



Welcome to the ADA Legal Webinar Series

A collaborative program between the Southwest ADA Center, Great Lakes ADA Center and members of the ADA National Network

The Session is Scheduled to begin at 2:00pm Eastern Time
We will be testing sound quality periodically

Audio and Visual are provided through the on-line webinar system. This session is closed captioned. Individuals may also listen via telephone by dialing 1-712-432-3066 Access code 148937 (This is not a Toll Free number)

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Listening to the Webinar, *continued*



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Listening to the Session, *continued*



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(including Kindle Fire HD)

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Blackboard Collaborate Mobile App (Available Free
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**Closed Captioning is not visible via the Mobile App and there is limited accessibility for screen reader/Voiceover users

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Captioning



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Submitting Questions



- You may type and submit questions in the Chat Area Text Box or press Control-M and enter text in the Chat Area. You will not be able to see the question after you submit it but it will be viewable by the presenters.
- If you are connected via a mobile device you may submit questions in the chat area within the App
- Questions may also be emailed to webinars@adaconferences.org



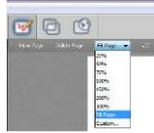
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Customize Your View



- Resize the Whiteboard where the Presentation slides are shown to make it smaller or larger by choosing from the drop down menu located above and to the left of the whiteboard. The default is “fit page”



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Customize Your View *continued*



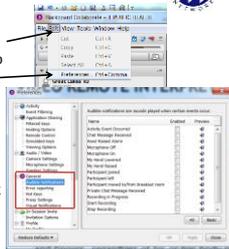
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Adjusting Preferences



- **To turn off notifications (audible/visual)**
 - Select “Edit” from the tool bar at the top of your screen
 - From the drop down menu select “Preferences”
 - Scroll down to “General”
 - select “Audible Notifications” Uncheck anything you don’t want to receive and “apply”
 - Select “Visual Notifications” Uncheck anything you don’t want to receive and “apply”
 - For Screen Reader User – Set preferences through the setting options within the Activity Window (Ctrl+Slash opens the activity window)



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Technical Assistance



- If you experience any technical difficulties during today's session:
 1. **In webinar platform:** Send a private chat message to the host by double clicking "Great Lakes ADA" in the participant list. A tab titled "Great Lakes ADA" will appear in the chat panel. Type your comment in the text box and "enter" (Keyboard - F6, Arrow up or down to locate "Great Lakes ADA" and select to send a message); or
 2. **By Email** webinars@adaconferences.org ; or
 3. **Call** 877-232-1990 (V/TTY)

SERVICE ANIMALS, EMOTIONAL SUPPORT ANIMALS, PETS AND THE LAW

Special thanks to:



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The Elephant in the Room...



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Fry v. Napoleon Community Schools, 15-497

- On 6/28/2016 US Supreme Court agreed to hear this case in Fall term
- Case involves a service animal, but is about **damages** for the discrimination.



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What are “service animals?”



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Service Animals: Some Types



- Types of Animals Serving People with Disabilities:
 - Dog Guide, or Seeing Eye® Dogs
 - Hearing, or Signal Dogs
 - Mobility assistance Dogs.

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Service Animals: Some Types



- Service animals cont'd:
 - sSigDogs --- Social Signal Dogs
 - Alert / Response Dogs
 - Psychiatric Service Animals

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NOT Service Animals:



- Therapy dogs
- Companion animals / emotional support animals
- A dog undergoing training to be a service dog
- A police dog
- Personal protection dogs or attack dogs

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How do I know it is a Service Animal?
Permitted Inquiry ...



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What may you ask?



“Is the animal required because of a disability?” ✓

“What work or task has the animal been trained to perform for you?” ✓

“What is your disability?” ✗

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Etiquette & Service Animals:



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What are Companion / Emotional Support Animals?



- People with disabilities receive some benefit from animal absent specific training.
- Tenuous legal status,
- Conceptually, hard, if not impossible, to differentiate their function from the role of pet.

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Faking it ...



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Faking it ... why?



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What Laws protect PWD who use Service Animals?

- The Rehabilitation Act
- The ADA
- The Fair Housing Act
- The Air Carrier Access Act
- **All** the various State Laws
- CREATES SOME CONFUSION!



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The Rehabilitation Act & Service Animals?

- Prohibits discrimination based on disability
- Obliges federal agencies
- Obliges federal contractors and grantees
- Directs federal agencies to promulgate regs
- Requires reasonable modifications of policies and practices



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The ADA & "Service Animals"?

Department of Justice in 2011:

- "Service animals are defined as dogs that are individually trained to do work do perform tasks for people with disabilities." [Emphasis added]
- Must be related to the person's disability.



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ADA and Service Animals an Exception: Miniature Horses



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The ADA & “Service Animals”?

Department of Transportation:

- Applies to Public Transportation
- Private Transportation – incl. Taxicabs, Motor Coaches, and Transit Facilities
- “Any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability”



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U.S. Dept of Transportation – Federal Transit Administration

“Service animal means any guide dog, signal dog, **or other animal** individually trained to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.”



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The Fair Housing Act & Service Animals?



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- Does not distinguish between service dogs and emotional support animals
- HUD has interpreted reasonable accommodations requirement to allow companion animals

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The Air Carrier Access Act & Service Animals?



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- Service animals and emotional support **animals** allowed
- Air carriers should accept identifiers including credible verbal assurance that a PWD is using animal as service animal or emotional support animal
- May ask the “two questions”

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Service Animals , Air Travel & the TSA:



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Quarantine & Service Animals



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- Hawaii
 - Allows for prescreened guide and service dogs to avoid quarantine so long as they have ID chips, health certificate, and current documented rabies shot

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Service Animals & State Law: WASHINGTON

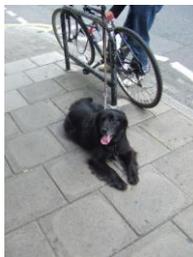


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- Protects PWD using service animals
- Makes it a misdemeanor to interfere with the use of service animal
- Makes it a felony to intentionally harm or kill service animal
- Makes it theft to wrongfully deprive PWD use of their service animal

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Service Animals & State Law: OREGON



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- Protects PWD in use of service dogs and assistance animals
- Provides statutory remedies when service dog is hurt or killed, including vet bills and replacement costs
- Makes it a crime to knowingly deprive PWD use of their service animal
- Oregon has voluntary license program

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Service Animals & State Law:

CALIFORNIA



- Protects PWD in use of guide, signal and service dogs
- Creates civil and criminal fine structure for interference with PWD in use of service animal or harassment or injury to animal
- California has voluntary licensing law with criminal penalties for false statements or other misrepresentation of claimed service animal status.

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Service Animals & Local Breed Bans?:



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Service Animals + New Regs: Psychiatric Service Animals



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Service Animals & the Workplace:



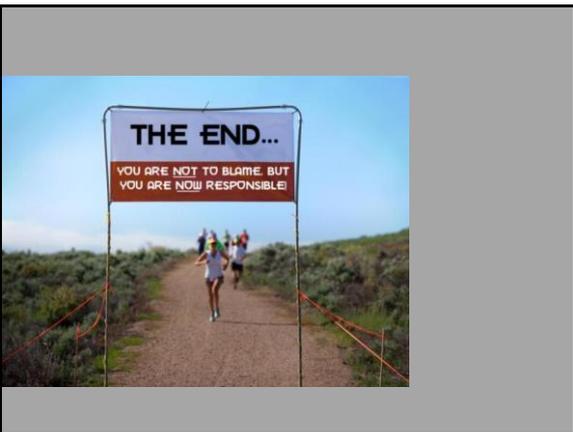
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Atypical Service Animals...



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 **National Network**
Information, Guidance and Training on the Americans with Disabilities Act

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Next ADA Legal Webinar Session

September 21, 2016

Criminal Justice and the ADA:
Barry Taylor and Rachel Weisberg

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