three key federal accessibility laws require all organizations that serve the public or receive direct or indirect federal funds to enable people with disabilities to enjoy the benefits of the organization's services.

Cultural organizations must ensure that these laws are upheld both within their own organization and by any subgrantee or subcontractor receiving federal funding. For example, a state arts agency or humanities organization's enforcement responsibility would include: providing technical assistance; establishing a complaint procedure; investigating any complaints; and, in the instance of a violation, terminating funds and, if appropriate, referring the complaint for further enforcement.

"The disability rights movement, over the last couple of decades, has made the injustices faced by people with disabilities visible to the American public and to politicians. This required reversing the centuries-long history of 'out of sight, out of mind' that the segregation of disabled people served to promote.

The disability movement adopted many of the strategies of the civil rights movement before it. Like the African-Americans who sat in at segregated lunch counters and refused to move to the back of the bus, people with disabilities sat in federal buildings, obstructed the movement of inaccessible buses and marched through the streets to protest injustice. And like the civil rights movements before it, the disability rights movement sought justice in the courts and in the halls of Congress."

"The History of the ADA: A Movement Perspective," by Arlene Mayerson, 1992, legal counsel for Disability Rights Education and Defense Fund (DREDF), www.dredf.org

Three pieces of federal legislation have had a significant impact on cultural organizations: the Architectural Barriers Act of 1968, the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990.

This chapter outlines the three federal laws and their implementing standards, and discusses some of the key legal requirements and best practices that maximize inclusion and opportunities for compliance with the laws while minimizing risks.

Law and Guidelines

Architectural Barriers Act of 1968 (“ABA”) (42 U.S.C. § 4151 et seq.)

Cultural organizations that use federal funds to design, construct or alter a building must comply with a minimum level of physical accessibility.

The Architectural Barriers Act applies to buildings constructed or altered by, on behalf of, or for the use of the federal government, to federal leases and to buildings:

- to be financed in whole or in part by a grant or a loan made by the United States after August 12, 1968, if such building or facility is subject to standards for design, construction or alteration issued under authority or the law authorizing such grant or loan; or
- to be constructed under authority of the National Capital Transportation Act of 1965, or title III of the Washington Metropolitan Area Transit Regulation Compact.

Other buildings or facilities constructed by recipients of federal funds are subject to Section 504 of the Rehabilitation Act, which requires all new construction and alterations to be accessible. Regulations implementing Section 504 “deem” compliance with the Uniform Federal Accessibility Standards (UFAS) to be in compliance with Section 504. Both statutes require accessible construction, so the compliance obligation for new construction is the same.

ABA requirements do not address the activities or programs conducted in those buildings and facilities.