

ADA COMPLIANCE OF SERVICE ANIMALS IN HIGHER EDUCATION

Disability Services Office

SUNY Westchester Community College

American with Disabilities Act (ADA), Section 504 of the Rehabilitation Act and Postsecondary Institutions

- “The Americans with Disabilities Act (ADA) covers both public and private universities; Section 504 of the Rehabilitation Act (Section 504) covers federally funded programs and services.” <https://adata.org/factsheet/postsecondary>
- “Under Titles II and III of the ADA, service animals are limited to dogs. However, institutions 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.” <https://adata.org/factsheet/postsecondary>



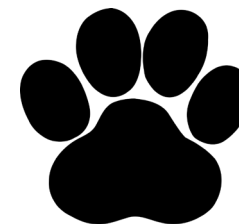
ADA Definition of Service Animal



- “Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person’s disability.” https://www.ada.gov/regs2010/service_animal_qa.pdf
- “The dog must be trained to take a specific action when needed to assist the person with a disability.” (i.e.. Seizure and blood sugar detection) https://www.ada.gov/regs2010/service_animal_qa.pdf
- “A person with a disability who uses a service animal may bring the animal to the same areas on campus where the handler may go.” <https://adata.org/factsheet/postsecondary>



- In accordance with ADA guidelines, services animals do not need to be professionally trained to perform their duties for the individual with a disability. The individual can provide the training
- Service Animals are **not** required to wear items identifying them as a service animal
- In situations where it is not obvious that the dog is a service animal, staff may ask **only two specific questions:**
 - **(1) is the dog a service animal required because of a disability?**
 - **(2) what work or task has the dog been trained to perform?**
- Staff are not allowed to request any documentation for the dog, require that the dog demonstrate its task, or inquire about the nature of the person's disability.



Under the ADA, an individual with a disability may be asked to remove a service animal from the premises if:

- (1) the animal is out of control and the animal's handler does not take effective action to control it, or
- (2) the animal is not housebroken <https://adata.org/factsheet/postsecondary>

Student Responsibilities



- Verify that you have a disability and provide information of the dog's function, (i.e., what work or tasks the animal has been trained to perform).
- Provide evidence that the animal has had recent vaccinations, ensure that the animal is properly groomed, must attend to the animals toileting needs, must be kept under control by a harness, leash, or other tether. Unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- Students with service animal are requested to advise the DSO of the use of the service animals so that faculty can be advised that the service animal will be present in the class.

https://www.ada.gov/service_animals_2010.htm

DSO Procedures



- DSO Counselor will review the student's responsibilities and will provide a special referral letter, if requested by the student to present to faculty and security
- DSO will obtain proof that the animal has current vaccinations

Service Animals in Food Areas

- Service animals must be allowed to accompany their handlers to and through self-service food lines. Similarly, service animals may not be prohibited from communal food preparation areas, such as are commonly found in shelters or dormitories." https://www.ada.gov/regs2010/service_animal_qa.pdf



Service Animals In Teaching Laboratories



- The DSO requires a Needs Assessment to be conducted with the student and faculty member prior to the commencement of the semester to develop a plan to keep faculty, staff, students and the service animal safe and accommodate the needs of the student and animal
- PPE for the service animal provided by student (ie. Goggles, lab coat, booties, floor covering) to protect the animal from potential hazards a laboratory environment presents
- Title II of the ADA ensures that an otherwise qualified individual with a disability is not excluded from participation in any program or service offered by the school. Institutions are required to make reasonable modifications to policies, practices, or procedures as long as they do not fundamentally alter the nature of the program. These general obligations are applied in any situation in which a student with a disability requests a service animal on campus. <https://adata.org/service-animal-resource-hub/school>

ADA Contact Information

- ADA Website www.ADA.gov
- ADA Information Line 800-514-0301 (Voice) and 800-514-0383 (TTY)

** A copy of this PowerPoint can be found on WCC's DSO website

