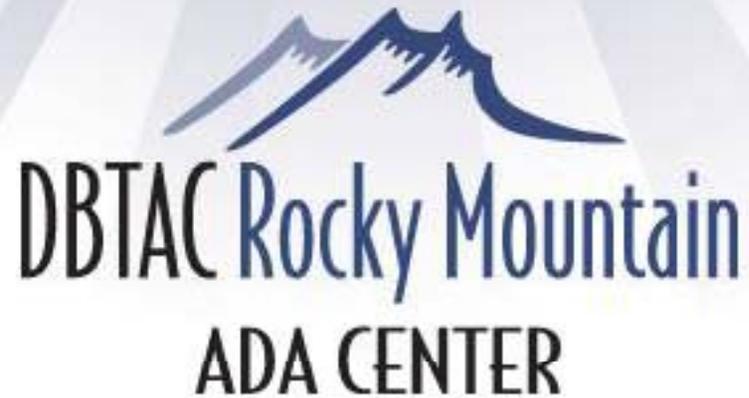


Service Animals in 2011



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- Referral & Networking with other Disability Organizations
 - Research
 - Training
- Material Dissemination

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- Municipal Self Evaluations and Transition Plans
- Municipal and County Facility and Program Accessibility
- Commercial Facility Accessibility



MTC Consulting Services

- School District Accessibility
- Architectural Plan Review
- Public Housing Accessibility



Service Animals



Laws that Impact Service Animals

- Rehabilitation Act of 1973
- Fair Housing Act
- Air Carrier Access Act
- Individuals with Disabilities Education Act (IDEA)
- ADA

The definition and animal inclusiveness varies depending on what law applies.

Rehab Act of 1973

- Federal Agencies
 - Employers
- Education
 - K-12
 - Post Secondary

Under Section 504, people with disabilities can request a reasonable accommodation for assistance animals in addition to dogs, including emotional support animals.

Fair Housing Act

- Housing Providers
 - Landlords
 - HOAs

“Service Animal” is not clearly defined under the act. Housing providers must make reasonable accommodations to policies to allow people with disabilities equal housing opportunities. For this reason, therapy, emotional support and service animals could be covered.

Air Carrier Access Act

- Access to Air Travel

Service Animals and Emotional Support animals are allowed to accompany a qualified person with a disability to any seat unless the animal obstructs an aisle or other area that must be clear in case of emergency.

People who travel with assistance/service/therapy animals must provide documentation upon request to establish that they are a person with a disability and the reason for utilizing the animal.

IDEA

- K-12

Students with disabilities that use service animals are allowed to have the animal accompany them to school as long as they can handle or have a handler control the animal at all times. Service animals are usually addressed in the and the student's 504 plan.

These laws....

- Do not have a species limitation.
- Have not been changed recently.
- Some include therapy/comfort animals.
- Have different requirements for documentation.
- Are not influenced by the changes to the service animal definition under ADA

The ADA Covers...

- Title I – Employment
- Title II – State & Local Governments
- Title III – Private Business
- Title IV – Telecommunications
- Title V – Miscellaneous

ADA Service Animal Definition

- “Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.”

Definition...

- Definition can be found in § 35.104 in title II and in § 36.104 in title III.
- The definition
 - limits the species of service animals to dogs;
 - makes clear that comfort or emotional support animals are not covered; and
 - also makes clear that individuals with physical, sensory, cognitive or psychiatric disabilities can use service animals.

Three General Changes

- Revises “service animal” definition in title III;
- Adds “service animal” definition and service animal provisions to title II; and
- Clarifies policies and interpretations regarding service animals.

What did not change...

- Employment provisions
- Training requirement
- Still does not cover service animals/puppies in training
- No surcharges



ADA Title I

- Service animal not defined under Title I
- Allowing service animal is a reasonable accommodation under ADA
 - unless undue hardship
- Employers may have to consider an animal that does not meet title II & III definition

ADA Title II & III

- Prohibits discrimination on the basis of disability by public entities and places of public accommodation
- Entities must modify programs or policies that exclude service animals

Training...

- ADA requires that the dog be individually trained to do work or perform tasks
- The work or tasks performed by a service animal must be directly related to the handler's disability.

Do work or Perform Tasks...

- Includes a non-exhaustive list of examples of work and tasks, such as retrieving items, e.g., medicine or telephone.
- Covers individuals with psychiatric, intellectual, or other mental disability that use service animals.
 - Example: Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Emotional Support Animals

- Because service animals must “do work or perform tasks,” emotional support and comfort animals are not included in the definition of “service animal.”
- The provision of emotional support, well being, comfort, or companionship do not constitute work or tasks for the purposes of the “service animal” definition.

Species Limitation

- Service animals are now limited to one species—dogs.
- The definition provides that other animals besides dogs, whether wild or domestic, do not qualify as service animals.
- The new rules do not affect coverage of other animals under other laws, like the Fair Housing Act or Air Carrier Access Act.

Revisions to Service Animal Provisions

- Overview of changes
 - Provides when a service animals can be excluded
 - Requires animal to be under handler's control
 - Care and supervision
 - Provides guidance on inquiries
 - Access to areas open to public
 - Surcharges

Exclusion of Service Animals

- General rule is that covered entities must permit service animals.
- The revised rules, however, add two specific exceptions of when service animals can be excluded:
 - The animal is out of control and the handler does not take effective action to control it; or
 - The animal is not housebroken.
- * The handler should be given opportunity to participate without the animal.

Under Handler's Control

- Must have harness, leash, or other tether.
- If handler is unable to use these because of their disability or because use would interfere with the safe and effective performance of work or tasks the animal must otherwise be under the handler's control (i.e., voice control, signals, or other effective means.)

Permissible Inquiries

- Covered entities may make two inquiries:
 - If the animal is required because of a disability; and
 - What work or task the animal has been trained to perform.

Impermissible Inquires

Covered entities may not:

- Make inquires when it is apparent the animal is a service animal;
- Ask for any kind of documentation, including certification of training or licensing; or
- Inquire about the nature or extent of the individual's disability

Miscellaneous Provisions

- Covered entities are not responsible for the care or supervision of a service animal.
- Service animals may accompany their handlers to areas of a public accommodation or public entity.
- Covered entities may not require people with disabilities to pay pet fees or surcharges that are not applicable to individuals without pets.

Miniature Horses



Facts about Miniature Horses

- Miniature horses live/work longer than dogs
 - Life span 30-40 years
 - Can work up to 12 years
- People allergic to dogs can benefit from using miniature horses
- Miniature horses have more stamina than dogs



Miniature Horses

- Rules require reasonable modifications to permit a miniature horse that has been individually trained to do work or perform tasks.
- Rules provide assessment factors to assist entities in determining whether reasonable modifications can be made.

Miniature Horses

- Miniature Horses range in weight from 70 to 100 pounds.
- Miniature horses can range in height from 24 to 34 inches, however, the Guide Horse Foundation only uses miniature horses that are less than 26 inches high.

Assessment Factors

- The type, size, and weight of the horse and whether the facility can accommodate those features
- Handler has sufficient control of the horse
- Horse must be housebroken
- Whether the horse's presence in a specific facility compromises legitimate safety requirements

Requirements for Miniature Horses

- Sections 35.136(c)-(h)'s and § 36.302(c)(3)-(8)'s service animal requirements also apply to miniature horses.
- Admit PWD even if animal is properly excluded
- Care and supervision
- Inquiries
- Access to all public areas
- Surcharges

Service Animal Resources

- Service Animal Pocket Guide
www.adainformation.org

- Title II & III Regulations
www.ada.gov

- ADA Service Animal Brief
<http://www.dlrp.org/html/publications/ebulletins/legal/2011/march2011.pdf>



Other Resources

- DBTAC: ADA National Network
www.adata.org
800-949-4232
- Job Accommodation Network
www.askjan.org
800-526-7234
- U.S. Department of Justice
www.ada.gov
800-514-0301

Questions

