DOES THE AMERICANS WITH DISABILITIES ACT APPLY TO US?

Yes. 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. 12181et seq. mandates museums, galleries, theaters and all other places of public accommodation remove architectural barriers that are 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.
- Claiming undue burden or fundamental alteration does not relieve a public entity/accommodation of all obligations to provide access to people with disabilities. Even if an entity is not able to undertake a particular measure to provide access, it must find other modifications that are feasible or readily achievable to ensure that it does not discriminate against individuals with disabilities in programs, services, or activities.

For complete ADA regulations, standards and guidelines contact the U.S. Department of Justice ADA Information hotline at 800-514-0301 (voice) or 800-514-0383 (TTY) or visit the Department of Justice ADA information website at www.ada.gov.

Jenna Green
Cultural Facilities & ADA Coordinator
WV Division of Culture & History
1900 Kanawha Blvd E
Charleston, WV 25305
(304) 558-0240 extension 725

Mid-Atlantic ADA Center
401 North Washington Street, Suite 450
Rockville, MD 20850
Toll Free: 800-949-4232 V/TTY (DC, DE, MD, PA, VA, WV)
Local: 301-217-0124 V/TTY
Fax: 301-251-3762
HYPERLINK "http://www.adainfo.org/"
http://www.adainfo.org/
You may call the toll-free number at any time, state your question, and a representative will return your call. This is a great resource for ADA questions specific to your project or organization! Their website serves as a hub of information.

STATEMENT OF COMPLIANCE - AMERICANS WITH DISABILITIES ACT

GRANT APPLICANT MUST READ, SIGN, AND DATE

Applicant/Organization Name: _____
Physical Address of Applicant Facility:_____

If different from Applicant Facility above, list all location(s) in which the project will take place; attach a separate page if needed:

The West Virginia Commission on the Arts asks applicants to describe efforts to improve programmatic and physical access in its organization as a means to evaluate the degree to which it is proactively working on these issues. The WVCA is not in the position to determine whether an applicant is in compliance with any state and federal laws governing this subject. A WVCA grant should not be interpreted as an opinion on that organization's compliance with its legal obligations. Each organization is responsible for complying with all applicable laws, rules, and regulations. **All organizations that are not in full compliance must complete the Transition Plan available at: https://drive.google.com/file/d/1bNLYu6_83vWAXG8M3lxOnipS3AU3feWY/view?usp=sharing**

Contact the Accessibility Coordinator at (304) 558-0240 with any questions.

☐ APPLICANT PROJECT ONLY TAKES PLACE AT APPLICANT FACILITY LISTED ABOVE AND APPLICANT FACILITY AND PROGRAMMING ARE IN FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. **Applicants who are in full compliance do not need to complete and attach the Transition Plan.**

☐ APPLICANT PROJECT TAKES PLACE AT APPLICANT FACILITY AND OTHER LOCATIONS LISTED ABOVE; ALL PROJECT FACILITIES AND PRESENTED PROGRAMS IN ASSOCIATION WITH PROJECT ARE IN FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. **Applicant acknowledges that ADA applies to each location in which the project is held. Applicants whose project takes place within another location, even schools, is an equal partner in providing ADA compliance.**

☐ APPLICANT PROJECT AND/OR FACILITY IN WHICH PROJECT TAKES PLACE IS NOT IN FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) AND <u>WE HAVE COMPLETED AND ATTACHED THE TRANSITION PLAN.</u>

OFFICIAL WITH AUTHORITY TO CONTRACT FOR THE APPLICANT
Name: _____
Title: _____
Phone: _____

Signature: _____ Date: _____

ACCESSIBILITY INVENTORY

READ AND COMPLETE

Applicant/Organization Name:	_____
Organization Website Address:	_____

The West Virginia Commission on the Arts is proud to award financial support that will serve all people, and by serving WV's communities, you are serving individuals with disabilities! The following 10 questions apply to the applicant and project for which funding is being sought. Answer questions 8, 9, and 10 in one page or less. **Resources that may assist can be found at the Kennedy Center's accessibility site: http://education.kennedy-center.org/education/accessibility/lead/resources.html.**

1. **ORGANIZATION ESSENTIALS**
   Staff member assigned to address accessibility:
   Title and Email:

   ☐ Yes ☐ No Organization has a Board approved statement that addresses accessibility and ADA compliance.
   Provide organization statement here; include date of adoption:

   ☐ Yes ☐ No Organization has an organizational employment non-discrimination policy statement, which includes people with disabilities.
   Provide statement here; If no, explain your organization's process and timeline for adopting a non-discrimination policy:

   ☐ Yes ☐ No The organization has an Emergency Preparedness Plan that includes provisions for patrons with disabilities.

   ☐ Yes ☐ No The organization has an ongoing accessibility Advisory Committee.
   State number of members and briefly discuss how members were selected and whether membership includes people with disabilities:

   ☐ Yes ☐ No Organization offers sensitivity training to staff, board, and/or volunteers on an annual basis.
   Briefly discuss sensitivity training schedule and training content: What topics were covered; who conducts the training sessions; what qualifications does trainer offer; and how often do trainings take place?

2. **EMPLOYMENT BARRIER REMOVAL**

   ☐ Yes ☐ No ☐ NA Organization offers employment forms in alternate formats or offers assistance in filling out employment forms.

   ☐ Yes ☐ No ☐ NA Organization is proactive in hiring artists/staff/volunteers with disabilities.

3. **ORGANIZATION OFFERS THE FOLLOWING ACCOMMODATIONS DAILY AS REQUIRED BY LAW:**

   ☐ Yes ☐ No ☐ NA Admits service animals

   ☐ Yes ☐ No ☐ NA Appropriate number of required assistive listening system provided in assembly areas, seating areas, and/or for guided tours or lectures

   ☐ Yes ☐ No ☐ NA Seating area(s) of facility, including auditorium, has the correct number of wheelchair and companion seats

   ORGANIZATION OFFERS THE FOLLOWING ACCOMMODATIONS UPON REQUEST:

☐ Yes ☐ No ☐ NA Advance copies of scripts or synopses
☐ Yes ☐ No ☐ NA Audio described performances or guided tours
☐ Yes ☐ No ☐ NA Sign language interpretation of performances, guided tours, or lectures
☐ Yes ☐ No ☐ NA Braille materials (programs, exhibit or display signage, and/or other materials)
☐ Yes ☐ No ☐ NA Open/closed captioning at performances, lectures, tours, workshops, or for film/video
☐ Yes ☐ No ☐ NA Large print materials (event brochures, programs, signage, exhibit or display signage, and/or other materials)

4. ORGANIZATION WEBSITE

☐ Yes ☐ No ☐ NA Organization has an accessible website providing basic accessibility features: high contrast, adjustable type size, alternate text for images, plain text option, etc.
☐ Yes ☐ No ☐ NA Organization has an accessibility section on the website that lists accessible programs and services to patrons.

5. ONLINE TICKET SALES

☐ Yes ☐ No ☐ NA Organization offers ticket sales on its website or through an online ticketing service.

ONLINE TICKET SALES ARE NOT REQUIRED BY ADA, BUT IF UTILIZED, ANSWER THE FOLLOWING

☐ Yes ☐ No ☐ NA If yes, organization offers seating diagram or chart showing location of accessible seating for ticket sales on its website or through an online ticketing service (if offered, required by law)
☐ Yes ☐ No ☐ NA If yes, organization offers tickets in all price ranges to people with disabilities and up to three companions requesting accessible seating; (if offered, required by law)

6. **INFORMATION & MARKETING**

☐ Yes ☐ No ☐ NA Brochures and other marketing materials list appropriate international access symbols and a statement regarding accessibility policies
☐ Yes ☐ No ☐ NA Brochures and other marketing materials are available or offered in alternate formats (e.g. large print/Braille/electronic media).
☐ Yes ☐ No ☐ NA Organization has reasonable advance notification policy for patrons interested in utilizing its programs and services (e.g. sign interpretation, large print programs, etc.).
☐ Yes ☐ No ☐ NA Organization facility utilizes ADA compliant signage (compliant signage would include Braille, correct type size, high contrast design elements, correct mounting and height).

7. **PHYSICAL ACCESS**

☐ Yes ☐ No ☐ NA ADA compliant parking
☐ Yes ☐ No ☐ NA Accessible route from public transportation to the facility.
☐ Yes ☐ No ☐ NA Accessible route from parking to primary accessible entrance.
☐ Yes ☐ No ☐ NA ADA compliant doors to entrance, bathrooms, assembly areas, gallery and display areas

☐ Yes ☐ No ☐ NA Multi-level facility has an elevator or interior ramps at level or floor changes.
☐ Yes ☐ No ☐ NA Restrooms (or unisex bathroom) used by the public are ADA compliant.
☐ Yes ☐ No ☐ NA ADA compliant box office window/information desk.
☐ Yes ☐ No ☐ NA ADA compliant concession stand/gift shop.
☐ Yes ☐ No ☐ NA ADA compliant performance/dressing room/artist space.

8. **A mother and her two children would like to come to your event taking place at your facility. One child, age 6, has a hearing impairment and utilizes American Sign Language (ASL), the other child, age 12, is a youth on the autism spectrum. The mother calls your organization three weeks prior to the event and asks how you will help her and her family best experience this event. Describe how your organization has planned for and will handle this situation, include all staff roles.**

9. **A husband and wife arrive at your event with two friends. The husband uses a wheelchair, and his wife and friends do not. Your event is free and tickets were not needed to attend, rather seating was advertised as first-come first served. They arrive on-time, as do many others, and it seems that your event will be full. Describe how your organization has planned for and will handle this situation; include all staff roles.**

10. **A community organization serving children with special needs that may include mobility, visual, hearing, speech, learning, and/or developmental disabilities would like to tour your facility and/or take part in a special event. The organization first learned about your facility/event through a press release in the local newspaper, then looked for accessibility information about your facility/event on-line, and finally called your organization to learn more and reserve a date/time. What information will the organization find in the newspaper article, on-line, and what information will be given when they call regarding accessibility? How will you help each child who participates in this experience feel as though they have equal access to information, and are included and welcome?**