

Are You Up To Date on Accessibility?

New ADA – Americans with Disabilities – regulations were published in 2010 and took effect March 15, 2011. The 2010 Standards for Accessible Design, which take effect March 15, 2012, update and amend some of the provisions of the original 1991 ADA Standards for Accessible Design.

What does this mean for your theatre?

ADA Title III applies to Places of Public Accommodation, which includes theatres, concert halls, arts and performing arts centers, as well as museums, lecture halls, parks, zoos, etc. not operated by a state or local government. (Non-federal government entities are covered by Title II.)

Even if you don't operate a facility, your theatre may need to adopt some policies or procedures, and train volunteers and staff to conform to the revised regulations when you utilize facilities. Theatres particularly need to be aware of the new ticketing regulations.



Service Animal = Dog

A "service animal" is now defined as any dog individually trained to do work or perform tasks benefitting an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (There is a limited exception for miniature horses.)

FIND IT IN THE REGULATIONS

Places of Public Accommodation: §36.104 definition and §36.302 (c) service animals

State and Local Governments: §35.104 definition and §35.136 service animals

Ask only two questions! If the service a dog is providing is not readily apparent, only two questions can be asked:

- 1 – Is the animal required because of a disability?
- 2 – What work or task has the animal been trained to perform?

No other inquiries about an individual's disability or the dog are permitted. Documentation of the dog's training may not be requested. If a dog is out of control, and the handler does not take effective action, or the dog is not housebroken, the person may be asked to remove the dog. But the person with the disability must still be allowed to obtain goods, services, or accommodations.

Mobility Devices are more than wheelchairs

The definition of mobility devices has expanded

to include not only traditional devices, such as wheelchairs, walkers, and scooters, but also any other power-driven mobility devices used by a person with a mobility disability including, but not limited to, Segways. All such devices must be permitted in any area that pedestrians use unless it would result in a fundamental alteration, is a direct threat, or creates a safety hazard.

FIND IT IN THE REGULATIONS

State and Local Governments: : §35.104 definition and §35.137 mobility devices

Places of Public Accommodation: §36.104 definition and §36.311 mobility devices

Credible assurance that the mobility device is required because of the person's disability may be requested. The person with the mobility device may provide credible assurance by showing a state disability parking placard or other government issued proof of disability or may give verbal assurance that is not contradicted by observation. Remember, it is not permissible to ask an individual about the nature and extent of their disability.

Ticketing

The revised regulations include a new eight-part section on ticketing for wheelchair spaces and companion seats. Here are some of the highlights.

- 1 – Ticket Sales for accessible seating must be available at the same times and in the same ways as for other tickets, including online sales.
- 2 – Identification of Seating must be to the same level of specificity as other seats on seating charts, brochures, etc.
- 3 – Ticket Prices for accessible seating cannot be higher than other seats in the same section and tickets must be available at all price levels.

2010 ADA Standards Number of Wheelchair Spaces in Assembly Areas	
CAPACITY OF SEATING (# of seats)	MINIMUM NUMBER OF REQUIRED WHEELCHAIR SPACES
4 to 25	1
26 to 50	2
51 to 150	4
151 to 300	5
301 to 500	6
501 to 5,000	6, plus 1 for each 150, or fraction thereof, between 501 through 5,000
5,001 and over	36, plus 1 for each 200, or fraction thereof, over 5,000

4 – Purchasing Multiple Tickets procedures must recognize that individuals with a disability are entitled to purchase up to three additional tickets for each wheelchair space as companion seats, so long as the companion seats are contiguous and in the same row with the wheelchair space, provided that at the time of purchase there are three such seats available and ticket purchases are not limited to less than four tickets.

Number of ASL Receivers Required Based on Seating Capacity		
Capacity of Seating in Assembly Area	Minimum Number of Required Receivers	Minimum Number of Required Receivers Required to be Hearing Aid Compatible
50 or less	2	2
51 to 200	2, plus 1 per 25 seats over 50 seats*	2
201 to 500	2, plus 1 per 25 seats over 50 seats*	1 per 4 receivers*
501 to 1000	20, plus 1 per 33 seats over 500 seats*	1 per 4 receivers*
1001 to 2000	35, plus 1 per 50 seats over 1000 seats*	1 per 4 receivers*
2001 and over	55, plus 1 per 50 seats over 2000 seats*	1 per 4 receivers*
	* or fraction thereof	

5 – Release of accessible seating to other ticket purchasers may only happen when one of three conditions occurs – all seats in the venue are sold out, all seats in a price are sold out, all seats in a location are sold out.

6 – Ticket Transfers by persons with disabilities must be allowed under the same terms and conditions as other ticket holders.

7 – Secondary Ticket Market purchased tickets must be able to be used by an individual with a disability. This means reasonable modifications to policies, practices, or procedures must be made to allow the person to exchange an inaccessible seat for an accessible one in a comparable location if one is available when the ticket is presented.

8 – Prevention of Fraud can be addressed in two ways:
 - asking if the person for whom the ticket is purchased has a disability that requires use of the accessible seating. If the purchase is for a series of events, such as season tickets, the purchaser may be required to attest to the disability in writing. Proof of the disability or what the disability is may not be requested.
 - investigating the potential misuse of accessible seating.

Assisted Listening Systems

Revised regulations require assembly facilities to provide assistive listening systems (ALS) where audible communication is integral to use of the space, and that 25% of them are hearing aid compatible. They are not required where audio amplification is not provided.

Hearing aid compatible receivers have neckloops and headsets that can be worn as neckloops. There are other technical requirements for an ALS, including that receivers must have a 1/8 inch (3.2 mm) standard mono jack. See the chart for the number of receivers required.

FIND IT IN THE REGULATIONS
 Sections 219 and 706 of the 2010 Standards

Wheelchair Spaces

Both the size of wheelchair spaces and the number needed are specified in the 2010 ADA Standards. (The number needed in some facilities has actually been reduced.)

A single wheelchair space must be 36 inches wide, while two



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wheelchair spaces adjacent to one another need only be 33 inches wide each. Access to a wheelchair space cannot be through another wheelchair space, nor can the wheelchair space stick out into the aisle. There are other requirements, such as wheelchair spaces must provide spectators with choices of seating locations and viewing angles that are substantially equivalent to, or better than, seating for other spectators. See the chart for the number of wheelchair spaces required.

FIND IT IN THE REGULATIONS
Sections 221 and 802 of the 2010 Standards

Safe Harbor – or Not

The 2010 regulations “safe harbor” provision exempts elements (which can be anything from a door knob to an entire room) that are currently in compliance with the 1991 ADA Standards from compliance or any immediate retrofit obligations under the 2010 Standards until the facility engages in a renovation, modification, alteration, or barrier removal.

If an element never complied with the 1991 ADA Standards, or was not included in the 1991 regulations, then there is no safe harbor for that element. Those elements must be modified to the extent readily achievable to comply with the requirements set forth in the 2010 Standards.

FIND IT IN THE REGULATIONS
State and Local Governments: §35.150 (b)(2)(i) safe harbor
Places of Public Accommodation: §36.304 (d)(2)(i)
safe harbor ♦

Most of this article is excerpted from materials developed by the Accessibility Offices at the John F. Kennedy Center for the Performing Arts and the National Endowment for the Arts.

DISCLAIMER: This article is not intended as a comprehensive analysis of the revised regulations nor does it address obligations of federal agencies or federal facilities. Information contained herein is for general guidance and is not intended to be a rendering of legal advice, opinion, or services.

Resources

The revised regulations are relatively new so there are few resources available at this time. You can find the regulations and other useful guidance at:

U.S. Department of Justice (DOJ)

The DOJ maintains a site that contains numerous useful resources, publications, links, and technical assistance on compliance with the Americans with Disabilities Act.

General: www.ada.gov

FIND IT IN THE REGULATIONS

www.ada.gov/regs2010/ADAREgs2010.htm

2010 Standards: www.ada.gov/2010ADASTandards_index.htm

Technical Assistance: (800) 514-0301 (voice) or
(800) 514-0383 (TTY)

U.S. Access Board

The Access Board has posted the 2010 ADA Standards as well as all previous accessibility design standards along with guidance, explanations, and technical assistance.

General: www.access-board.gov

2010 Standards and Guidelines:

www.access-board.gov/ada/index.htm

Technical Assistance: (800) 872-2253 (voice),
(800) 993-2822 (TTY)

ADA National Network

This network is made up of 10 regional Disability Business and Technical Assistance Centers (DBTAC). They provide technical assistance and training in their regions.

General: www.adata.org/Static/Home.aspx

Technical Assistance: (800) 949-4232 (Voice/TTY)

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The Little Witch of Wichita
Conejo Children's Theatre (CA)

CSI: Neverland

by Wade Bradford

The Little Witch of Wichita

by Beth Martin Brown, Kevin Kaufman, Sandy Sherman

The Reluctant Dragon

by Mark Baron and Gary Cohen

Mye and the Sandpeople

by Celeste Bonfanti

Sleeping Beauty & the Beast

by Wade Bradford

The Twelve Dancing Princesses

by Claudia Haas

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