

Subject: Nebraska VR Employment Committee

Date: Tuesday, February 24, 2015 4:02:34 PM Central Standard Time

From: Foley, Lindy

To: VR Team DIG

To: Office Directors

Re: Nebraska VR Employment Committee

As discussed during the January DIG meeting, I am requesting your assistance identifying a representative from your team to participate in the Nebraska VR Employment Committee. Below are more details. If you have questions, please let me know!

The Nebraska VR Employment Committee Purpose:

- (a) Provide guidance to the Employment Services Program Director on issues related to policy and process;
- (b) Identify barriers to the job seeking, job placement and job retention processes; and
- (c) Share effective practices promoting the agency's work relating to employment services.

Expectations:

Members may serve up to three (3) consecutive years on the committee. Meetings will be held quarterly beginning April 2015.

Meeting minutes will be posted for VR staff and the committee members will be asked to share information with office team members to ensure consistent communication.

Representation:

Placement staff, an individual serving as an evaluator or counselor (to encourage cross-team communication/planning), an Office Director, Business Account Managers, ATP representative and CAP representative. It is the intent that all offices will have a representative serving on the Employment Committee.

Initial Recruitment: Please send me the name(s) of the individual(s) to be considered for the committee by **Friday, March 13.**

Thank you!

Lindy Foley
Employment Services Program Director
Nebraska VR
301 Centennial Mall S, 6th Floor
Box 94987
Lincoln NE 68509

FORMS CATEGORIES		FORMS TO SURVEY STAFF RE: USE		DELETE
APPLICATION/ELIGIBILITY/PLANNING			IL Assessment - Barriers to Employment	Testing Form
BENEFITS PLANNING	PROG MANUAL CHAPTER		IL Assessment - Household, Relocation, Cleaning	Bi-Weekly Schedule (2014)
CASE/CASELOAD MANAGEMENT			IL Assessment - Menu Planning/Prep, Laundry	Employee Performance Appraisal - Field Staff
LETTERS			IL Assessment - Rehab Engineering & AT	Employee Performance Appraisal - IT/Other
OJE	PROG MANUAL CHAPTER		IL Assessment - School Needs	Employee Performance Appraisal - OD's
OJT	PROG MANUAL CHAPTER		IL Assessment - Transportation, Health & Hygiene	Team Connections
PLACEMENT			IL Assessment - Work-Site Needs	Critical Skills Checklist
POST SECONDARY	PROG MANUAL CHAPTER		Action Planner	
REFERRAL			Next Steps	
RELEASE			Make Sure this Job is Right for You	
SUPPORTED EMPLOYMENT	PROG MANUAL CHAPTER		Education Budget Worksheet	
TRAINING			Position Information Sheet - Associate	
ADMINISTRATIVE FORMS			Position Information Sheet - Service/Rehab Specialists	
CASE REVIEWS				
FISCAL FORMS - CASE SERVICES				
FISCAL FORMS - NON CASE SERVICES				
MARKETING				
NEW EMPLOYEE	PROG MANUAL CHAPTER			
NEW PROVIDER				

NOTES	Forms to Survey Staff About	came from
	IL Assessment - Barriers to Employment	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - Household, Relocation, Cleaning	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - Menu Planning/Prep, Laundry	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - Rehab Engineering & AT	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - School Needs	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - Transportation, Health & Hygiene	APPLICATION/ELIGIBILITY/PLANNING
	IL Assessment - Work-Site Needs	APPLICATION/ELIGIBILITY/PLANNING
similar to Next Steps? needs to be revised	Action Planner	CASE/CASELOAD MANAGEMENT
same as Action Planner? Combine?	Next Steps	CASE/CASELOAD MANAGEMENT
	Make Sure this Job is Right for You	IPE
	Education Budget Worksheet	POST SECONDARY
	Position Information Sheet - Associate	VR ADMINISTRATIVE FORMS
	Position Information Sheet - Service/Rehab Specialists	VR ADMINISTRATIVE FORMS
	DELETE	
	Testing Form	CASE/CASELOAD MANAGEMENT
	Bi-Weekly Schedule (2014)	OJE/OJT/PAYROLL/PLACEMENT
	Employee Performance Appraisal - Field Staff	ADMINISTRATIVE FORMS
	Employee Performance Appraisal - IT/Other	ADMINISTRATIVE FORMS
	Employee Performance Appraisal - OD's	ADMINISTRATIVE FORMS
	Team Connections	ADMINISTRATIVE FORMS
	Contracts, Letter Contracts, Purchasing Procedures	OTHER ADMINISTRATIVE FORMS
	Critical Skills Checklist	

APPLICATION/ELIGIBILITY/PLANNING	
Application-English	Leave
Application-Spanish	Leave
Audiology Calculating Tool	combine w/ Communication Assessment
Communication Assessment	combine w/ Audiology Calculating Tool
Community Support Program Packet	remove policy section and move to Administrative Forms; keep Report on Employment Form
Employment Discussion & Job Planning Discussion Guides	Training Information
Functional Capacities Checklist	Leave
HELPS Brain Injury Tool & Protocol	Leave
HELPS Positive Screen Follow Up Questionnaire	Leave
IL Assessment -	Survey offices to see if used
Barriers to Employment	
Household, Relocation, Cleaning	
Menu Planning/Prep, Laundry	
Rehab Engineering & AT	
School Needs	
Transportation, Health & Hygiene	
Work-Site Needs	
Impairments Checklist	
Milestone 1 - 4 Reports	completed by provider - move to Administrative Forms
NSES Progress Checklist	move to Administrative Forms
Physical Capacities	move to Release/Consent/Referral
Planning and Readiness Factors	Training Document
Self Employment Discussion Questionnaire	Leave
Summary of Employment Discussion	Leave (need to be updated 2010)
VR Psychological Narrative Report Guidelines	Administrative Forms
CASE/CASELOAD MANAGEMENT	
Action Planner	survey offices to see if used; similar to Next Steps? needs to be revised
Appointment Reminder Ostdcard	move to Marketing
Assignment Purchases-Medicare	move to Fiscal
Assignment Purchases-Third Party	move to Fiscal
Blank Memo Postcard	move to Marketing
Case File Order List	move to Program Manual Chapter
Case Record Documentation Requirements	move to Program Manual Chapter
Check Medicaid Rates	move to Fiscal - Case Service Fiscal Forms
Consumer Reimbursement	move to Fiscal - Case Service Fiscal Forms
Equipment Agreement	combine with ATP form
High Cost Approval	move to Administrative Forms
Next Steps	same as Action Planner? Combine

OJE/OJT/PAYROLL/PLACEMENT	reorganize forms under each of these 4 categories
AccelaPay Debit Card Sign-up	OJE and OJT
Bi-Weekly Schedule (2014)	delete
Bi-Weekly Schedule (2015)	OJE and OJT
Direct Deposit Enrollment	OJE and OJT
I-9 Checklist	OJE and OJT
I-9 Form & Information	OJE and OJT
Job Facts Guide	Leave
Job Search Agreement-English	
Job Search Agreement-Spanish	
Job Seeking Skills Training Application	
Job Seeking Skills Training Booklet-English	
OJE Evaluation Report	OJE
OJE State Timesheet	OJE
OJE/OJT Information	OJE and OJT
OJE/OJT Letter Checklist	OJE and OJT
OJE/OJT LETTERS - OJE - Nonpaid	OJE
OJE/OJT LETTERS - OJE - State	OJE
OJE/OJT LETTERS - OJT - Nonpaid	OJT
OJE/OJT LETTERS - OJT - Private	OJT
OJE/OJT LETTERS - OJT - State	OJT
OJT Private Invoice	OJT
OJT State Timesheet	OJT
Training Progress Report	
W4 Employee's Withholding Allowance Certificate	
Weekly Job Search Record	
Work Opportunity Tax Credits - 8850 - Pre Screening Notice - English	
Work Opportunity Tax Credits - 8850 - Pre-Screening Notice - Spanish	
Work Opportunity Tax Credits - 8850 - Instructions	
Work Opportunity Tax Credits - 9061 Individual Characteristics - English	
Work Opportunity Tax Credits - 9061 Individual Characteristics - Spanish	
POST SECONDARY	
Budget Worksheet	2006 - needs to be updated
Education Budget Worksheet	survey to see if using
Financial Aid Budget Information	Program Manual
Post Secondary Training Justification - PDF	
Post Secondary Training Justification - Word	
Student Financial Aid Report	
What You Should Know About VR Financial Aid	

Rule 72 changes

2/25/2015 DIG Meeting

008.03 Acquisition of Motor Vehicles. The purchase, acquisition or lease of a motor vehicle for a recipient is not allowable ~~only when a vehicle is essential to the initial operation of a new business enterprise. Assistance is limited as provided in Section 009, Self Employment and Establishing a Small Business Operation.~~

008.05 Exceptions: The designated Program Director ~~of Independent Living~~ has the authority and discretion to make reasonable exceptions to any state imposed regulations found in this section and related fees in Appendix B based on individual circumstances. An exception may be granted if he or she determines there is no alternative to accomplish the necessary accommodations in a safe manner.

Exceptions on the limitations of motor vehicle purchase or acquisition an only be made when a motor vehicle is essential to the initial operation of a new business enterprise in Section 009.

Section 010.16 Maximum Credit Hours of Assistance for Post-secondary Training. Number error that needs to be corrected

Fee Schedule:

Increased Living Costs: for Security Deposit and Rent consider adding "per IPE year" - **DONE**

On-the-Job Training: Minimum wage is going up to \$8 in January 2015 and then to \$9 in January 2016, in light of this change consider upping the current limit of \$4000 for an OJT. **Decided against**

Vehicle Modifications – New – increase the amount to \$25,000 - **DONE**

Chapter Guidance:

Cash Advance, Reimbursement – considering informed choice how to provide guidance for staff on how to offer cash advance or reimbursement when Program Pay is the agency's first choice (Brigid)

Uniforms and Clothing – for steel toed boot or shoe add guidance on if it's required by the employer



DIG Meeting 2.25.15

WHAT:

Nebraska Youth Leadership Council (NYLC) is the first council for young people with disabilities to promote leadership and advocacy for youth disability issues. The council was formed in the spring of 2009 and is statewide. There are councils in the Northeastern, Central, Eastern, and Western regions of the state. NYLC also expanded to include a State Advisory council, which is seen as a promotion within NYLC. NYLC is a grant-funded program, co-sponsored by Nebraska VR and the Office of Special Education.

WHO:

The NYLC is open to any Nebraskan age 14-24 who experiences a disability. The ideal council member is someone who demonstrates leadership **potential** and has the ability to interact effectively with other young people.

PARTICIPATION INVOLVES:

NYLC members attend 4-5 meetings throughout the year. They are held on Saturdays, twice during the fall semester, twice during the spring semester, and once in the summer. Meetings are spent working on projects and discussing issues important to each council, focused on transition and disability issues. Councils will also rally around members who have specific passions and develop projects accordingly. Members also get involved in other committees/councils to offer a youth perspective.

There is no cost to members. They must provide their own transportation. Reimbursement and accommodations will be provided, following the State of Nebraska expense reimbursement policies.

The NYLC is often invited to speak to other groups about how young people experience disabilities in Nebraska. The NYLC has spoken with ESU's, Nebraska VR staff and other professionals who work with students with disabilities in the state.

GOALS/AGENDA:

First and foremost – Recruitment! Every council is in NEED of members. Especially the West council.

NYLC is always looking to get involved in presentations, events and back into the schools.

Marketing and presentation materials are being updated and modified to make the process easier for interested youth, teachers, and VR counselors.

Summer conference planning is well underway and members are attending spring meetings.

Elizabeth Paesl, facilitator, is planning to visit all VR offices in the summer of 2015 to discuss NYLC and recruitment.



FACT SHEET

What is the Nebraska Youth Leadership Council?

The NYLC is the first council for young people with disabilities to promote leadership and advocacy for youth disability issues. The NYLC is innovative, as it is the first council of its kind in Nebraska to be led by young people for young people.

Beginning in the spring of 2009 the Statewide YLC was formed. The group has since expanded to include a Central Nebraska YLC and an Eastern Nebraska NYLC. We then grew to include additional regional councils in Northeast and Western Nebraska.

Who can be a part of the NYLC?

The NYLC is open to any Nebraskan age 14-24 who experiences a disability. The ideal council member is someone who demonstrates leadership potential and has the ability to interact effectively with other young people.

What specifically does the NYLC do?

The NYLC councils meet 4-5 times throughout the year. Our meetings are different each time and may include training opportunities, brainstorming work on a project the NYLC is working on, and large and small group work.

The NYLC is often invited to speak to other groups about how young people experience disabilities in Nebraska. The NYLC has spoken with ESU's, Nebraska VR staff and other professionals who work with students with disabilities in the state.

The NYLC has completed a video for teens entering the workforce, volunteered with Special Olympics, facilitated panel presentations, among many other projects. Projects have been completed by the entire NYLC group, small groups, pairs, and even by individuals based on the need and desire of each council member and project request.

Why have the NYLC?

Young people have a lot to contribute to their own future success. What a great resource to learn about the experiences of young people simply by *asking!* This simple concept has been put into motion as these young leaders gain experience advocating for other young Nebraskans.

Questions? Contact Elizabeth Paesl (402) 670.1437 or elizabeth.paesl@nebraska.gov

How does the NYLC happen?

Council members meet 5 times throughout the year. Meetings are held Saturdays twice during the fall semester, twice during the spring semester and once during the summer. Meeting locations are centralized as much as possible to meet the needs of traveling council members.

There is often work to be done in between meetings as well. Small groups will form to work on projects so there is a considerable time commitment for those who participate. It is important be able to comfortably balance NYLC time, time for school, and time for other extra-curricular activities. It is important to the NYLC that students not have to “give up” other activities entirely in order to participate.

How much does it cost?

There is **NO COST** to participate. Council members must provide their own transportation. The cost for any travel or hotel accommodations is provided and/or reimbursed by the NYLC, based on the State of Nebraska expense reimbursement policies.

NYLC is funded by Nebraska VR and the Office of Special Education.

Questions? Contact Elizabeth Paesl (402) 670.1437 or elizabeth.paesl@nebraska.gov



You have a voice and we want to hear it!

The Nebraska Youth Leadership Council (NYLC) wants you! We are looking for young leaders who want to make a difference in Nebraska. This is your chance to strengthen your leadership skills and speak up for the issues that affect you! The NYLC is a program of the Nebraska Department of Education cosponsored by the Offices of Vocational Rehabilitation and Special Education.

Nothing about youth, without youth

Directions: Please send completed youth application, 2 referral letters, and a resume to:

Nebraska Youth Leadership Council
Attn: Elizabeth Paesl
Nebraska VR
3100 23rd Street, Ste 5
Columbus, NE 68601

OR email your application to: elizabeth.paesl@nebraska.gov
OR Fax: (402) 564-7995

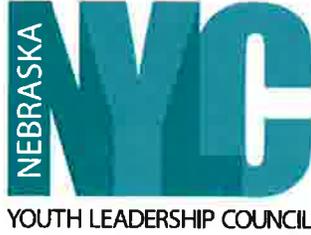
Applicants must:

- Be between the ages of 14 and 24 years old;
- Have a disability;
- Have leadership skills OR want to learn these skills;
- Be able to represent youth with disabilities and speak out on their behalf;
- Be able to attend 4-5 council meetings per year in your area.

Travel and hotel accommodations will be provided when necessary.

nylc.nebraska.gov

Questions? Contact Elizabeth Paesl at 402-670-1437 or elizabeth.paesl@nebraska.gov



Student Application

The Nebraska Youth Leadership Council is the first statewide leadership council for young people with disabilities. The Council is a chance for young people to advocate for themselves and other students with disabilities. NYLC is supported by the Nebraska Department of Education.

If you are interested in being a part of the Council, please complete this form and send it to the address on the front page. You may have help filling out the form if needed.

Name: _____

Address: _____

City: _____ Zip Code: _____

Phone: _____ Email: _____

Who recommended you to apply to the YLC? _____

The following question is optional for you to complete. It will be kept private and is helpful in selecting diverse council members.

What is your age? _____ What is your disability? _____

Describe how your disability affects you: _____

Questions? Contact Elizabeth Paesl at 402-670-1437 or elizabeth.paesl@nebraska.gov

What is your race/ethnicity (circle all that apply):

African American

Latino/Latina

White/Caucasian

Asian

Native American

Alaska Native/Pacific Islander

Other: _____

Additional Information:

1. Please attach a copy of your resume OR a brief personal biography describing your leadership experience or why you would like to gain this experience.
2. Include two letters of recommendation. These must come from people who are not members of your family. Consider requesting letters from teachers, professional support staff, youth group leaders, employers, church leaders, etc.
3. To give each applicant the opportunity to demonstrate his or her eligibility for the Youth Leadership Council, please answer TWO of the following questions. You may include your answers on a separate sheet of paper.

- Why do you believe that you would be a good candidate for the Youth Council? What are your strengths?
- Describe a positive experience you have had as a person with a disability. How has this experience affected your life?
- YLC focuses on issues related to transition in the areas of education and employment. Describe your interest(s) in one or both of these areas and what skills would you would bring to the Council.

I hereby certify that the information I have given is true and correct to the best of my knowledge.

Signature _____ Date _____

Please provide contact information for person filling out this form, if different from applicant:

Name _____ Phone _____

Email _____

Questions? Contact Elizabeth Paesl at 402-670-1437 or elizabeth.paesl@nebraska.gov



Referral Application

For the person making the referral, please complete about yourself:

Name: _____

Relationship to youth being referred: _____

Phone: _____ Email: _____

Address: _____

Best time to contact you: _____

Regarding the youth you are referring, the following information is optional for you to complete. It will be kept confidential (private) and is helpful in selecting diverse council members. Please review the following information with the youth.

What is the youth's disability? _____

Below or on a separate paper, briefly describe why you believe this youth to be a good candidate for the Nebraska Youth Leadership Council.

Questions? Contact Elizabeth Paesl at 402-670-1437 or elizabeth.paesl@nebraska.gov

Subject: Post Secondary Training During High School- Draft 2.0

Date: Thursday, February 19, 2015 2:20:11 PM Central Standard Time

From: Bracken, Pat

To: VR Team DIG

Feedback was provide by 6 Office Directors and CAP.

- Among teams reporting, no one reported ever receiving a request from a student to fund an AP or Dual Credit course.
- Given the academic performance level required for an AP or Dual Credit course, most likely there will be few if any students in special education taking one of these courses. It is more likely that a 504 student or a student with a disability not in Sped or under a 504 Plan would take one of these classes.
- Given the minimum past and anticipated limited future involvement by VR with students in AP or Dual Credit courses, there is no reason to limit the number of credits VR would fund during high school to 12 hours.
- One team question the requirement to fund AP and Dual Credit Courses using the Reimbursement procurement method. The policy does not require reimbursement, it says to "consider "using the reimbursement method. Why the reimbursement method?
 - For a student in post secondary training, we have the capability in most cases of making adjustments in funding the next term. During high school there is less capability for doing so as the student may not continue taking AP or Dual Credit courses.
- There was some interest in doing post secondary during high school as an assessment service.
 - AP Exam and Dual Credit Course programs would not be appropriate courses to do as an assessment service considering the academic performance level required.
 - The Concurrent Enrollment program lends itself more to doing post secondary as an assessment service. Such an assessment is more telling when the student is taking several courses at one time rather than just one. No sure how often the student's high school schedule would accommodate two or three college courses in the same term.

Concurrent Enrollment Funding

The draft 1.0 limited funding to the per credit hour Training Allowance based on the type of post secondary institution and type of credit provided. I have expanded the funding statement to allow for paying the full amount of tuition, fees, books and required tools and supplies when the a student's plan is to acquire a skill rather than a degree. Example: Certified Nursing Assistance training, Forklift training, Realtor training, etc. Typically, these courses do not result in a degree and federal financial aid is not typically available.

Please share an further comments or questions at the DIG Meeting.

Pat

Pat Bracken, Program Director
Nebraska VR
(402) 471-6320
(877) 637-3422 (Toll Free)
402.471.0788 (Fax)

Post Secondary Training During High School -Draft 2.0

Process

Advance Placement (AP)

1. Visit with the AP coordinator or AP teacher to learn about the school's AP program, registration process, courses, exam schedule, fees and fee reduction options. If a student attends a school that does not offer AP, the school counselor should be able to assist the student in exploring online courses through an approved provider.
2. Develop, review or amend the IPE with the student to ensure the student's employment goal requires post secondary training and the student intends to attend post secondary training after graduation.
3. Visit Services for Students with Disabilities (SSD) on the College Board website for more information about accommodations on AP Exams for students with documented disabilities. Some examples of accommodations include:
 - extended time;
 - Braille and 14- and 20-point large-type exams;
 - large-block answer sheets;
 - permission to use a Braille device, computer, typewriter, or magnifying device;
 - a reader to dictate questions;
 - a writer to record responses; and/or a sign language interpreter to give directions.
4. Check with the school's AP Coordinator to learn more about eligibility requirements for College Board fee reductions, state and district subsidies, and other funding supports that may be available.
5. Check the list of AP courses and the accepted exam score for the college the student plans to attend.
6. Consider authorizing the AP exam fee as a reimbursement to the student paid upon passing the AP exam with a score ~~recognized~~ accepted by the college the student plans to attend. Require a copy of the AP Exam Score and compare to the score accepted by the college the student plans to attend, or a score accepted by the colleges the student is considering. Use Miscellaneous Training – Other Classes as the Category and Service in QE2.
7. VR will does not pay for any textbooks or supplies, as an AP class is a high school course earning high school credit.

Dual Credit Programs

1. Visit with your high school to determine if the school participates in any Dual Credit programs with post secondary institutions. If so, also visit with the participating post secondary institution(s), which may or may not be a Nebraska post-secondary institution.

2. Learn about the qualifications for the program, registration process, cost, payment options, third party funding, etc.
3. Develop, review or amend the IPE with the student to ensure the student's employment goal requires post secondary training and the student intends to attend post secondary training after graduation.
4. Use Miscellaneous Training – Other Classes as the Category and Service in QE2.
5. VR will not pay for any textbooks or supplies.
8. Nebraska VR's financial participation shall not exceed the per credit hour Training Allowance based on the type of post secondary institution (4 year, 2 year, etc.) and type of credit provided (semester, quarter, etc.)
9. Consider authorizing the tuition as a reimbursement to the student paid upon the student completing and passing the course (s) with a grade or score recognized by the participating post-secondary institution.

Concurrent Enrollment

1. Visit with your local high school(s) to determine if the school allows the student to take a college course(s) during or after the school day.
2. Visit with the post secondary institution to see if and how a secondary student can take a course(s) prior to obtaining his or her diploma or GED.
3. Learn about the qualifications for taking a course(s), the registration process, cost, payment options, third party funding, etc.
4. Develop, review or amend the IPE with the student to ensure the student's employment goal requires skill training and the student intends to either continue with skill training related to the job goal and or become employed in the job requiring that job skill.
5. Use Miscellaneous Training – Other Classes as the Category and Service in QE2.
6. Nebraska VR's financial participation shall not exceed the per credit hour Training Allowance based on the type of post secondary institution (4 year, 2 year, etc.) and type of credit provided (semester, quarter, etc.) or may be the actual cost of tuition, books and required supplies for limited skill building.
6. May authorize as a Cash Advance, Program Purchase or Reimbursement.

Policy

The must be a search for comparable services and benefits before VR funds.

Individualized planning and services means that participating in post secondary training during high school may be appropriate for a high school student being served by Nebraska VR. Post secondary training options include, but are not limited to, Advanced Placement Courses, Dual Credit programs offered by colleges, or Concurrent Enrollment at a post secondary institution.

For Nebraska VR to participate in the cost of such courses and programs the service must support the student's job goal on his or her IPE. It would be very unusual for financial aid to be awarded through a FAFSA for Advanced Placement, Dual Credit, or

Concurrent Enrollment. However, other comparable benefit and services resources should be explored.

~~Limited to no more than 12 credit hours prior to the student's graduation from high school.~~

Credits accepted by the post secondary institution and program of study that were earned by taking post secondary courses during high school will count toward the maximum credit hours of assistance for post-secondary training whether or not VR financially participated in the cost as describe in Rule 72, 010.16 – 010.16D3.

Background and Training Information

Critical Planning Questions:

- What is the deadline to enroll, withdraw, and pay any tuition and /or fees?
- Will the credit apply to programs and majors the student is considering?
- How is credit earned? What is a passing grade? What is a qualifying score on an AP Exam?
- What documents will the student need to provide to the college the student is or will be attending?
- What happens if the student is not successful?
- How will this affect the student's high school GPA or college GPA?
- Is there a fee to add credits by exam to a student's college transcript?
- What will be the overall cost be including tuition, exam, college transcript and/or scored report fees?
- What comparable services and benefits are available?

Advanced Placement

Advanced Placement (AP) is a national program of standardized courses taught in high schools by teachers certified by the AP program. The College Board, which administers the SAT, also administers the Advanced Placement program. A passing grade in an AP course earns high school credit. Passing the national AP Exam is required to earn college credit. Individual colleges decide which AP Exams to accept, the score required to award credits and how the credits affect the college transcript. The high school may award weighted grades for the AP course. Most colleges have a list of AP courses and grades that they accept on their website.

There is no cost to take the AP class, but there is a cost to take the national AP Exam. A search for comparable services and benefits must be conducted as sometime school districts and the College Board offer financial assistance in whole or in part.

Dual Credit

Dual Credit, also known as Dual Enrollment, is a partnership between an individual high school and an individual college, which may or may not be Nebraska based. Usually, the courses are taught in the high school by teachers the partner college has deemed qualified. Some courses may be taught on-line or by another distance format. An official college transcript is required. The high school may award a weighted grade. Depending upon the arrangement between the

high school and the college, tuition and fees may be charged. If tuition and fees are charged, comparable services and benefits must be explored. If the student later attends a different school than the partner college, the credits become transfer credits and are subject to the transfer policies of the school the student is enrolling in or transferring to.

Concurrent Enrollment

A high school student may be enrolled in a post secondary course that is not part of a Dual Credit partnership. No high school credit is typically earned. The courses may be taken on the college campus, on-line, or in another distance format. The student generally pays for tuition, fees and books. A search for comparable services and benefits must be explored.

Draft

Service Animals and Emotional Support Animals



2014



Service Animals and Emotional Support Animals

Where are they allowed and under what conditions?

Jacque Brennan

Vinh Nguyen (Ed.)

Southwest ADA Center

A program of ILRU at TIRR Memorial Hermann

Foreword

This manual is dedicated to the memory of Pax, a devoted guide dog, and to all the handler and dog teams working together across the nation. Guide dogs make it possible for their handlers to travel safely with independence, freedom and dignity.

Pax guided his handler faithfully for over ten years. Together they negotiated countless busy intersections and safely traveled the streets of many cities, large and small. His skillful guiding kept his handler from injury on more than one occasion. He accompanied his handler to business meetings, restaurants, theaters, and social functions where he conducted himself as would any highly-trained guide dog. Pax was a seasoned traveler and was the first dog to fly in the cabin of a domestic aircraft to Great Britain, a country that had previously barred service animals without extended quarantine.

Pax was born in the kennels of The Seeing Eye in the beautiful Washington Valley of New Jersey in March 2000. He lived with a puppy-raiser family for almost a year where he learned basic obedience and was exposed to the sights and sounds of community life—the same experiences he would soon face as a guide dog. He then went through four months of intensive training where he learned how to guide and ensure the safety of the person with whom he would be matched. In November 2001 he was matched with his handler and they worked as a team until Pax's retirement in January 2012, after a long and successful career. Pax retired with his handler's family, where he lived with two other dogs. His life was full of play, long naps, and recreational walks until his death in January 2014.

It is the sincere hope of Pax's handler that this guide will be useful in improving the understanding about service animals, their purpose and role, their extensive training, and the rights of their handlers to travel freely and to experience the same access to employment, public accommodations, transportation, and services that others take for granted.



I. Introduction

Individuals with disabilities may use service animals and emotional support animals for a variety of reasons. This guide provides an overview of how major Federal civil rights laws govern the rights of a person requiring a service animal. These laws, as well as instructions on how to file a complaint, are listed in the last section of this publication. Many states also have laws that provide a different definition of service animal. You should check your state's law and follow the law that offers the most protection for service animals. The document discusses service animals in a number of different settings as the rules and allowances related to access with service animals will vary according to the law applied and the setting.

II. Service Animal Defined by Title II and Title III of the ADA

A 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. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.

Emotional support animals, comfort animals, and therapy dogs are not service animals under Title II and Title III of the ADA. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals either. The work or tasks performed by a service animal must be directly related to the individual's disability. It does not matter if a person has a note from a doctor that states that the person has a disability and needs to have the animal for emotional support. A doctor's letter does not turn an animal into a service animal.

Examples of animals that fit the ADA's definition of "service animal" because they have been specifically trained to perform a task for the person with a disability:

-
- Guide Dog or Seeing Eye® Dog¹ is a carefully trained dog that serves as a travel tool for persons who have severe visual impairments or are blind.
 - Hearing or Signal Dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.
 - Psychiatric Service Dog is a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
 - SSigDOG (sensory signal dogs or social signal dog) is a dog trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping).
 - Seizure Response Dog is a dog trained to assist a person with a seizure disorder. How the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

Under Title II and III of the ADA, service animals are limited to dogs. However, entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities.

III. Other Support or Therapy Animals

While Emotional Support Animals or Comfort Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression,

anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Even though some states have laws defining therapy animals, these animals are not limited to working with people with disabilities and therefore are not covered by federal laws protecting the use of service animals. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning.

IV. Handler's Responsibilities

The handler is responsible for the care and supervision of his or her service animal. If a service animal behaves in an unacceptable way and the person with a disability does not control the animal, a business or other entity does not have to allow the animal onto its premises. Uncontrolled barking, jumping on other people, or running away from the handler are examples of unacceptable behavior for a service animal. A business has the right to deny access to a dog that disrupts their business. For example, a service dog that barks repeatedly and disrupts another patron's enjoyment of a movie could be asked to leave the theater. Businesses, public programs, and transportation providers may exclude a service animal when the animal's behavior poses a direct threat to the health or safety of others. If a service animal is growling at other shoppers at a grocery store, the handler may be asked to remove the animal.

- The ADA requires the animal to be under the control of the handler. This can occur using a harness, leash, or other tether. However, in cases where either the handler is unable to hold a tether because of a disability or its use would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be under the handler's control by some other means, such as voice control.²
- The animal must be housebroken.³
- The ADA does not require covered entities to provide for the care or supervision of a service animal, including cleaning up after the animal.
- The animal should be vaccinated in accordance with state and local laws.



- An entity may also assess the type, size, and weight of a miniature horse in determining whether or not the horse will be allowed access to the facility.

V. Handler's Rights

a) Public Facilities and Accommodations

Titles II and III of the ADA makes it clear that service animals are allowed in public facilities and accommodations. A service animal must be allowed to accompany the handler to any place in the building or facility where members of the public, program participants, customers, or clients are allowed. Even if the business or public program has a "no pets" policy, it may not deny entry to a person with a service animal. Service animals are not pets. So, although a "no pets" policy is perfectly legal, it does not allow a business to exclude service animals.

When a person with a service animal enters a public facility or place of public accommodation, the person cannot be asked about the nature or extent of his disability. Only two questions may be asked:

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

These questions should not be asked, however, if the animal's service tasks are obvious. For example, the questions may not be asked if the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.⁴

A public accommodation or facility is not allowed to ask for documentation or proof that the animal has been certified, trained, or licensed as a service animal. Local laws that prohibit specific breeds of dogs do not apply to service animals.⁵

A place of public accommodation or public entity may not ask an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees. Entities cannot require anything of people with service animals that they do not require of individuals in general, with or without pets. If a public accommodation normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.⁶

b) Employment

Laws prohibit employment discrimination because of a disability. Employers are required to provide reasonable accommodation. Allowing an individual with a disability to have a service animal or an emotional support animal accompany them to work may be considered an accommodation. The Equal Employment



Opportunity Commission (EEOC), which enforces the employment provisions of the ADA (Title I), does not have a specific regulation on service animals.⁷ In the case of a service animal or an emotional support animal, if the disability is not obvious and/or the reason the animal is needed is not clear, an employer may request documentation to establish the existence of a disability and how the animal helps the individual perform his or

her job.

Documentation might include a detailed description of how the animal would help the employee in performing job tasks and how the animal is trained to behave in the workplace. A person seeking such an accommodation may suggest that the employer permit the animal to accompany them to work on a trial basis.

Both service and emotional support animals may be excluded from the workplace if they pose either an undue hardship or a direct threat in the workplace.

c) Housing

The Fair Housing Act (FHA) protects a person with a disability from discrimination in obtaining housing. Under this law, a landlord or homeowner's association must provide reasonable accommodation to people with disabilities so that they have an equal opportunity to enjoy and use a dwelling.⁸ Emotional support animals that do not qualify as service animals under the ADA may nevertheless qualify as reasonable accommodations under the FHA.⁹ In cases when a person with a disability uses a service animal or an emotional support animal, a reasonable accommodation may include waiving a no-pet rule or a pet deposit.¹⁰ This animal is not considered a pet.

A landlord or homeowner's association may not ask a housing applicant about the existence, nature, and extent of his or her disability. However, an individual with a disability who requests a reasonable accommodation may be asked to provide documentation so that the landlord or homeowner's association can properly review the accommodation request.¹¹ They can ask a person to certify, in writing, (1) that the tenant or a member of his or her family is a person with a disability; (2) the need for the animal to assist the person with that specific disability; and (3) that the animal actually assists the person with a disability. It is important to keep in mind that the ADA may apply in the housing context as well, for example with student housing. Where the ADA applies, requiring documentation or certification would not be permitted with regard to an animal that qualifies as a "service animal."

d) Education

Service animals in public schools (K-12)¹³ – The ADA permits a student with a disability who uses a service animal to have the animal at school. In addition, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act allow a student to use an animal that does not meet the ADA definition of a service animal if that student’s Individual Education Plan (IEP) or Section 504 team decides the animal is necessary for the student to receive a free and appropriate education. Where the ADA applies, however, schools should be mindful that the use of a service animal is a right that is not dependent upon the decision of an IEP or Section 504 team.¹⁴

Emotional support animals, therapy animals, and companion animals are seldom allowed to accompany students in public schools. Indeed, the ADA does not contemplate the use of animals other than those meeting the definition of “service animal.” Ultimately, the determination whether a student may utilize an animal other than a service animal should be made on a case-by-case basis by the IEP or Section 504 team.



Service animals in postsecondary education settings – Under the ADA, colleges and universities must allow people with disabilities to bring their service animals into all areas of the facility that are open to the public or to students. Colleges and universities may have a policy asking students who use service

animals to contact the school's Disability Services Coordinator to register as a student with a disability. Higher education institutions may not require any documentation about the training or certification of a service animal. They may, however, require proof that a service animal has any vaccinations required by state or local laws that apply to all animals.

e) Transportation

A person traveling with a service animal cannot be denied access to transportation, even if there is a "no pets" policy. In addition, the person with a service animal cannot be forced to sit in a particular spot; no additional fees can be charged because the person uses a service animal; and the customer does not have to provide advance notice that s/he will be traveling with a service animal.

The laws apply to both public and private transportation providers and include subways, fixed-route buses, Paratransit, rail, light-rail, taxicabs, shuttles and limousine services.

f) Air Travel

The Air Carrier Access Act (ACAA) requires airlines to allow service animals and emotional support animals to accompany their handlers in the cabin of the aircraft.

Service animals – For evidence that an animal is a service animal, air carriers may ask to see identification cards, written documentation, presence of harnesses or tags, or ask for verbal assurances from the individual with a disability using the animal. If airline personnel are uncertain that an animal is a service animal, they may ask one of the following:

1. What tasks or functions does your animal perform for you?
2. What has your animal been trained to do for you?
3. Would you describe how the animal performs this task for you?¹⁵

Emotional support and psychiatric service animals – Individuals who travel with emotional support animals or psychiatric service animals may need to provide specific documentation to establish that they have a disability and the reason the animal must travel with them. Individuals who wish to travel with their emotional support or psychiatric animals should contact the airline ahead

of time to find out what kind of documentation is required.

Examples of documentation that may be requested by the airline: Current documentation (not more than one year old) on letterhead from a licensed mental health professional stating (1) the passenger has a mental health-related disability listed in the Diagnostic and Statistical Manual of Mental Disorders (DSM IV); (2) having the animal accompany the passenger is necessary to the passenger's mental health or treatment; (3) the individual providing the assessment of the passenger is a licensed mental health professional and the passenger is under his or her professional care; and (4) the date and type of the mental health professional's license and the state or other jurisdiction in which it was issued.¹⁶ This documentation may be required as a condition of permitting the animal to accompany the passenger in the cabin.

Other animals – According to the ACAA, airlines are not required otherwise to carry animals of any kind either in the cabin or in the cargo hold. Airlines are free to adopt any policy they choose regarding the carriage of pets and other animals (for example, search and rescue dogs) provided that they comply with other applicable requirements (for example, the Animal Welfare Act).

Animals such as miniature horses, pigs, and monkeys may be considered service animals. A carrier must decide on a case-by-case basis according to factors such as the animal's size and weight; state and foreign country restrictions; whether or not the animal would pose a direct threat to the health or safety of others; or cause a fundamental alteration in the cabin service.¹⁷ Individuals should contact the airlines ahead of travel to find out what is permitted.

Airlines are not required to transport unusual animals such as snakes, other reptiles, ferrets, rodents, and spiders. Foreign carriers are not required to transport animals other than dogs.¹⁸

VI. Reaction/Response of Others

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. If employees, fellow travelers, or

customers are afraid of service animals, a solution may be to allow enough space for that person to avoid getting close to the service animal.

Most allergies to animals are caused by direct contact with the animal. A separated space might be adequate to avoid allergic reactions.

If a person is at risk of a significant allergic reaction to an animal, it is the responsibility of the business or government entity to find a way to accommodate both the individual using the service animal and the individual with the allergy.

VII. Service Animals in Training

a) Air Travel

The Air Carrier Access Act (ACAA) does not allow “service animals in training” in the cabin of the aircraft because “in training” status indicates that they do not yet meet the legal definition of service animal. However, like pet policies, airline policies regarding service animals in training vary. Some airlines permit qualified trainers to bring service animals in training aboard an aircraft for training purposes. Trainers of service animals should consult with airlines and become familiar with their policies.

b) Employment

In the employment setting, employers may be obligated to permit employees to bring their “service animal in training” into the workplace as a reasonable accommodation, especially if the animal is being trained to assist the employee with work-related tasks. The untrained animal may be excluded, however, if it becomes a workplace disruption or causes an undue hardship in the workplace.

c) Public Facilities and Accommodations

Title II and III of the ADA does not cover “service animals in training” but several states have laws when they should be allowed access.

VIII. Laws & Enforcement

a) Public Facilities and Accommodations

Title II of the ADA covers state and local government facilities, activities, and programs. Title III of the ADA covers places of public accommodations. Section 504 of the Rehabilitation Act covers federal government facilities, activities, and programs. It also covers the entities that receive federal funding.

Title II and Title III Complaints – These can be filed through private lawsuits in federal court or directed to the U.S. Department of Justice.

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Civil Rights Division
Disability Rights Section – NYA
Washington, DC 20530
<http://www.ada.gov>
800-514-0301 (v)
800-514-0383 (TTY)

Section 504 Complaints – These must be made to the specific federal agency that oversees the program or funding.

b) Employment

Title I of the ADA and Section 501 and Section 504 of the Rehabilitation Act prohibits discrimination in employment. The ADA covers private employers with 15 or more employees; Section 501 applies to federal agencies, and Section 504 applies to any program or entity receiving federal financial assistance.

ADA Complaints - A person must file a charge with the Equal Employment Opportunity Commission (EEOC) within 180 days of an alleged violation of the ADA. This deadline may be extended to 300 days if there is a state or local fair employment practices agency that also has jurisdiction over this matter. Complaints may be filed in person, by mail, or by telephone by contacting the nearest EEOC office. This number is listed in most telephone directories under "U.S. Government." For more information:

<http://www.eeoc.gov/contact/index.cfm>

800-669-4000 (voice)

800-669-6820 (TTY)

Section 501 Complaints - Federal employees must contact their agency's Equal Employment Opportunity (EEO) officer within 45 days of an alleged Section 501 violation.

Section 504 Complaints – These must be filed with the federal agency that funded the employer.

c) Housing

The Fair Housing Act (FHA), as amended in 1988, applies to housing. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination on the basis of disability in all housing programs and activities that are either conducted by the federal government or receive federal financial assistance. Title II of the ADA applies to housing provided by state or local government entities.

Complaints – Housing complaints may be filed with the Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity.

<http://www.hud.gov/fairhousing>

800-669-9777 (voice)

800-927-9275 (TTY)

d) Education

Students with disabilities in public schools (K-12) are covered by Individuals with Disabilities Education Act (IDEA), Title II of the ADA, and Section 504 of the Rehabilitation Act. Students with disabilities in public postsecondary education are covered by Title II and Section 504. Title III of the ADA applies to private schools (K-12 and post-secondary) that are not operated by religious entities. Private schools that receive federal funding are also covered by Section 504.

IDEA Complaints - Parents can request a due process hearing and a review from the state educational agency if applicable in that state. They also can appeal the state agency's decision to state or federal court. You may contact the Office of Special Education and Rehabilitative Services (OSERS) for further information or to provide your own thoughts and ideas on how

they may better serve individuals with disabilities, their families and their communities.

For more information contact:

Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, DC 20202-7100
202-245-7468 (voice)

Title II of the ADA and Section 504 Complaints - The Office for Civil Rights (OCR) in the Department of Education enforces Title II of the ADA and Section 504 as they apply to education. Those who have had access denied due to a service animal may file a complaint with OCR or file a private lawsuit in federal court. An OCR complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended for good cause. Before filing an OCR complaint against an institution, an individual may want to find out about the institution's grievance process and use that process to have the complaint resolved. However, an individual is not required by law to use the institutional grievance process before filing a complaint with OCR. If someone uses an institutional grievance process and then chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after the last act of the institutional grievance process.

For more information contact:

U.S. Department of Education
Office for Civil Rights
400 Maryland Avenue, S.W.
Washington, DC 20202-1100
Customer Service: 800-421-3481 (voice)
800-877-8339 (TTY)
E-mail: OCR@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Title III Complaints – These may be filed with the Department of Justice.

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.

Civil Rights Division
Disability Rights Section – NYA
Washington, DC 20530
<http://www.ada.gov/>
800-514-0301 (v)
800-514-0383 (TTY)

e) Transportation

Title II of the ADA applies to public transportation while Title III of the ADA applies to transportation provided by private entities. Section 504 of the Rehabilitation Act applies to federal entities and recipients of federal funding that provide transportation.

Title II and Section 504 Complaints – These may be filed with the Federal Transit Administration’s Office of Civil Rights. For more information, contact:

Director, FTA Office of Civil Rights
East Building – 5th Floor, TCR
1200 New Jersey Ave., S.E.
Washington, DC 20590
FTA ADA Assistance Line: 888-446-4511 (Voice)
800-877-8339 (Federal Information Relay Service)
http://www.fta.dot.gov/civil_rights.html
http://www.fta.dot.gov/12874_3889.html (Complaint Form)

Title III Complaints – These may be filed with the Department of Justice.

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Civil Rights Division
Disability Rights Section – NYA
Washington, DC 20530
<http://www.ada.gov>
800-514-0301 (v)
800-514-0383 (TTY)

Note: A person does not have to file a complaint with the respective federal agency before filing a lawsuit in federal court.

f) Air Transportation

The Air Carrier Access Act (ACAA) covers airlines. Its regulations clarify what animals are considered service animals and explain how each type of animal should be treated.

ACAA complaints may be submitted to the Department of Transportation's Aviation Consumer Protection Division. Air travelers who experience disability-related air travel service problems may call the hotline at 800-778-4838 (voice) or 800-455-9880 (TTY) to obtain assistance. Air travelers who would like the Department of Transportation (DOT) to investigate a complaint about a disability issue must submit their complaint in writing or via e-mail to:

Aviation Consumer Protection Division
Attn: C-75-D
U.S. Department of Transportation
1200 New Jersey Ave, S.E.
Washington, DC 20590

For additional information and questions about your rights under any of these laws, contact your regional ADA center at 800-949-4232 (voice/TTY).

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The Southwest ADA Center is a program of ILRU (Independent Living Research Utilization) at TIRR Memorial Hermann. The Southwest ADA Center is part of a national network of ten regional ADA Centers that provide up-to-date information, referrals, resources, and training on the Americans with Disabilities Act (ADA). The centers serve a variety of audiences, including businesses, employers, government entities, and individuals with disabilities. Call 1-800-949-4232 v/tty to reach the center that serves your region or visit <http://www.adata.org>.

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- [1] <http://www.seeingeye.org>
- [2] 28 C.F.R. 36.302(c)(4); 28 C.F.,R. § 35.136(d).
- [3] 28 C.F.R. 36.302(c)(2); 28 C.F.,R. §35.136(b)(2).
- [4] 28 C.F.R. 36.302(c)(6).
- [5] See 28 C.F.R. Pt. 35, App. A; Sak v. Aurelia, City of, C 11-4111-MWB (N.D. Iowa Dec. 28, 2011)
- [6] 28 C.F.R. 36.302(c)(8).
- [7] 29 C.F.R. Pt. 1630 App. The EEOC, in the Interpretive Guidance accompanying the regulations, stated that guide dogs may be an accommodation..."For example, it would be a reasonable accommodation for an employer to permit an individual who is blind to use a guide dog at work, even though the employer would not be required to provide a guide dog for the employee."
- [8] 42 U.S.C. § 3604(f)(3)(B).
- [9] Fair Housing of the Dakotas, Inc. v. Goldmark Prop. Mgmt., Inc., 3:09-cv-58 (D.N.D. Mar. 30, 2011): "... the FHA encompasses all types of assistance animals regardless of training, including those that ameliorate a physical disability and those that ameliorate a mental disability."
- [10] See Bronk v. Ineichen, 54 F.3d 425, 428-429 (7th Cir. 1995); HUD v. Purkett, FH-FL 19372 (HUDALJ July 31, 1990) Green v. Housing Authority of Clackamas County, 994 F.Supp. 1253 (D. Ore. 1998).
- [11] Hawn v. Shoreline Towers Phase 1 Condominium Association, Inc., 347 Fed. Appx. 464 (11th Cir. 2009).
- [12] See "Pet Ownership for the Elderly and Persons with Disabilities", 73 Federal Register 208 (27 October 2008), pp. 63834-63838; United States. (2004). Reasonable Accommodations under the Fair Housing Act: Joint Statement of the Department of Housing and Urban Development and Department of Justice. Washington, D.C: U.S. Department of Housing and Urban Development and U.S. Department of Justice [Electronic Version]. Retrieved 03/06/2014 from http://www.justice.gov/crt/about/hce/jointstatement_ra.php.
- [13] Private schools that are not operated by religious entities are considered public accommodations. Please refer to Section V(a).
- [14] Sullivan v. Vallejo City Unified Sch. Dist., 731 F. Supp. 947 (E.D. Cal. 1990).
- [15] "Guidance Concerning Service Animals in Air Transportation", 68 Federal Register 90 (9 May 2003), p. 24875.

[16] 14 C.F.R. § 382.117(e).

[17] 14 C.F.R. § 382.117(f).

[18] *Id.*



National Network

Information, Guidance and Training on the
Americans with Disabilities Act

Call us toll-free
1-800-949-4232 V/TTY

Find your regional center at
www.adata.org

Service Animals

The Department of Justice has issued revised ADA Title II (which covers state and local government programs) and Title III (which covers private businesses, a.k.a. places of public accommodation such as restaurants or retail merchants) regulations, which took effect March 15, 2011. These regulations revise the definition of service animal and add additional provisions. (§35.104, §35.136, §36.104, §36.302)

Definition

A service animal is 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. Other species of animals, whether wild or domestic, trained or untrained, are not considered service animals.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds
- providing non-violent protection or rescue work
- pulling a wheelchair
- assisting an individual during a seizure
- alerting individuals to the presence of allergens
- retrieving items such as medicine or the telephone
- providing physical support and assistance with balance and stability to individuals with mobility disabilities

- helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks for purposes of the definition of a service animal.

Miniature Horses

A public entity or private business must allow a person with a disability to bring a miniature horse on the premises as long as it has been individually trained to do work or perform tasks for the benefit of the individual with a disability, as long as the facility can accommodate the miniature horse's type, size, and weight. The rules that apply to service dogs, outlined below, also apply to miniature horses.

Asking questions

To determine if an animal is a service animal, a public entity or a private business may ask two questions:

- Is this animal required because of a disability?
- What work or task has this animal been trained to perform?

These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair). A public entity or private business may not ask about the nature or extent of an individual's disability or require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest.



Service Animals

When and Where a Service Animal is Allowed Access

Individuals with disabilities can bring their service animals in all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed. A service animal can be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from a surgery or burn unit in a hospital in which a sterile field is required).

A public entity or a private business may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control it. A service animal must have a harness, leash or other tether, unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work or tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

Other Provisions

- A public entity or private business is not responsible for the care and supervision of a service animal.
- A public entity or private business shall not ask nor require an individual with a disability to pay a surcharge or deposit, even if people accompanied by pets are required to pay such fees.
- If a public entity or private business normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

Relationship to Other Laws

These provisions related to service animals apply only to entities covered by the ADA. The Fair Housing Act covers service animal provisions for residential housing situations, and the Air Carrier Access Act covers service animal provisions for airline travel. The definition of a service animal under each of these laws is different than the definition under the ADA.

Content was developed by the Mid-Atlantic ADA Center, and is based on professional consensus of ADA experts and the ADA National Network.



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