



ADA: An Overview of Service Animals

Will begin at 2:00 PM Eastern Time

- Audio and visuals are provided through the online webinar platform
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- This session will be open-captioned



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Technical Assistance

- If you experience technical difficulties
 - Select the Chat icon and then type your message in the box that appears
 - Call 301-217-0124



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Audio

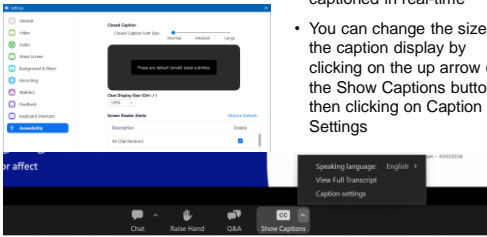
- Access audio for the webinar via computer speakers or phone
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Captions

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Archive

- This webinar is being recorded
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- Only those who purchased certificates when registering for the session are eligible to receive one
- Certificates are available only for attending the live session; attendance will be verified
- The code to submit for a certificate will be announced later in the session

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Presentation Accessibility

- For the benefit of participants who are not able to see the presentation slides on the webinar platform, speakers will
 - Announce slide numbers
 - Describe images that are meaningful to the content of the session

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About Your Hosts...

TransCen, Inc.

- Improving the lives of people with disabilities through meaningful work and community inclusion

Mid-Atlantic ADA Center, a project of TransCen

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Americans with Disabilities Act (ADA)
Overview of Service Animals



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Mid-Atlantic ADA Center

One of ten regional centers providing guidance, training, and materials on the ADA

1-800-949-4232

ADAinfo.org



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Acknowledgment and Disclaimer



The ADA National Network is funded by the National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR). NIDILRR is a Center within the Administration for Community Living (ACL), Department of Health and Human Services (HHS). These contents do not necessarily represent the policy of NIDILRR, ACL, or HHS, and you should not assume endorsement by the federal government. The information and/or materials provided are intended solely as informal guidance and should not be construed as legal advice.



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ADA

- Americans with Disabilities Act; civil rights law
 - **Title II: state and local governments**
 - All programs, services, and activities
 - **Title III: public accommodations**
 - Many types of private businesses open to the general public
 - EXAMPLES: retail stores, restaurants and bars, hotels, theaters, gas stations, banks, amusement parks, fitness centers, day care centers, professionals' offices (doctors, lawyers, insurance agents, etc.), and many others

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Reasonable Modifications

- Covered entities need to make reasonable modifications in policies, practices, and procedures to ensure equal opportunities for people with disabilities



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Service Animal Defined (DOT)



- U.S. Department of Transportation (DOT) regulations apply in vehicles and facilities of transportation services covered by Title II or Title III of the ADA
 - Any **guide dog, signal dog, or other animal** individually trained to do work or perform tasks for an individual with a disability

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Service Animal Defined (DOJ)

- U.S. Department of Justice (DOJ) regulations apply in all other types of businesses and agencies covered by Title II or Title III
- Any **dog** that has been individually trained to do work or perform tasks for the benefit of an individual with a disability



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Monkeys and Ferrets and Snakes ... Oh, My!

- Species other than dogs, **wild or domestic, trained or untrained**, are **not** considered service animals under DOJ's rule
- However ...**

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Miniature Horses (DOJ)

Reasonable policy modifications may be needed to allow an individual with a disability to use a **miniature horse** that has been individually trained to perform disability-related work or tasks



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Dogs or Miniature Horses: What's the Difference?

- **Service dogs** must be allowed in virtually **all** areas where the public is allowed to go
 - Very few exceptions (e.g., hospital operating room or burn unit, limited areas in a zoo)
- **Miniature horses** are subject to a few additional considerations, including ...
 - The **type, size, and weight** of the miniature horse and whether the facility can accommodate these features

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Active Animals

- Service animals (and miniature horses) must be **trained** to perform specific **actions, tasks, or work** directly related to an individual's disability



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Examples of Animals' Work

- Providing **physical support** and help with balance and stability for people with mobility disabilities
- **Guiding** individuals who are blind or have low vision
- **Pulling** wheelchairs or **retrieving** items for people with mobility limitations
- **Alerting** individuals who are deaf or hard of hearing to sounds
- **Preventing or interrupting behaviors** for people with psychiatric or neurological disabilities
- **Alerting** individuals to oncoming seizures or changes in blood sugar levels
- Providing **non-violent protection** or rescue work

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Other Types of Assistance Animals (Not Service Animals!)

- Emotional support or comfort animals
 - Provide comfort, companionship, emotional support, or other benefits to an individual simply by being *present*, but are not trained to *do* anything specific
- Therapy animals
 - Trained to provide comfort or socialization to general populations (for example, in pediatric hospital units or nursing homes); not trained to serve a specific individual
- Some other laws, including state laws, extend greater rights related to various types of assistance animals

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Service Animal or Not: Example

Service Dog

- Marge has a psychiatric disability
 - Her dog Bumper can tell when Marge's anxiety level rises
 - Bumper is **trained to respond** by moving himself in front of Marge and leaning against her to help direct her away from her current location

NOT a Service Dog

- Aaron has a psychiatric disability, too
 - His dog Floppy is good-natured and sometimes can tell that Aaron is becoming anxious
 - However, Floppy **isn't trained to do anything** to help Aaron

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What Can Be Asked?

Covered entities may ask only **two questions** when a person is accompanied by a dog or miniature horse (or other animal in a transportation setting)

1. **Is this a service animal required because of a disability?**
2. **What work or task has the animal been trained to perform?**

➤ These questions should only be asked when the answers are not obvious

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What Can *Not* Be Asked?



- Covered entities can **not** ask for documents, certificates, proof, demonstrations, or details about ...
 - **The individual's disability**
 - **The animal's training**

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Identification

- Many service animals wear harnesses, vests, or other items that identify them as service animals, but this is **not required**
 - **Remember, certificates, documents, or proof of a service animal's status or training can not be required**



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Expectations

- A service animal (or a miniature horse) must be ...
 - **Housebroken**
 - **Under control** at all times
 - Have a harness, leash, or tether *unless* ...
 - The individual, because of disability, is unable to use a leash; and/or
 - A leash would interfere with the animal's work
 - If not tethered, the animal must be under control by voice commands, hand signals, or other effective means



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Handlers' Responsibilities

- Care and supervision of a service animal is the responsibility of the handler
- Service animals may be excluded if they are out of control or pose a direct threat to health or safety



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Other Laws

If other laws, including state or local laws, conflict with the ADA, provisions that are better for individuals with disabilities must be followed, for example ...

ADA Is Better	State Law Is Better
<ul style="list-style-type: none"> • ADA: Service dogs can be any breed or size of dog • State law: Ownership of bulldogs not allowed 	<ul style="list-style-type: none"> • State law: Service dogs <i>in training</i> must be admitted • ADA: Service dogs must be fully <i>trained</i>



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Resources: Federal Agencies

- U.S. Department of Justice www.ada.gov
- U.S. Department of Transportation www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/civil-rightsada



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Certificates of Attendance: Code

- If you paid for a certificate of participation, check the reminder email you received about this session for instructions
- Please email the code above to ADAtraining@transcen.org by **5 PM E.T. on August 26, 2024**
- Certificates are emailed 1 – 2 weeks after the session

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Thank You!



Mid-Atlantic ADA Center

Toll-free: **800-949-4232**
(DE, DC, MD, PA, VA, WV)

Local: **301-217-0124**

ADAinfo@transcen.org

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