Making your events, festivals and agritourism accessible to the public

Agricultural and Natural Resource Madness: Ohio AgrAbility Bracket, April 10, 2020

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Ohio AgrAbility's mission is to promote success in agriculture for Ohio's farmers and farm families who are coping with disability or a long-term health condition

Ohio AgrAbility also provides education and resources to farmers, agricultural businesses and groups, healthcare, education and disability professionals, and anyone interested in making farming safe and accessible. Ohio AgrAbility is part of a national network of state & regional AgrAbility projects. Funding is based on the U.S. Farm Bill and is competitively awarded on 4-year cycles. Funds are awarded to a state team comprised of a land grant university and a non-profit organization: Ohio State University & Easter Seals of Greater Cincinnati.

Please note that Ohio AgrAbility cannot purchase equipment or provide farmers with financial support. Staff may make referrals to available agricultural, vocational rehabilitation or community service organizations, some of which <u>may</u> be able to purchase equipment or provide financial assistance directly to farmers.

Federal Disability Rights Laws

Architectural Barriers Act (1968)

- Buildings and facilities must comply with Federal standards for physical accessibility

Rehabilitation Act of 1973 - Section 504

- Under this Section, no qualified individual with a disability may be discriminated against **in any program or activity receiving federal financial assistance**

Americans with Disabilities Act (1990, amended 2008)

- The **ADA** is a civil rights law that prohibits discrimination against individuals with **disabilities** in all areas of public life, including jobs, schools, transportation, and all public and private places that are open to the general public.

An individual with a disability is defined by the Americans with Disabilities Act as a person who:

- Has a physical or mental impairment that substantially limits one or more major life activities
- Has a history or record of such an impairment
- Is perceived by others as having such an impairment
    - *The ADA <u>does not</u> list the impairments that are covered*

Why do I need to have my event at an accessible site?

I've never had anyone in a wheelchair come to any of my events"

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14.1% of Ohioans have a disability

- At some point in their lifetime, 70% of all Americans with have either a temporary or permanent disability
- 21% of Americans aged 15 and over have a disability
- 50% of Americans 65 years and older presently have some type of disability (Census, 2010)

Prevalence of disability in Ohio by disability type and age (http://www.disabilitystatistics.org/

Disability type	% all ages	% 16 – 20 years old	% 21 – 64 years old	% 65- 74 years old	% 75 years and older
Any disability	14.1	0.67	12.3	24.5	48.8
Ambulatory	7.5	0.9	6.0	14.6	31.3
Cognitive	5.9	5.2	5.4	4.7	12.3
Hearing	3.8	0.8	2.2	8.7	22.6
Independent living	6.2	3.0	4.5	6.9	23.1
Self-care	2.7	0.8	2.1	4.0	11.8
Visual	2.3	0.8	2.1	3.5	8.8

Glossary

Accessibility is the design of products, devices, services, activities or facilities so people with disabilities can use or participate in them, with or without assistance.

Assistive technology is equipment, software and devices to increase or maintain function, productivity and independence

Accommodation or modification is an alteration to the way a program is offered, so that a person with a disability can attend and participate.

Goals for creating accessibility

Be **proactive**, not **reactive**

- Plan event, site, or program at an accessible site, with accessible materials (programs, videos, seating)
- Review your site or event using an accessibility checklist (link at the end of this handout)
- Use Universal Design concepts and principles to make the event welcoming and accessible to all attendees

Remember the Golden Rule – Treat others as you want to be treated

How you would want to interact with the program, site, event – without any restrictions, right?

This is your accessibility golden rule!

Answering questions about accessibility and requests for accommodations
- If you are asked if your business is accessible, list specific areas that are accessible
- Think creatively to problem solve - explain how a person could access an area that may not be accessible (they could drive their own vehicle to the pumpkin patch instead of riding the hay wagon).

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- Often people with disabilities are excellent problem solvers – they have to be! Ask how they have accessed similar events or venues before, and see if their solution can work in this situation
- *Ask for time to provide accommodations, up to a week is reasonable for most requests*

The cost of accessibility

- Many accommodations do not cost anything to provide, or may have a low cost
- Many accommodations increase safety and usability of the facility or program for <u>everyone</u> (Universal Design)
- Any business or event that is open to the public must be accessible
- There is no exemption for temporary events, or events that are open "just a few weeks or days" (county fair, Field Day, Sheep Day, pumpkin patch, corn maze, etc…)

Accommodating service animals

- Service animals – service dogs or mini horses only
- Services animals are allowed to accompany their handler almost anywhere (exceptions include sanitary food preparation areas and sterile environments in hospitals)
- Service animals cannot be excluded because another person is afraid of dogs, or allergic
- Emotional support or therapy animals <u>are not covered</u> under ADA, and do not have to be admitted
    - Housing laws are different & may allow support or therapy animals
- Animal must be under the handler's control at all times
- There is no required certification for a service animal
- The animal is not required to wear a vest to indicate they are a service animal
- The animal may have to work off leash (depending on their tasks)

What questions can you ask when determining if an animal is a service animal?

- Is the dog/mini horse a service animal required because of a disability?
- What work or task has the animal been trained to perform?
    - You <u>cannot</u> ask for a demonstration of the animal's work
    - You cannot ask for documentation for the service animal
    - You may not inquire about the nature of the person's disability

How do you make your event, festival or agritourism accessible?

- By providing <u>reasonable accommodations</u>
- To determine what is <u>reasonable</u>, you should first consider what is <u>not reasonable</u>
- *You can ask what accommodations they need – this does not commit you to providing exactly what they request, if you can provide access another way*

Do you have to agree to <u>every</u> accommodation request?

- Not if it is an unreasonable request
- "Unreasonable" is not based on your personal opinion, there is legal guidance for what could be considered unreasonable

A request is <u>not</u> reasonable and does not have to be granted if it:

- Requires a substantial change or alteration in the curriculum, or to an essential element of a course or program
- Fundamentally alters the nature of the service provided
- Poses a direct threat to the health and safety of self or others
- Poses an undue financial hardship or administrative burden

What may be an unreasonable request?

- Any request which creates a **safety or health hazard** for the individual or others
  - **Example:** If the individual cannot access the maze or hay wagon on their own, or with the assistance of their caregiver
- Any request which **fundamentally alters an essential aspect** of the service, activity or program provided
  - **Example:** Making a barn or the corn maze dust or pollen free (not possible due to the nature of a corn maze, or a barn)
  - **Example:** If someone asks that you remove a certain animal from the petting zoo because they are allergic, that could be seen as unreasonable, if you have a petting zoo or farm animals are part of the attraction
- Any request which creates an **undue financial or administrative burden**
  - **Example:** If a property owner said they cannot make their site accessible due to "undue financial hardship" a court would consider total assets of the business, not just the income of the agritourism site
  - **Example:** If someone asks that the parking lot be paved, that is probably unreasonable, but you should keep the lot/field mowed, and fill in holes where possible

Who pays for accommodations?

- The organizer/host of the event
- You <u>cannot</u> charge a person for accommodations
- What if the requested accommodation is expensive? Is that unreasonable? **Probably not**
  - *If you claimed undue financial hardship, and you were sued, a court would consider <u>all of your business resources</u>, (for OSU personnel - <u>all OSU resources</u>, not just the fair, Extension, county or agritourism profits*

Before people arrive at your event, you need:

[Accessible website](#)

Accessible promotional and marketing materials, handouts, videos, and resources….

- If you are not sure if your document is accessible, check it with free screen reader software. You need to know what it is reading, and in what order (ex: a table with columns may read across instead of down each column)
- https://www.naturalreaders.com/online/
- For tips on creating accessible documents and resources: go.osu.edu/accesslinks
- All videos that you post online (and that you show in programming) must have captions. YouTube can caption your video, but you will have to edit it before it is usable (tips on captioning are at the link above)
- If you are presenting programming to people who are visually impaired and they request braille, you must provide it. If you are working with a community partner who serves individuals who are individually impaired, ask them if they can convert your resources to braille.

- - *If they cannot, contact Laura Akgerman to start the braille conversion process (OSU Extension/CFAES)*
- Provide documents in other languages if asked (speaking another language & needing resources in that language is not a disability, but it is an access issue)
  - Office of Institutional Equity can help OSU personnel with translation services, www.equity.osu.edu

Include the non-discrimination <u>and</u> accommodations requests notice

- Use the non-discrimination statement on all resources, handouts and webpages https://equityandinclusion.cfaes.ohio-state.edu/notice-nondiscrimination
- Include a statement with event organizer contact information for requesting accommodations:
  - *Guests or visitors seeking an accommodation to participate in a (University) program, activity or service are encouraged to contact the event sponsor or department as early as possible and in advance of the event.*
  - *Use <u>your</u> local contact information*
  - *https://ada.osu.edu/visitors - for University events*
- OSU Extension accommodations form: https://equityandinclusion.cfaes.ohio-state.edu/request-accessibility-accommodation
- Contact Laura Akgerman if you need help providing with accommodations: Akgerman.4@osu.edu, 614-292-0622

Accessibility check:

- Review your site, if you were visually impaired, seated in a wheelchair or using a walker or other mobility device could you:
- Reach or access the ticket booth?
- Push or pull open doors?
- Locate a bathroom or accessible entrance to a building?
- Access buildings (no stairs or thresholds, or via ramps)?
- Get on the stage to accept an award?
- Safely move throughout the fairgrounds (no barriers or obstacles)?
- Are doorways, aisles and walkways smooth, safe and clear of obstructions and obstacles?
- Use the emergency exit?

Making your event, facility or program accessible to everyone

Universal Design is the creation of products and environments meant to be usable by all people, to the greatest extent possible, without need for adaptation or specialization

- *Great resources about Universal Design from OSU Extension Family and Consumer Sciences:* https://fcs.osu.edu/programs/major-program-areas/healthy-relationships/universal-design/resources-and-videos

Reserved parking spaces – post signs for accessible parking

- Spaces should be close to the (accessible) entrance, near a safe walkway, and free of debris
- You need 1 accessible parking space for every 25 non-accessible spaces

Walkways

- Smooth surface, not slippery
- Free of debris or barriers on the path, (protruding from sides, or hanging from above)
- Wide enough for a wheelchair (36" or wider). 60" diameter if turnaround is needed

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Accessible entrances & ticket booths

- Ramps (1" rise for 12" run)
- NO STEPS, thresholds or barriers
- Ticket counters up to 36" high

Accessible signs, programs and directions

- Use **large print signs** to indicate accessible entrances & exits
- **Written signs** with prices & FAQs
- Large print programs, handouts or materials
- Should also be available in electronic format for use with screen readers

Access inside the event or facility

- Accessible restrooms – permanent **or** temporary
- 1 accessible stall per bathroom
- Rent 1 (or more) accessible portable bathrooms - depending on the size of the event
- Seating areas with good line of sight (you <u>cannot</u> charge a premium for accessible seating)
- Stages should have ramps (if there is a possibility a person with a mobility impairment needs to access the stage)

Emergency exits and routes

- Ensure exit routes are unobstructed by materials, locked doors or dead-end corridors
- Keep exit routes free of explosive or flammable furnishings and other decorations
- Post signs along the exit route indicating the direction of travel to the nearest exit
- Mark doors or passages that could be mistaken as an exit route

Universal design best practices for Agritourism and events:

- **Transportation:**
- Hay wagon with a ramp
- Allow the guest to drive their own vehicle to the site (pumpkin patch, orchard)
- **Corn maze**
- Maintain an open, smooth, compact path free of plants and cut back corn stalks which hang over into the path of a maze

Orchards, vineyards, Christmas tree farms

- Plant trees, pumpkins or vines so there will be at least 36" between rows of plants
- Set aside an area on the edges of the orchard or pumpkin patch that is accessible with wider paths, and parking adjacent to the orchard/patch

Pumpkin patches

- For a pumpkin patch or other garden with plants that spread, mow vertical and horizontal rows to allow people to access all sides of the patch

Reference list

Accessible documents and resources

go.osu.edu/accesslinks

Accessibility basics for websites

https://www.usability.gov/what-and-why/accessibility.html

Accessibility checklist

 https://adachecklist.org/about.html#wha

ADA Facts sheets

https://adata.org/ada-fact-sheet-page

ADA guide for small towns

https://www.ada.gov/smtown.htm

Aging and the ADA

https://adata.org/factsheet/aging-and-ada

https://adata.org/factsheet/know-your-rights-americans-disabilities-act-ada-older-people

A planning guide for making temporary events accessible to people with disabilities

https://adata.org/publication/temporary-events-guide

Customer service and the ADA – quick tips for front line staff

https://adata.org/factsheet/quicktips-customer-service

Disability statistics and prevalence: Erickson, W., Lee, C., & von Schrader, S. (2019). 2017 Disability Status Report: Ohio. Ithaca, NY: Cornell University Yang-Tan Institute on Employment and Disability (YTI) http://www.disabilitystatistics.org

Reasonable accommodations

https://blog.mass.gov/mod/access/5-ways-to-improve-event-accessibility/

Service dogs and the ADA

https://www.ada.gov/service_animals_2010.htm

https://www.ada.gov/regs2010/service_animal_qa.html

For more information please visit Agrability.osu.edu

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