WELCOME
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Commissioner
Mayor’s Office of People with Disabilities
KRISTIN SAKODA
Deputy Commissioner & General Counsel
NYC Department of Cultural Affairs
ADA TICKETING: TRUE, FALSE, AND WHAT?

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ADA Ticketing: True, False, and What?

The Kennedy Center
New York, New York
April 22, 2017
Who?
56.7 Million American’s with Disabilities

19% - 1 in 5 - of the U.S. population

17% Adults 21 to 64

21% Youth 15 to 21

8% Children under 15

50% Adults 65 and older
How?
All are welcome philosophy

Recognizing - Diversity of needs

Valuing - Existing and new customers

Focusing - Engagement and experience

Integrating - Into the fabric
All are welcome philosophy

Independence and Dignity

Individual

- Ability to get to, get in and get around
- Meaningful participation and engagement with content and programs
Ticketing
2010 Revised Regulations Highlights

1. Service Animal
2. Mobility Device
3. Ticketing
4. 2010 Standards
5. Safe Harbor
6. Reduction of Elements

https://www.arts.gov/sites/default/files/NEA-ADA-TipSheet-v2.pdf
2010 ADA Ticketing Regulations

8 Sections
1. Ticket sales
2. Identification of seating
3. Ticket prices
4. Purchasing multiple tickets
5. Hold and release of tickets
6. Ticket transfer
7. Secondary ticket market
8. Prevention of fraud

U.S. Department of Justice Overview:
http://www.ada.gov/ticketing_2010.htm
Best Practice: Based on Section 1 Ticket Sales and 2 Identification of accessible seating

Accessible seating should be sold the same way as all other seating

ADA regs: Must provide accessible seating during the same hours, stages, outlets, methods and terms

ADA regs: Must provide information about availability and features of accessible seats

Provide good and accurate information so for patrons to make informed choices
Best Practice: Based on Section 3 Ticket Prices

- Provide choice with accessible seating available at all price levels *(in all areas with all perks/benefits)*

- Use proportionality to figure out the # of wheelchair locations and at what price.

ADA Regs: If seats are not physically located in all price levels --- use proportional pricing

ADA Regs: Accessible seats may not be priced higher than the seats around them
Best Practice: Based on Section 4 Purchase multiple tickets

• Allow purchase of the same number of seats and in the same row/area

ADA regs: Same number of tixs anyone else is limited to or allowed to purchase

ADA Regs: 3 companion seats if available at the time of purchase

Allow people to sit with their friends/family
Best Practice: Based on Section 5 Hold and Release

- Accessible seating may only be released if one of 3 conditions exist:
  1) sold out venue,
  2) sold out price-range,
  3) sold out section

ADA regs: Venue defines “sold out”

ADA regs: Must take into account reasonable expectation of releasing holds

- Don’t be overly eager to release accessible seating
Best Practice: Based on Section 6 Transfer tickets and Section 7 Secondary Market

• Don’t penalize people with disabilities who give or sell their tickets to someone else or who use the secondary market

ADA regs: Must exchange tickets from the secondary market to a comparable accessible location, if available when presented.

ADA regs: Tickets for accessible seating may be transferred under the same terms/conditions.
Best Practice: Based on Section 8 Prevention of Fraud

- Make ticket buying easy

  ADA regs: Verbal, written or click attestation, but not inquiries about disability

  ADA regs: Permits Investigation where there is good cause to believe purchase is fraudulent

Protect the accessible seats but not to the extent that it is onerous or burdensome
clarifications ....
What Can You Ask?

Do you or a member of your party, or the person for whom you are purchasing a ticket:

1. have a disability?
2. require the use of the features of the accessible location?

There must be a relationship between the individual’s disability and the need for the seat/space.
When Can You Ask for an Attestation?

- **When:** Purchasing by phone or in person  
  **How:** Verbal attestation at time of purchase
- **When:** Purchasing online  
  **How:** “Click” attestation
- **When:** Purchasing a subscription or series of tickets  
  **How:** Written attestation

“Do you, or a member of your party, have a mobility disability or disability requiring the use of the features of the accessible location.”
Sample On-Line Attestations

• By checking this box, I acknowledge that I am purchasing wheelchair accessible seats, that accessible seats are for use by a person with a disability who requires accessible seating due to a disability, and that the venue reserves the right to take a action against individuals who fraudulently obtain accessible seating.

• Wheelchair, sign-interpreted and captioned seating is reserved for the exclusive use of patron with disabilities and their guests. The purchase or use of these seating locations by non-disabled individuals is strictly prohibited and can result in relocation or ejection.

• (check box) Yes, I or one of my guests require(s) the accessible features of the seats that I have selected.
Dear valued patron,

Our records indicate that you or a member of your party requires wheelchair accessible seating. Check the box and return this slip indicating whether your renewal requires wheelchair accessibility. Thank you.

☐ YES, I or one of my guests require(s) the accessibility features of the seats that I have selected.

Note: By checking this YES box you acknowledge your understanding that any fraudulent claims made to wheelchair accessible seating by non-disabled parties is strictly prohibited and can result in relocation or ejection.

☐ NO, I or one of my guests no longer require(s) accessibility consideration. I would like to be assisted in finding new seating.
3 Step Analysis:

1. Does the patron or a member of his/her party have a disability?
   - Yes or No

2. Does the patron or a member of his/her party require the features of the accessible space?
   - Yes or No

3. Is the need for the features related to the person’s disability?
   - Yes or No
Features of an Accessible Location

• Size of the wheelchair location
• On an accessible route (no steps)
• Level
• Restroom vicinity
• Chair/No Chair
• Armrest/no armrest
• Other/More?
Scenario 1

A woman who is borrowing one of the venue’s courtesy wheelchairs wants to purchase a wheelchair accessible space. She says she just needs the wheelchair to get around the building but does not want to sit in it during the show. She wants to sit in an accessible location.
Scenario 1

1. Does she have a disability?
   Yes

2. Does she need the features of the accessible space?
   Maybe.

3. Is the need for the feature(s) of the space related to her disability?
   Maybe.

**Answer:** After describing the features of the accessible location, if she says that she needs them, sell her the accessible seat.

**Note:** You can suggest other options that might accommodate the patron, but if the patron says they need the features of the accessible location and they have a disability, it would probably be best to sell them the seat.
Scenario 2

A woman calls saying that her husband recently had knee surgery and has a hard time maneuvering into tight locations and standing up/sitting down repeatedly is painful.
Scenario 2

1. Does her husband have a disability?
Yes, at least temporarily.

2. Does he need the features of the accessible space?
Depends.

3. Is the need for the feature(s) of the space related to his disability?
Maybe.

**Answer:** After you describe the features of the accessible location, if she says that he needs them, sell her the accessible seat.

**Note:** As in scenario 1, you are welcome to suggest other options where this patron can be accommodated.
Scenario 3

A woman calls who says she has epilepsy and is very tall. She wants to sit in a wheelchair location so she can stretch her legs.
Scenario 3

1. Does she have a disability?
   Yes.

2. Does she need the features of the accessible space.
   She says she does.

3. Is the need for the feature(s) of the space related to her disability?
   No.

**Answer:** She does have a disability and she may want the space because she is tall, but needing the extra leg room is not related to her disability. Don’t sell her the accessible location.

**Note:** There may be circumstances where someone with epilepsy might require the features of the accessible location.
Scenario 4

A man who has been diagnosed as “morbidly obese” has difficulty walking distances and doesn’t fit comfortably in the regular theater seats. He wants to purchase a ticket in a wheelchair space.
Scenario 4

1. Does he have a disability?
He indicated that he has difficulty walking distances, so yes, and possibly because he is “morbidly obese”

2. Does he need the features of the accessible space?
He might require the features of the location.

3. Is the need for the feature(s) of the space related to his disability?
His disability, his condition and other difficulties, are related to his diagnosis, so yes.

Answer: Yes. Although obesity, generally, is not a disability, the EEOC and some federal courts consider severe or morbid obesity to be a disability. Sell him the accessible location.
Scenario 5

A woman who is blind and uses a service animal wants to purchase a wheelchair location. Over the course of the conversation, you find out that she has a service miniature horse.
Scenario 5

1. Does she have a disability?
   Yes.

2. Does she need the features of the accessible space?
   Yes.

3. Is the need for the feature(s) of the space related to her disability?
   Yes, she is blind and uses a service animal.

Answer: Yes. She does have a disability and requires the features of an accessible location due to her large service animal which directly relates to the disability.

Note: If the service animal was a Chihuahua there would probably be no need for the features of the space.
Questions
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Disclaimer
Information contained in this presentation is for general guidance. The information in this presentation is not intended to be legal advice nor a rendering of legal advice, opinion or services. Recipients should consult with their own professional legal advisor.
Next session begins at 1:00 p.m.
WELCOME BACK
LISA CARLING
Director of TDF Accessibility Programs
DO IT YOURSELF CAPTIONING

David Chu, Mark Annunziato, Erica Foster, JW Guido
MARK ANNUNZIATO
VP of Engineering and Operations
Sound Associates
TDF Access for NYC Theatre Symposium 2017

Audien® Suite of Services: “Every Seat, Every Show”

- I-Caption® – Automated Personal Closed Captions
- Smart Phone Caption App
- D-Scriptive™ – Automated Audio Description
- Audien® Translation – Automated Multi-Lingual Audio Commentary
- Smart Phone Audio Amplification

Sound Associates, Inc.
I-Caption®

- Automated closed caption device for the hard of hearing for live performances.
- Completely proprietary system.
- The I-Caption System uses “slides” designed in a PowerPoint presentation.
- The slides are stored on a removable memory card.
- and fired through a automation software program that times the slides to the performance.

Sound Associates, Inc.
Smart Phone Caption App - GalaPro

- Automated closed caption on your Smart Phone or Tablet.
- Streamed directly to the user’s own device
- Personalized settings
- Synchronization in real-time. Uses same technology as I-Caption system
- Future - voice recognition technology

Sound Associates, Inc.
In-show Advertising
For concession items as well as restaurants and brands

Ticket Sales
For shows based on location, history and relevance

Notifications
Information from the theaters

Location based post-show advertising
For show merchandise, upcoming shows, and other relevant items

Reviews & Content
About other shows, news and happening in the theater world

Discount & coupons
For post-show dinners, other shows and cross-sale materials

Data & Analytics
On audience profile and behavior pre-, during, and post-shows

Social Network Engagement
Share show experiences to promote show among friends.
Smart Phone Audio Amplification App

- Audio over WiFi to Smart Phone or I-Pod.
- Streamed directly to the user’s own device.
- Personalized settings
- 4 – 16 Channels
- Approx. 75 users per network max.
JW GUIDO
Artistic Director
New York Deaf Theatre
Our mission:
● Give opportunities to Deaf artists
● Deaf by Deaf for Deaf
● FULL accessibility to audience
Projectors

• Save $$$
• Powerpoint
• Easier and faster
• Need to hire captionist
NYDT’s *The Signal Season of Dummy Hoy* Production
FUTURE PLANS

• A play with bi-language (ASL and spoken English)
  • When one language is being spoken on-stage, we’ll use captions
  • When there’s two languages on stage, no captions will be used
    • Experimental with realistic
QUESTIONS?
PROVIDING AUDIO DESCRIPTION: SUSTAINABLE PROGRAMMING

Ruth Feldman, Evan Hatfield, Andrea Day
RUTH M FELDMAN
Founder/CEO
Access4Arts
CREATING AN AD PROGRAM THAT WORKS =

CULTIVATING ALLIES & Training

presented by:

RUTH M. FELDMAN
Founder/CEO: Access4Arts
and
Senior Writer and Audio Description Trainer:
Audio Description Solutions
Cultivating Allies

*aka Institutional Buy-In*

- Artistic and Managing/Executive Directors
- Development – program financial support
- Marketing
- Sound Department
- Box Office/Front of House
Sound Department

- Involve Sound Staff (& Interns)
  - Joint training with sound & front of house department staff re: equipment/process
  - Establish policies & procedures with sound department re: equipment oversight, maintenance & assessment
  - Establish policies and procedures with front of house and/or box office staff re: equipment distribution & tracking
Accessibility Training for Staff

• Front of House including House Management
• Box Office
Service Providers

• Training

• Professionalize the Relationship
  ➢ Listen to the service
  ➢ Process for feedback: you and patrons
  ➢ Resources and support
Evan Hatfield
Director of Audience Experience
Steppenwolf Theatre
ANDREA DAY

Audio Descriptor
QUESTIONS?
TOWN HALL

Lisa Carling, Fran Polino, Philip Dallmann, Leah Diaz
THANK YOU FOR COMING!

Please join us in the lobby area for drinks!