In Loving Memory of Joan Froling

by Toni Eames, President

IAADP Started as a DREAM...

W e had a dream and we made it come true! Joan, my late husband Ed and I met in Montreal, Canada, in 1991 and shared our dream of founding a consumer advocacy organization for all disabled people partnered with assistance dogs.

In 1992 in St. Louis, Missouri, we were joined by two hard of hearing folks and another woman with a service dog. We formed a Board and, with the help of audience members, chose the name the International Association of Assistance Dog Partners.

At that time, Joan’s service dog was a beautiful white Samoyed bringing her much unwanted attention. Joan was a very modest, almost shy woman, and I often joked that her choice of a Samoyed was counter to her personality.

Joan Froling’s Unrelenting Drive to Champion Canine Partnerships & Consumer Advocacy

IAADP would not exist without Joan’s extraordinary devotion to the cause. She never let her progressive disability damage her enthusiasm and she worked many long hours to accomplish her goals. Soft-spoken, but firm in her ideals, she never let her increasing frailty slow her down.

Many adjectives can be used to describe Joan, relentless, passionate, persistent and devoted to the cause, but nothing truly touches upon her sense of loyalty, friendship and justice for those who had trouble speaking for their rights. I admired her tenacity to chair IAADP despite broken limbs and a progressively debilitating disability. Even during her last trip to the hospital with pneumonia, Joan talked about going home and getting back to work!

Joan received many accolades for her outstanding work: a Maxwell Medallion from the Dog Writers Association of America for her work as a writer of the IAADP Newsletter “Partners Forum”, inductee into the National Hall of Fame for Persons with Disabilities, co-founder of the Coalition of Assistance Dog Organizations, co-founder of Sterling Service Dogs and hours of work and influence with the Federal Aviation Administration on relief areas and seating needs.

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Virtual Memorial Service
Let’s all get together and have a virtual memorial service for Joan.

Please take a moment to visit our Facebook page and write in your memories of conversations with Joan or the way she talked you through a problem. Did you meet her at an IAADP or ADI meeting? What influence did Joan have in your life or in the relationship with your assistance dog?

Please let the world know how much this special woman meant to you. You are also most welcome to email any board member, as well.

IAADPs Facebook page:
https://www.facebook.org/IAADP/

Joan’s Memorial post on IAADPs Facebook page:
http://tinyurl.com/gpxsqjl

Joan’s Memorial page on IAADPs website:
http://www.iaadp.org/iaadp-joan-memorial.html

Memorial Gifts, Donations, and Memberships to Continue Making a Difference!
Please keep IAADP alive by making a financial donation Memorial Gift in Memory of Joan Froling through Paypal (most credit cards accepted) OR by sending a check or money order to:
Toni Eames, President
IAADP (Joan Froling Memorial)
273 W. Ellery Way
Fresno, CA 93704

You can also donate online with a credit or debit card:

You are also welcome to JOIN IAADP as a FRIEND MEMBER and/OR RENEW your membership today by completing the IAADP Online Membership Form on our website or by contacting our membership coordinator (see page 24).

We are going through a transition period and if you feel you can help IAADP in a particular capacity, please notify our President, Toni Eames, by sending an email with details to her at: volunteer@iaadp.org.

Thank you!

Together we can keep Joan’s dream, vision and legacy alive!

Joan’s life is proof that one person CAN make a difference!

We will all miss you very much Joan!

Many adjectives can be used to describe Joan, relentless, passionate, persistent and devoted to the cause, but nothing truly touches upon her sense of loyalty, friendship and justice for those who had trouble speaking for their rights. — Toni Eames, IAADP President

This is a deep loss to the Service Dog community. Joan was so thoughtful – she was a huge bright light for us all. — Sheryl Katzman

Both the disabilities community and the service dog world has lost a true champion.
— Jeanne Hampl, Founder and Former President of The Assistance Dog Club of Puget Sound

Joan devoted her life to the assistance dog community. She was a trail blazer and exemplary advocate for assistance dog teams around the world. Words cannot express the gratitude for all Joan has done for the assistance dog community. She is owed a debt of forever gratitude —Jill Exposito, IAADP Vice President (USA)

I drew a lot of strength, support and inspiration from Joan’s work. She will be deeply missed by the owner-trainer community, in particular. — Sharon Wachsler

Words cannot express my gratitude for all that you have done for the assistance dog community, which I am a grateful member. You will never be forgotten.
— Edward Crane, Founder and President, My Assistance Dog, Inc.

Her legacy will go on and she is reflected in every life she touched. — Pamela Albertson
VA Restarting Study on Service Dogs and PTSD

By Atlanta VA Medical Center

ATLANTA - Reedy Hopkins says he always feels on guard in public places.

“I quit going to crowded areas. I used to love to walk the National Mall, or go into the museums…I couldn’t enjoy it, because I was constantly on guard, looking around, watching everybody’s movement…I still have a hard time going into a restaurant and not sitting with my back to the wall.”

Hopkins is a 28-year Air Force veteran who served in Iraq. He is one of dozens of veterans who share their stories on the AboutFace website of VA’s National Center for PTSD.

Can veterans with post-traumatic stress disorder, like Hopkins, benefit from service dogs? That’s the question VA researchers hope to answer in a three-year study that started in early 2015 and will wind down in 2018. The study aims to enroll 230 veterans with PTSD, from three regions: Atlanta, Iowa City, and Portland, Ore.

After Army career, dog trainer has key role in VA study

Service dogs for PTSD and other mental health problems are a topic of keen interest, and the study was mandated by Congress in 2010. The VA launched a pilot the next year, but the study was halted after two service dogs bit children in veterans’ homes. Further problems with the health and training of some of the dogs led to a second suspension of the study in 2012.

The setbacks were a learning experience for the VA. The new version of the study, now underway, has far tighter standards for the dogs, and a more rigorous design. The new study is being overseen by VA’s Cooperative Studies Program (CSP), which has decades of experience running large multi-site clinical trials.

Safety is top priority

“Safety is our main concern,” says Dr. Patricia Dorn, director of VA Rehabilitation Research and Development, which is partnering with CSP on the study. “As in all VA clinical trials, the safety and well-being of the veteran comes first. In this study, we also extend that concern to the dogs. We want to make sure they are safe and well cared for.”

Along with that, says Dorn, the revised study meets a high bar in terms of its ability to generate reliable scientific evidence.

“This study is rigorously designed,” says Dorn. “The findings should give VA a solid basis for making decisions about the provision of service dogs for veterans with PTSD.”

As of now, VA provides service dogs only for Veterans with certain physical disabilities, such as vision or hearing loss, or the loss of a limb. The findings of the new PTSD study could potentially change that policy.

Beyond that, says Dorn, her team believes that “the study will make an important contribution to the literature on the use of service animals for those with mental health diagnoses.”

First randomized, controlled trial of its type

To date, there is ample evidence on the benefits of service dogs for people with physical disabilities, but very little in the area of mental health.

“There is no randomized controlled trial whatsoever involving service dogs and mental health conditions,” notes Dr. Michael Fallon, VA’s chief veterinarian.

It might seem like a no-brainer that service dogs can help people with PTSD, depression, or other mental conditions. Who wouldn’t benefit from having a four-legged friend at his side? The idea is hugely popular, admits Fallon. “The public, by and large, is in love with the concept of service dogs.”

He acknowledges that anecdotal reports on the topic tend to be very positive. But he points out that in reality, things can go awry.

“We also have anecdotal reports that things can go poorly if you don’t have the right dog. We know from our experience in the pilot study that a poorly trained dog can be detrimental to the veteran. If the dog is behaving poorly in crowds, say, that can reduce the amount of time the veteran wants to be out in public.”

Going out in the community is one of the parameters the researchers will measure. Overall, the focus is on quality of life and limitations on daily activities. Secondary outcomes the researchers will look at include PTSD symptoms, depression, sleep, suicidal intent, use of health care, and job status.

Unlike the pilot version, the new study will compare the benefits of two types of dogs. Half the veterans in the study will be randomly assigned to receive a service dog. The others will get an emotional support dog.

The difference between service and emotional support dogs is mainly a matter of training, explains Fallon.

“An emotional support dog is a very well-behaved pet that provides comfort and companionship,” he says. “They’re not trained to do specific tasks that address the disability, whereas a service dog is.

The difference has legal ramifications. Service dogs are allowed in most public places—including VA hospitals and clinics—but emotional support dogs are not.

Comparing the two types of dogs adds scientific rigor to the study, says Dorn. If the service dogs do indeed improve outcomes, how much of that can be attributed to the

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VA Restarting Study on Dogs and PSTD
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general benefits of canine companionship, and how much to the specific trained tasks? If it’s simply the love and support of a dog that account for veterans’ progress, then emotional support dogs should be just as effective, in theory.

Similarities, differences between the dogs
For purposes of the study, says Fallon, “We’re requiring the same medical standards and the same advanced obedience training for both types of dogs.”

There are other similarities: Regardless of the type of dog they receive, veterans will have round-the-clock support.

“There are contacts [between the veterans and study staff] at a minimum of every three months, but if there are concerns on anyone’s part, whether that’s a member of the study team, or the veteran, or a family member, we will do home visits, clinic visits, telephone calls, or whatever else is required,” says national study chair Dr. Gabrielle Saunders, of the Portland VA Medical Center.

Dr. Kelly Skelton, a psychiatrist who is overseeing the study at the Atlanta VA, adds, “We have study staff available 24/7 to respond to any concerns.” Her site is home to VA’s national dog training support office. Fallon, also based in Atlanta, says one veteran in the study has already called the hotline to learn how he can keep his dog from getting into the garbage can in the kitchen.

That’s largely where the similarities end between the two types of dogs.

Veterans receiving emotional support dogs will have the animal delivered to their home. “They will work with the local VA dog trainer to learn how to look after the dog,” says Saunders. Those receiving a service dog will travel to one of three vendors working with the study and spend up to two weeks on-site for training with their animal. One site is in California, another in Alabama and a third in North Carolina.

PTSD-specific commands for service dogs
There’s another difference, and it’s central to the study: The service dogs will be trained to respond to five specific commands chosen especially for the PTSD population.

“Block” and “Behind” tell the dog to stand in front of or behind the veteran, creating a secure space. “Lights” has the dog flick on a light switch, usually with its nose. “Sweep” means the dog will enter a building or room ahead of the veteran and bark if anyone is present. Finally, “Bring” is similar to “Fetch.”

Researchers believe such tasks may help address core PTSD symptoms such as hyper-vigilance. The PTSD brain generates fear and alertness even when there’s no objective evidence of danger. One Veteran featured on AboutFace, who had been an “IED hunter” with a combat engineering unit in Iraq, tells how he assumed a “combat position” on his deck one evening when a car rode past his house a few times. It turned out to be his daughter’s friends, searching for the address.

“The commands are really ways to mitigate against that hyper-vigilance,” says Skelton. “So ‘sweep’ is going in to a location and looking to make sure there are no intruders, so the veteran can enter that location and feel safe, particularly in their own home. Watch their back, block from in front—these are ways to reduce that exaggerated threat response, so they can go out in the environment, engage with family, jobs, hopefully come to psychotherapy appointments. That’s what we’re trying to get at.”

Study participants will also get therapy
Importantly, one requirement for veterans in the study is that they be in some form of mental health treatment for their PTSD. The dogs, says Skelton, may be a way to help therapy kick in and achieve its aims.

“We hope that eventually some of the specific [service dog] tasks won’t be required quite as much. What we usually do in terms of PTSD treatment is exposure-based therapy, where we essentially extinguish the false fear response, so that over time, they won’t be as hyper-vigilant. They won’t need the sweeping, the checking, the blocking, someone watching their back all the time.”

The theory, she says, is that the dogs “can serve as a bridge to get them past that initial fear. That way, they can get out more and engage in therapy so they can eventually free themselves of that excessive fear response.”

Regardless of the outcomes that veterans in the study experience, they will all have the option to keep their dog after the study ends.

Says Skelton, “We anticipate the vast majority will choose to do so.”

And while the men and women in the study may or may not see dramatic improvements in their own quality of life, they will be helping to provide answers that are likely to help generations of veterans going forward.

“We are excited to be conducting the study,” says Dorn. “We, like the veterans, want to learn if either type of dog is a positive addition to treating PTSD.”

After Army career, dog trainer has key role in VA study
During his 20-year Army career, Sgt. 1st Class Derrick Tillman had the opportunity to use his dog-handling skills to help protect the President, Secretary of State, and other government VIPs.

Now, he says, his mission is no less important.

Army Veteran Derrick Tillman, VA’s national dog trainer, is responsible for evaluating and approving each dog before it gets matched with a study participant.

Tillman is an integral part of VA’s study on service dogs and PTSD. A program manager and VA’s national dog trainer, he visits the three vendors participating in the study to evaluate and approve each dog, whether service dog or emotional support dog.

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Managing a Wheelchair and Service Dog

By April Childers

Service dogs can provide wheelchair users greater independence. From picking up dropped items to opening doors, the tasks these canines perform can be life changing.

However, the logistics of maneuvering a wheelchair and handling a service dog can seem intimidating.

How do I hold on to the leash and propel a manual chair? How will we go through doors? How do we get on an elevator? How will we manage crowds and other kinds of tight places?

Although it can be overwhelming to think of these things, after you and your partner have worked together for a little while, it will become second nature.

Because each person, disability, dog, and equipment setup is different; each individual team will find their own system of doing things that works for them. There is no right or wrong way, just the way that works for YOU.

Hopefully though, by explaining what works for me, I can give you a solid starting point to begin developing your own system to manage a wheelchair and a service dog simultaneously.

Although manual wheelchairs, power chairs, and scooters are very similar overall, there are some differences.

The most obvious difference being that in a manual chair, you need to hold the push rims in your hands and move your arms to maneuver yourself. With a service dog, you now have a leash to tangle with too. (Pun intended.)

Holding the leash in my hand turned out to be a lot easier than I had feared. In fact, leather leashes actually improve my grip on the push rims. I also tend to wrap the leash around my wrist because I am prone to dropping things.

There are attachments that allow you to attach the leash directly to the wheelchair, but in a manual chair this can be dangerous since the dog could potentially cause the chair to flip. For this reason you should be very careful if you decide to go this route.

A better hands free option is to attach the leash directly to your body rather than to the chair. At times, I have wrapped the leash around my leg or waist. Without fail though, I have been unable to keep the leash from getting caught in my wheels.

Going through doors can be a little tricky at times. Usually, the best plan is to have your dog walk behind you through the door. As a rule of thumb, I like to know exactly what is on the other side of the door before my dog walks through it.

However, it is not always physically possible to do this without the door slamming shut on your dog. In this case,

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hold the door open, send your dog through, and then go through yourself.

Elevators have the potential to be very dangerous for a service dog. In fact, if you have your service dog tethered to you or your chair, and your dog were to become trapped on the elevator with you outside of the elevator, it will be deadly if you don’t cut the leash in time. For this reason you should always carry a sharp knife that you can reach quickly and easily if you decide to tether your dog rather than holding the leash in your hand, just in case.

Another concern with elevators is to make sure that the doors don’t slam shut, hitting your partner. Even if your dog isn’t injured, you may find that the next time you come to an elevator, your dog is hesitant. The safest way is to go partway through, use your wheelchair to block the door to keep it from closing, send your dog through, and then follow the rest of the way in yourself.

Crowds and tight places can be a challenge with just a wheelchair, so concerns over adding a service dog to the mix are not at all surprising. Once again though, it wasn’t nearly as difficult as it seemed once I was actually doing it. Basically, it is the same as going through a doorway. When the area you are navigating becomes too narrow, simply have your dog walk single file behind you.

Those are the big concerns I had about using a wheelchair and a service dog at the same time when I was first matched with my partner, and they were also the things I had to develop specific systems for. After two and a half years together, I no longer have to think about these things though; we just do them as a team automatically.

The most important thing to remember, is that you and your service dog are able to do this, and you will gain the reward of greater independence in the process...you just have to work together as a team to find the methods and equipment that work for you.

NOTE: April Childers is a writer who focuses on disability advocacy and service dog awareness. In addition, she is a violinist, wife, and mother of three. April has Multiple Sclerosis, Ehlers-Danlos Syndrome, and dysautonomia. She has been partnered for two years with a beautiful black lab, named Dale, who was trained by Canine Partners For Life.

The Unintended Consequences of Greeting a Service Dog
By Mary Mc Neight

When I first started training an 8-week-old Liame in 2008, I had absolutely no understanding of the critical socialization window that he was in. I had read multiple generic dog training books and scoured the internet for information about raising a puppy for service work, only to come up empty. I also was shunned by the service dog training community because I didn’t have a “real” disability. Luckily, I stumbled upon an ad in City Dog Magazine and enrolled in a puppy training class at Ahimsa in Seattle.

I took what seemed to be outrageous advantage of the open/rolling enrollment classes and went to six puppy classes a week with my young dog. I’m pretty sure the trainers there thought I was crazy for coming to so many classes, but I wanted to ensure that Liame, my second service dog, did not turn out to be as obsessed with playing with other dogs as my first service dog was.

I took the concept of puppy socialization and ran with it. I introduced my dog to every person I could get to interact with him. I took him to hospitals, retirement communities, airports, supermarkets, concerts, dog parks, the beach, movies, malls, IKEA on Saturday (shhhhhhh), on bus rides, airplanes, trains, bike rides, and to work daily. Each location provided him with an opportunity to greet and interact with potentially hundreds of people per week.

When he was around 9 months of age, I noticed that my socialization training was starting to backfire. Liame was focusing more on greeting other people than he was on paying attention to me. I’m pretty sure he thought at that time, in his little puppy brain, that it was his job to greet people. How could I blame him for doing exactly what it was that I was teaching him?

I tried cutting Liame off from the vast majority of his beloved interactions with the general public, but this too seemed to backfire. Looking back on it now with my professional-dog-trainer-20/20-vision-goggles, Liame had no way to easily delineate between when it was an appropriate time to greet a person and when it was not. I was just randomly letting him greet people based on how I was feeling that day. The random reward of being able to greet people resulted in a very long extinction process that never really extinguished until drastic measures were taken.

I’m sure you are probably thinking to yourself, “Oh, you poor baby! You had a super-social dog who was politely greeting people. How did you ever survive?” I know
trainers who would give up an arm or a leg to have this type of “problem” with their shy, anxious dogs, but little do they realize how big of a problem an incredibly social service dog can be.

Liame isn’t dumb. He’s had nine months of super socialization and seven years of watching and observing the nuances of human body language that predict that the people around him are about to acknowledge his presence and actively attempt to engage with him. Every minute my dog is focused on you – your googly-eyed expression, the sound you make when you excitedly suck air into your lungs and hold it in anticipation, the kissy-kissy smack of your lips when you try to call him to you, the long drawn out “awwwwww” with its accompanied head tilt, the quick pet you sneak when you walk by him, the beeline you make for him from across the exhibition hall and the squeaky toy squeal you make when we walk by – is another minute he is not focused on me and doing his quite complex job.

It’s so hard because it seems so harmless. What’s wrong with my dog taking a minute of his time to focus on and appreciate the amazingness of the light and happiness in your eyes when you see him? What’s wrong with me taking a few minutes out of my day to allow you to experience a moment of relief from the withdrawal you’re feeling because you had to leave your puppy at home? In reality, nothing is inherently wrong in the moment, but when you add up these seemingly insignificant moments, the cumulative damage done could be the proverbial straw that breaks the camel’s back.

As we dog trainers know, random rewards are some of the most powerful motivation schedules we have in our toolbox. Behaviors become highly resistant to extinction when random rewards are part of a dogs reward history. Every time someone randomly rewards my service dog with eye contact, love, petting and/or affection, it can double, triple, or even quadruple the amount of time he actively tries to seek out and engage with the next person who he thinks might want to greet him. In essence, every minute you spend rewarding my dog is another two, three, or four minutes he spends seeking the admiration and attention of another person who walks by him instead of doing his job alerting me to blood sugar changes.

So your loving gaze and kissy faces prevent my dog from doing his job for a few minutes every day. What’s the big deal? It’s just a few minutes right? Absolutely not. Every minute my blood sugar spends out of a normal range it is slowly and methodically damaging every organ and biochemical signal in my body, from the cognitive processes of my brain to my ability to feel my toes.

I’m lucky that I have a few minutes to correct my blood sugar imbalances before I’m acting like a drugged, drunk person in front of you (sorry Bob Bailey, someone had to pet Liame at the Penn Vet conference right after he alerted, which ended up delaying my treatment and gave you the first impression that I was some drunk, crazy lady). Unfortunately not everyone has a few minutes before their medical condition could land them in the hospital. My first narcolepsy alert dog student only had a five-minute alert prior to her passing out. If the dog missed the alert because he was seeking attention from an admirer, the handler could end up in the hospital again after bumping her head when she fell asleep standing up, or doing months of physical therapy because she landed on her hip when her legs gave out on her during a cataplexy episode.

Not only does your seeking attention and affection from my service dog have the potential for distracting the dog from doing his job but it also has the effect of making me seem boring and unimportant. Take minute and think about it for a second. Who would you rather interact with? Would you rather be with someone who is looking in your eyes adoringly, is so excited to be near you that she is squealing, and is lighting up your soul by acknowledging your presence, or the constantly in pain, frequently grumpy, drunk-acting person with a disability who sometimes forgets to reward you because her brain doesn’t work during a low blood sugar episode? I’d take the first type of person any day of the week, just like any sane animal would. How can I, someone who can be frequently grumpy and in pain, compete with the pleasure and excitement of someone who is stirring my dog’s soul with longing looks and offers of tasty treats and physical touch?

The vast majority of dog trainers know not to pet a service dog but you would be surprised at how many come up to my dog and interact with him without permission at conferences. Unfortunately, even though I’m a dog trainer who shares her life with a service dog, even I’m not immune to this innate desire to want to interact with a service dog. I can’t even begin to tell you how many times on the first day of the medical alert dog classes I teach, I’ve accidentally greeted my student’s vested service dogs without their permission without even thinking about what I am doing.

You know what makes petting and attempting to greet my dog exponentially worse? Being in a room with 300 of you, all clamoring and doing everything you can to get a soulful glance from my pup. I so desperately want to give you what you so clearly need. If it wasn’t for me needing my dog to ensure my brain keeps functioning I would enthusiastically try to help each and every one of you. My dog trainer friends, colleagues and mentors, it’s so very hard to say “please don’t pet my dog” to you. I can see the holes in your souls that are left behind when you leave your pups home. Do you have any idea how hard it is to say no? To see the light in your eyes dim when I tell you he is working? Sometimes I give in because it’s easier to say yes than to see another dimly lit face and instantly depressed, hunched-over body walk slowly away from me when I tell you that you cannot pet him.

I’m lucky that I’m a trainer with a highly experienced, well-socialized dog, and I know that for every one of you my dog greets, I’m going to have to spend time retraining my dog to make up for it. I don’t have to invest in hiring someone to fix the problem, it’s just a time investment for me. However, not everyone with a service dog has that continued on page 8...
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luxury, and not every trainer with a service dog has the time to invest in retraining their dog.

So please, dog trainer colleagues and mentors, don’t be mad at me for asking you, in advance, to not pet my dog or any service dog without a “Please Ask to Pet Me” patch. Because even though you petting my dog feels great to you, me, and my dog, it can be detrimental to him being able to perform his job, and can result in both immediate lifelong physical consequences and long-term damage to my relationship with my dog.

When I come home from dog training conferences, because I’ve said yes to Liame greeting some of you, I frequently have to implement the same drastic measures that finally stopped Liame from greeting everyone he knew at 9 months of age. Unfortunately, as a wild and impulsive 9-month-old puppy who loved everybody, it took almost six months of not being able to greet anybody while he was in his service dog vest before he stopped seeking the attention of every warm body that passed him.

I’m begging you, please don’t let your temporary feelings of puppy withdrawal interfere with a service dog’s future. I promise, you will survive your encounter with that really cute service dog if you do not pet him. As far as I know, no one has ever died from not petting a service dog. Unfortunately I cannot say the same for the owner of a service dog who has learned to consistently seek the attention of human admirers. The age-old rule about not petting a service dog is part of service dog etiquette for a whole host of specific reasons. Help me to educate our family, friends, colleagues and students that one minute of pleasure has the possibility of causing lifelong consequences for both dog and handler, something no one wants for any service dog team.

“Reprinted from Winter 2015 issue of The APDT Chronicle of the Dog.”

Service dogs to have more recognition and acceptance in Nova Scotia

By Heide Pearson, Global News

Service dogs are an important part of many people’s lives, but issues like fear of dogs, rejection, and improper training has the Nova Scotia government taking steps to address these issues. Heide Pearson reports.

The province of Nova Scotia has announced that it is working toward legislation that will increase recognition and acceptance of various types of service dogs, as well as establish a standard for training and certification of dogs.

“IT’s really important that there’s standards in place, that we know the dogs are gonna be safe for those handlers, but also that there’s some kind of standard as to the training that the dog has to have,” said Kim Partridge.

Partridge is a dog trainer. She also owns therapy dog Roxy who provides therapy to children at the IWK Health Centre.

The use of service dogs is on the rise, as they are being recognized as an effective tool for a number of different sicknesses and disabilities. There are seeing eye dogs, which aid blind people in every day tasks, there are service dogs which help people who experience other disabilities, such as PTSD, and there are therapy dogs, which help people with a variety of issues like anxiety and stress, and lift spirits.

Training and certification is something that’s becoming an issue as service dogs are in higher demand. Partridge says that a growing problem is the fact that uncertified dog breeders see the demand and want to profit from it, and they fake the certification for dogs that aren’t properly trained.

“Just google ‘Canadian service dogs’ and it takes you to a site that’s based in Hawaii that for $99.99 you can buy a service dog vest, a certificate and an I.D. card,” Partridge said.

For the government of Nova Scotia, it’s important that the public know that the service dogs they are seeing, whether on the street or inside a business, is properly trained, certified, and safe.

“This is a special type of a dog that has gone through certification, that has gone through training, that it’s like an extension, it’s like their arm,” said Justice Minister Lena Metlege Diab.

Minister Diab said she hopes the new legislation will increase education about the different types of service dogs, improve training and identification standards, and to determine a penalty for anyone who refuses the rights of therapy dogs and their handlers.

For Charlie Macdonald, his seeing-eye dog Peaches allows him lead an independent life as a blind man. They walk, travel, and do just about everything together. Peaches is his fourth service dog.

“Well, she’s my eyes,” said Macdonald “She leads me, guides me around obstacles, she stops at the curb so we can make sure it’s safe to cross [the street].”

Service dogs that help people who suffer from PTSD have also become very popular. Kim Gingwell’s service dog Omega recognizes when she is feeling stress, or in a

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crisis mode, and can distract her and bring her focus back.

She says that it’s important that handlers be just as trained as the dogs, adding that her five days of training with Omega were great for their relationship.

“I think it’s very important because that’s where you start your bond,” said Gingwell. “It’s an adventure.”

Service dogs also help people with illnesses ranging from diabetes to epilepsy.

There is currently no legislation in place in Nova Scotia regarding service dogs. Seeing eye dogs are protected under the Blind Persons Rights Act.

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Margie Gray Retires

Faithfully serving the IAADP board for nearly 10 years, Margie Gray is retiring at the end of 2016. Our team and community express deep gratitude for her support which she extended through this transition. We are delighted that she will continue volunteering with our Partners Forum newsletter team.

Margie writes: After having been on the IAADP board for several years, it seems like the word has gotten out about access for service dogs and I guess I thought the battle was being won. It had been along time since I had been challenged with my dog, Echo. She had been in numerous restaurants, stores, doctors offices, hospitals, churches, a couple of funerals and weddings. Then my best friend called me and said she had gone to a CPR class for work. She was disturbed when the instructor said they needed to be cautious when helping someone who was accompanied by a guide dog or any other assistance dog. He said they were trained to be protective and would bite anyone approaching the handler!

My friend knew enough how wrong and dangerous that instruction was and corrected him, but it brought home to me how much work is still left to be done. I have always been amazed at some of the ludicrous questions I have been asked over the years about my dog. (My favorite was a woman who asked how my dog helped me drive the car. I told her she just read the map for me.) But this education is vital to anyone with a disability.

I suppose the moral of the story is IAADP and other groups in the industry just have to keep plugging along, talking and educating the public about how important and treasured these dogs are.

New Bayer Benefit

IAADP is delighted to announce a new Benefit available to IAADP Partner Members in the USA thanks to the generosity of Bayer HealthCare LLC! This benefit started in the spring of 2015 and is in addition to their wonderful support of IAADP’s Veterinary Care Partnership program and other IAADP initiatives.

K9 ADVANTIX II is a topical ointment that will protect our assistance dogs against fleas, ticks, mosquitoes and more. PLEASE NOTE: Our new delivery system for this Bayer product enables you to receive it without a trip to your veterinarian. Please DO NOT ask your veterinarian to call Bayer in the future. You must email your request directly to IAADP to receive this gift from Bayer, as detailed below. This product will be available through 2017, potentially longer.

How To Obtain this NEW Bayer Benefit for Partner Members in the USA:

A. EMAIL ADDRESS: Contact our Membership Coordinator, Dana Spears, BY EMAIL, to request the Bayer product, K9 Advantix II. The email address is: advantixrequest@gmail.com. We are unable to accept phone requests for this product. If you do not have use of a computer or smart phone we recommend you ask a friend or family member to assist you. Most libraries also provide free use of computers. You will receive an automated reply from IAADP to confirm receipt of your email. Turnaround time is 2-3 weeks.

B. YOUR INFORMATION (required to process your request):

1. Your IAADP Partner Member ID Number (see your Membership ID Card)
2. Your current address (where do we send your Advantix packet?)
3. Your dog’s name and the breed or breed-mix (for database verification)
4. Your dog’s estimated WEIGHT so we send the right size packet to you!

Attention: This is NOT a Heartworm Preventative. IAADP cannot dispense prescription products.

IAADP WEBSITE: www.iaadp.org
I was asleep when my beautiful boy awoke me, taking his large left paw and placing it on the bed next to my shoulder. I opened my eyes to find my sweet, 12-year-old, 70-pound, black Bouvier des Flandres medical alert/mobility service dog, Bisontè, looking at me steadfast in his calmness as if to say, “Come with me.” It was 1am. I got out of bed and followed him to the front door. We both went out. I figured he may have to relieve himself. But this time, it was different. Off-leash and standing to the North of him, less than 7 feet away, I watched him. I asked, “Bisontè, what’s up boy?” With his back to me, he lifted his muzzle as if catching a scent. I watched as he became motionless. He seemed to have held his breath. I asked, “Bisontè, what do you know?” That is when he turned towards the East. With the moon and the nearby lamppost, I noticed Bisontè’s nostrils flaring as he held his head higher. With his eyes closed, he took several deep breaths. Then, without moving his body, he turned his head toward me. He opened his eyes so wide I could see the whites of his eyes as he stared at me, then returned his far away gaze toward the Eastward night. He stood motionless, but with intense determination. As if in a trance, I approached him with reverence, knowing that he knows more about so many things. Gently, I encouraged him back inside. We both returned to bed.

At 3:30am, I was awakened again with his huge left paw being placed gently on the bed next to my shoulder. There was Bisontè sitting next to the bed staring into my eyes. Quietly, he led me to the front door again. He again did the same exact things as he had done two and a half hours earlier. Only this time, when he raised his head facing East, he snorted like his namesake, bison, do. He was very insistent on not leaving until I also stood facing East. So there we were, standing in the early morning darkness of 3:30am, October 11th, 2015. Finally, Bisontè led me back inside the house and back to bed. Several hours later we began the day but Bisontè would not eat. He lay in the living room on one of his beds seeming to be in deep thought. Not getting results of interest in anything, I called a dear neighbor who had taken such good care of me, Thank You. You were my son, my confidante, and the best date ever! The last thing I ask of you, is to guide the next service dog puppy to me with Brandy, Mystique and Porthos’ help.”

Bisontè’s passing was perfect. The doctor sat in the driver’s seat of my car and I in the backseat. I stared into Bisontè’s eyes, professing my love and thanks to him as the doctor assisted in his passing. Afterwards, I drove him to the crematorium where I was able to honor his body. Thankfully, my dear friends Bill and Denise accompanied me so that I was not left completely alone. Arriving home, the house was so very painfully quiet. I was greeted by my cats, Athos and Ember, who immediately settled next to me to give and receive comfort. While my heart was breaking and tears were flowing for the loss of Bisontè, the realization occurred to me, I had not been without a service dog since 1998. “What am I going to do now?”

Although I serve as a facilitator specializing in animal companion loss for a local bereavement support organization serving those grieving the death of a loved one, I knew the importance of allowing myself to take the time to honor

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A federal complaint accuses an Aspen condominium association and property-management firm of discrimination by not making accommodations for a seizure-prone tenant with a service dog.

Alvaro Arnal, the joint owner of a unit at Aspen View Condominiums on Midland Avenue, is suing the association and First Choice Properties & Management in the U.S. District Court of Denver. His suit accuses the defendants of discrimination, retaliation and interference with contract.

First Choice’s point person on the matter was on vacation and couldn’t be reached. Ry Neiley, the attorney for the condo association, said he had not seen the suit, which he said was unexpected.

“For some months, the association was trying to work out an accommodation for this service dog,” Neiley said. “There was some difficulty with Mr. Arnal’s tenant coming up with the documentation.”

Cliff Mohwinkel, president of the board for Aspen View Condominiums, said the association “did more than its fair share” to accommodate the woman and her service dog.

“We walked the second and third and 10th mile, and we spent a lot of money trying to be equitable,” he said.

Mohwinkel also noted that another tenant currently resides at the complex with a service dog, and there have been no problems. The tenant recently moved in after providing the association board the proper paperwork, and the dog’s presence has been hassle-free, he said.

But Arnal’s suit, which comes after he leased his unit to a Florida woman in late 2013, portrays a dog dispute that sparked fines, a lien on his property and his tenant leaving well before her lease expired.

Arnal was OK with the tenant-canine arrangement, but before he leased his unit to the woman, he contacted First Choice to make sure the dog would be allowed, the suit says. Arnal’s suit says he sent multiple emails in October 2013 — one month before the tenant and her dog took residence — to First Choice. But the property manager and condo association were sluggish in getting back to him and on November 13, 2013, Arnal emailed the board and First Choice Property to inform them he was leasing the unit to the woman with the service dog.

“All of the research I have done on this issue shows that I cannot legally discriminate against a disabled person by denying her the rental because she has a service dog,” Arnal wrote to the board in an email, which is part of the

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Service Dog Flap at Aspen Condo Complex
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complaint. “I am not willing to expose myself to a lawsuit because I illegally denied the rental to this tenant.”

Arnal and the tenant reached a one-year lease deal November 22, 2013, and the condo association didn’t get back to him until December 24, 2013, with a series of questions for Arnal to answer regarding the tenant and her qualifications to have the service dog, the suit says. The board’s letter said that Arnal hadn’t supplied enough information or official documentation about the woman’s disability, the suit says.

In the meantime, the board established a policy regarding service dogs, the suits says. And on January 8, 2014, the board members visited Arnal and the new tenant, interviewing her about her disability for 45 minutes.

“She was asked whether the service dog was ‘officially trained,’” the suit says. “The tenant confirmed she was. She was asked to produce the dog’s service animal vest and certification card. She produced both.”

On January 20, 2014, the board asked for more information, including evidence that the dog is helpful in preventing seizures and a doctor’s letter showing that the service dog is necessary. The board also noted that it would make an exception to its no-dogs policy for the new tenant as long as the canine wore a harness at all times when it was outside of the unit and in the complex’s common area.

Other conditions included a prohibition on the dog urinating or defecating at the complex, along with a ban on barking or making noise “that would not be acceptable for a human to make,” the suit says. Failure to comply would result in a $50 fine on Arnal, the suit says.

Arnal referred the board to Canine Support Teams, which provided the dog to the tenant, to address its newest concerns. The board, in turn, began to fine Arnal $50 a day, starting January 31, 2014, for allowing the dog to live there, the suit says.

The board also denied an Aspen doctor’s letter that said the tenant needed the dog, demanding elaboration, the suit says. A subsequent note from the physician, provided to the board in March 2014, said the tenant had a “well-documented seizure disorder” and she “benefits greatly” from the dog’s assistance because it “is able to sense an impending seizure, prepare (the tenant) for the seizure and potentially alert others of the situation,” the suit says.

Even so, the board continued to fine Arnal $50 a day for the dog’s presence, the suit says. At the end of March 2014, after living in the unit for less than five months, the disabled woman moved, the suit says.

And on June 5, the board slapped Arnal with a $1,450 fine and a $4,234 bill for its attorney’s fees that accumulated during the dog dispute. On July 9, the board placed a $5,684 lien on Arnal’s unit, says the suit, which was filed by Denver-based Law & Mediation Office of Phyllis A. Roestenberg.

Mohwinkel said anybody can move in the complex with a service dog, provided they play by the rules.

“They will be reviewed properly and will be taken care of in a matter that’s structured legally,” he said.

rcarroll@aspentimes.com
research, which will include up to 50 Canadian veterans with service dogs, is being funded with $500,000 and is expected to be groundbreaking.

The Canadian General Standards Board will lead the development of standards along with veterans’ groups and psychiatric service dog training providers.

“The effect these professional trained dogs have on wounded warriors can be life-changing,” O’Toole said. “We want a world class service dog program for veterans in Canada.”

Psychiatric service dogs are trained to help individuals with mental health conditions by performing tasks in response to a cue.

They can help their owners with mobility and balance, manage symptoms of PTSD by waking them from nightmares and guiding them away from stressful situations, find medicine, perform room sweeps and prevent them from walking into hazards.

The development of national standards aren’t just for the dogs and the abilities they’re trained for, but for the people they work with, explained Danielle Forbes, NSD director.

“The best trained dogs in the hands of an untrained person doesn’t work,” she explained. “Training clients and dogs, it’s a two-part process as a team.”

As Medric Cousineau crouched down for a photo with MP Gary Goodyear, he used his yellow lab for support.

“That’s called bracing,” he explained.

Cousineau, a retired Sea King helicopter navigator, was injured in 1986 while performing a search and rescue effort during a winter gale in the North Atlantic.

Crediting his four-legged companion for helping him overcome many symptoms of PTSD, Cousineau now works with the organization Paws Fur Thought, a volunteer-driven initiative that advocates and fundraises to pair service dogs with veterans and first responders in need.

Without national standards, “Right now, it’s a lot like the Wild West,” Cousineau described.

Service dogs need national identification to clearly define what they’re trained for and to help gain public acceptance, he said.

O’Toole noted the funding for service dog standards is just one initiative to help address mental health issues for Canadian veterans, such as the establishment of 27 specialized mental health clinics throughout the country and a new toll-free line whereby veterans and their families can receive immediate counseling with a professional, 24-hours per day.

San Antonio Veteran Prevails in Service Dog Case

San Antonio jury on Monday found that a Schlumberger Ltd. subsidiary broke federal law in handling a request by a now-former employee who wanted to bring his service dog to work to help him handle his post-traumatic stress disorder.

Jurors deliberated more than 14 hours over three days before directing Schlumberger Technology Corp. to pay Iraq War veteran Juan Alonzo-Miranda almost $28,600 in lost overtime wages and compensatory damages for pain and suffering, and mental anguish. Jurors declined to award him punitive damages.

Alonzo-Miranda, 33, had sued Schlumberger in 2013 alleging that it failed to “reasonably accommodate” his post-traumatic stress disorder in violation of the Americans with Disabilities Act. Schlumberger took about six months before it granted his request to bring his trained service dog, Goldie, to its Von Ormy facility, where he was employed as a mechanic.

“Today is a blue-ribbon day for America and the veterans who have protected us,” said John Griffin Jr., a Victoria lawyer representing Alonzo-Miranda. “San Antonio can be proud to be the place that lit the way for our veterans who suffer PTSD and who served us so well in war, and now want to serve us in peace.”

It’s believed the case was the first of its kind in the country to go to trial.

The jury awarded Alonzo-Miranda $5,386.50 for lost overtime wages and $23,205 in compensatory damages, even though Griffin had asked jurors to award at least $300,000 for his client’s pain and suffering. Five of the eight jurors identified themselves as dog owners.

In an email, Schlumberger spokeswoman Blake Nicole Herbert said: “The jury’s decision to award Mr. Alonzo-Miranda approximately $28,000 of the more than $300,000 he sought is a strong confirmation of Schlumberger’s commitment to fair employment practices.”

The company also supports the jury’s decision not to award punitive damages, she said.

Schlumberger Ltd. is a large oil-field services company with offices in Houston, Paris and The Hague.

Griffin said he was not disappointed by the verdict’s size.

“This case … was never a large case in terms of dollar signs,” Griffin said. “It was always a large case in terms of the issue for veterans who are returning to this country with war-time injuries. That issue far surpasses the dollars

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and cents ... in this case. That’s the way Juan felt about it, and that’s the way I feel about it.”

The jury’s verdict is significant, said Brian East, senior attorney in Austin for Disability Rights Texas, a nonprofit that advocates for people with disabilities.

“Having a jury say that we expect companies to go beyond their normal policies to accommodate, I think that’s a very important thing,” East said.

Alonzo-Miranda was not in court Monday, having returned to his current job as a mortgage claims processor, Griffin said. Alonzo-Miranda’s service dog, Goldie, a female golden retriever/pit bull mix, had been by his side throughout the trial last week. Alonzo-Miranda could not be reached for comment before deadline.

Alonzo-Miranda had asked Schlumberger for permission to bring his service dog to work after suffering what he said was a panic attack while on the job in May 2012.

Schlumberger contended Alonzo-Miranda never provided medical documentation that he needed his service dog to be able to perform his job as a mechanic. The company also alleged he never cooperated with it in the “interactive process,” as the ADA requires when an accommodation for a disability is requested.

Schlumberger ultimately granted him permission to bring Goldie to work in November 2012, about six months after he made the request. Permission came hours after Alonzo-Miranda expressed his frustrations in an email to Schlumberger CEO Paal Kibsgaard.

After Alonzo-Miranda started bringing Goldie to work, he alleged that Schlumberger restricted where he could go with the dog at the facility. The company denied the charge.

Schlumberger fired Alonzo-Miranda last April for, it said, sending a racist text to a co-worker, among other things. Alonzo-Miranda did not know what he sent the co-worker contained offensive content, Griffin has said. Jurors were never told about Alonzo-Miranda’s termination.

Meanwhile, the U.S. Department of Veterans Affairs is studying the use service dogs for the treatment of veterans with mental injuries, including PTSD.

“The benefits of service dogs for physical disabilities are well-established, inadequate scientific evidence exists to show that services dogs are effective therapy for any mental health condition,” a VA spokeswoman wrote in an email.

The VA expects the first veterans enrolled in the study to be paired with a dog this month. If all goes according to plan, the study will be completed in three years. The study is expected to cost more than $12 million.

Proponents of service animals say a dog’s touch can have a calming effect on a veteran suffering from stress.

Any people with disabilities use a service animal in order to fully participate in everyday life. Dogs can be trained to perform many important tasks to assist people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind.

The Department of Justice continues to receive many questions about how the Americans with Disabilities Act (ADA) applies to service animals. The ADA requires State and local government agencies, businesses, and non-profit organizations (covered entities) that provide goods or services to the public to make “reasonable modifications” in their policies, practices, or procedures when necessary to accommodate people with disabilities. The service animal rules fall under this general principle. Accordingly, entities that have a “no pets” policy generally must modify the policy to allow service animals into their facilities. This publication provides guidance on the ADA’s service animal provisions and should be read in conjunction with the publication ADA Revised Requirements: Service Animals.

Definition of a Service Animal

What is a 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.

What does “do work or perform tasks” mean?

The dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him when his blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind her to take her medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure.
of a seizure and then help the person remain safe during the seizure.

Are emotional support, therapy, comfort, or companion animals considered service animals under the ADA?

No. These terms are used to describe animals that provide comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do not qualify as service animals under the ADA. However, some State or local governments have laws that allow people to take emotional support animals into public places. You may check with your State and local government agencies to find out about these laws.

If someone’s dog calms them when having an anxiety attack, does this qualify it as a service animal?

It depends. The ADA makes a distinction between psychiatric service animals and emotional support animals. If the dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog’s mere presence provides comfort, that would not be considered a service animal under the ADA.

Does the ADA require service animals to be professionally trained?

No. People with disabilities have the right to train the dog themselves and are not required to use a professional service dog training program.

Are service-animals-in-training considered service animals under the ADA?

No. Under the ADA, the dog must already be trained before it can be taken into public places. However, some State or local laws cover animals that are still in training.

General Rules

What questions can a covered entity’s employees ask to determine if a dog is 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? and (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.

Do service animals have to wear a vest or patch or special harness identifying them as service animals?

No. The ADA does not require service animals to wear a vest, ID tag, or specific harness.

Who is responsible for the care and supervision of a service animal?

The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, and grooming and veterinary care. Covered entities are not obligated to supervise or otherwise care for a service animal.

Can a person bring a service animal with them as they go through a salad bar or other self-service food lines?

Yes. 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.

Can hotels assign designated rooms for guests with service animals, out of consideration for other guests?

No. A guest with a disability who uses a service animal must be provided the same opportunity to reserve any available room at the hotel as other guests without disabilities. They may not be restricted to “pet-friendly” rooms.

Can hotels charge a cleaning fee for guests who have service animals?

No. Hotels are not permitted to charge guests for cleaning the hair or dander shed by a service animal. However, if a guest’s service animal causes damages to a guest room, a hotel is permitted to charge the same fee for damages as charged to other guests.

Can people bring more than one service animal into a public place?

Generally, yes. Some people with disabilities may use more than one service animal to perform different tasks. For example, a person who has a visual disability and a seizure disorder may use one service animal to assist with way-finding and another that is trained as a seizure alert dog. Other people may need two service animals for the same task, such as a person who needs two dogs to assist him or her with stability when walking. Staff may ask the two permissible questions (See Question 7) about each of the dogs. If both dogs can be accommodated, both should be allowed in. In some circumstances, however, it may not be possible to accommodate more than one service animal. For example, in a crowded small restaurant, only one dog may be able to fit under the table. The only other place for the second dog would be in the aisle, which would block the space between tables. In this case, staff may request that one of the dogs be left outside.

Does a hospital have to allow an in-patient with a disability to keep a service animal in his or her room?

Generally, yes. Service animals must be allowed in patient rooms and anywhere else in the hospital the public and patients are allowed to go. They cannot be excluded on the grounds that staff can provide the same services.

What happens if a patient who uses a service animal is admitted to the hospital and is unable to care for or supervise their animal?

If the patient is not able to care for the service animal, the patient can make arrangements for a family member or friend to come to the hospital to provide these services, as it is always preferable that the service animal and its handler not be separated, or to keep the dog during the hospitalization. If the patient is unable to care for the dog and is unable to arrange for someone else to care for the dog, the hospital may place the dog in a boarding facility until continued on page 16...
the patient is released, or make other appropriate arrangements. However, the hospital must give the patient the opportunity to make arrangements for the dog’s care before taking such steps.

Must a service animal be allowed to ride in an ambulance with its handler?

Generally yes. However, if the space in the ambulance is crowded and the dog’s presence would interfere with the emergency medical staff’s ability to treat the patient, staff should make other arrangements to have the dog transported to the hospital.

Certification and Registration

Does the ADA require that service animals be certified as service animals?

No. Covered entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.

There are individuals and organizations that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA and the Department of Justice does not recognize them as proof that the dog is a service animal.

My city requires all dogs to be vaccinated. Does this apply to my service animal?

Yes. Individuals who have service animals are not exempt from local animal control or public health requirements.

My city requires all dogs to be registered and licensed. Does this apply to my service animal?

Yes. Service animals are subject to local dog licensing and registration requirements.

My city requires me to register my dog as a service animal. Is this legal under the ADA?

No. Mandatory registration of service animals is not permissible under the ADA. However, as stated above, service animals are subject to the same licensing and vaccination rules that are applied to all dogs.

My city/college offers a voluntary registry program for people with disabilities who use service animals and provides a special tag identifying the dogs as service animals. Is this legal under the ADA?

Yes. Colleges and other entities, such as local governments, may offer voluntary registries. Many communities maintain a voluntary registry that serves a public purpose, for example, to ensure that emergency staff know to look for service animals during an emergency evacuation process. Some offer a benefit, such as a reduced dog license fee, for individuals who register their service animals. Registries for purposes like this are permitted under the ADA. An entity may not, however, require that a dog be registered as a service animal as a condition of being permitted in public places. This would be a violation of the ADA.

Breeds

Can service animals be any breed of dog?

Yes. The ADA does not restrict the type of dog breeds that can be service animals.

Can individuals with disabilities be refused access to a facility based solely on the breed of their service animal?

No. A service animal may not be excluded based on assumptions or stereotypes about the animal’s breed or how the animal might behave. However, if a particular service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or is not under the control of the handler, that animal may be excluded. If an animal is excluded for such reasons, staff must still offer their goods or services to the person without the animal present.

If a municipality has an ordinance that bans certain dog breeds, does the ban apply to service animals?

No. Municipalities that prohibit specific breeds of dogs must make an exception for a service animal of a prohibited breed, unless the dog poses a direct threat to the health or safety of others. Under the “direct threat” provisions of the ADA, local jurisdictions need to determine, on a case-by-case basis, whether a particular service animal can be excluded based on that particular animal’s actual behavior or history, but they may not exclude a service animal because of fears or generalizations about how an animal or breed might behave. It is important to note that breed restrictions differ significantly from jurisdiction to jurisdiction. In fact, some jurisdictions have no breed restrictions.

Exclusion of Service Animals

When can service animals be excluded?

The ADA does not require covered entities to modify policies, practices, or procedures if it would “fundamentally alter” the nature of the goods, services, programs, or activities provided to the public. Nor does it overrule legitimate safety requirements. If admitting service animals would fundamentally alter the nature of a service or program, service animals may be prohibited. In addition, if a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

When might a service dog’s presence fundamentally alter the nature of a service or program provided to the public?

In most settings, the presence of a service animal will not result in a fundamental alteration. However, there are some exceptions. For example, at a boarding school, service animals could be restricted from a specific area of a dormitory reserved specifically for students with allergies to dog dander. At a zoo, service animals can be restricted from areas where the animals on display are the natural prey or natural predators of dogs, where the presence of a continued on page 17...
dog would be disruptive, causing the displayed animals to behave aggressively or become agitated. They cannot be restricted from other areas of the zoo.

**What does under control mean? Do service animals have to be on a leash? Do they have to be quiet and not bark?**

The ADA requires that service animals be under the control of the handler at all times. In most instances, the handler will be the individual with a disability or a third party who accompanies the individual with a disability. In the school (K-12) context and in similar settings, the school or similar entity may need to provide some assistance to enable a particular student to handle his or her service animal. The service animal must be harnessed, leashed, or tethered while in public places unless these devices interfere with the service animal’s work or the person’s disability prevents use of these devices. In that case, the person must use voice, signal, or other effective means to maintain control of the animal. For example, a person who uses a wheelchair may use a long, retractable leash to allow her service animal to pick up or retrieve items. She may not allow the dog to wander away from her and must maintain control of the dog, even if it is retrieving an item at a distance from her. Or, a returning veteran who has PTSD and has great difficulty entering unfamiliar spaces may have a dog that is trained to enter a space, check to see that no threats are there, and come back and signal that it is safe to enter. The dog must be off leash to do its job, but may be leashed at other times. Under control also means that a service animal should not be allowed to bark repeatedly in a lecture hall, theater, library, or other quiet place. However, if a dog barks just once, or barks because someone has provoked it, this would not mean that the dog is out of control.

**What can my staff do when a service animal is being disruptive?**

If a service animal is out of control and the handler does not take effective action to control it, staff may request that the animal be removed from the premises.

**Are hotel guests allowed to leave their service animals in their hotel room when they leave the hotel?**

No. The dog must be under the handler’s control at all times.

**What happens if a person thinks a covered entity’s staff has discriminated against him or her?**

Individuals who believe that they have been illegally denied access or service because they use service animals may file a complaint with the U.S. Department of Justice. Individuals also have the right to file a private lawsuit in Federal court charging the entity with discrimination under the ADA.

**Miscellaneous**

**Are stores required to allow service animals to be placed in a shopping cart?**

Generally, the dog must stay on the floor, or the person must carry the dog. For example, if a person with diabetes has a glucose alert dog, he may carry the dog in a chest pack so it can be close to his face to allow the dog to smell his breath to alert him of a change in glucose levels.

**Are restaurants, bars, and other places that serve food or drink required to allow service animals to be seated on chairs or allow the animal to be fed at the table?**

No. Seating, food, and drink are provided for customer use only. The ADA gives a person with a disability the right to be accompanied by his or her service animal, but covered entities are not required to allow an animal to sit or be fed at the table.

**Are gyms, fitness centers, hotels, or municipalities that have swimming pools required to allow a service animal in the pool with its handler?**

No. The ADA does not override public health rules that prohibit dogs in swimming pools. However, service animals must be allowed on the pool deck and in other areas where the public is allowed to go.

**Are churches, temples, synagogues, mosques, and other places of worship required to allow individuals to bring their service animals into the facility?**

No. Religious institutions and organizations are specifically exempt from the ADA. However, there may be State laws that apply to religious organizations.

**Do apartments, mobile home parks, and other residential properties have to comply with the ADA?**

The ADA applies to housing programs administered by state and local governments, such as public housing authorities, and by places of public accommodation, such as public and private universities. In addition, the Fair Housing Act applies to virtually all types of housing, both public and privately-owned, including housing covered by the ADA. Under the Fair Housing Act, housing providers are obligated to permit, as a reasonable accommodation, the use of animals that work, provide assistance, or perform tasks that benefit persons with a disabilities, or provide emotional support to alleviate a symptom or effect of a disability. For information about these Fair Housing Act requirements see HUD’s Notice on Service Animals and Assistance Animals for People with Disabilities in Housing and HUD-funded Programs. (http://portal.hud.gov/hudportal/documents/huddoc?id=servanimals_ntcfheo2013-01.pdf)

**Do Federal agencies, such as the U.S. Department of Veterans Affairs, have to comply with the ADA?**

No. Section 504 of the Rehabilitation Act of 1973 is the Federal law that protects the rights of people with disabilities to participate in Federal programs and services. For information or to file a complaint, contact the agency’s equal opportunity office.

**Do commercial airlines have to comply with the ADA?**

No. The Air Carrier Access Act is the Federal law that protects the rights of people with disabilities in air travel. For information or to file a complaint, contact the U.S. Department of Transportation, Aviation Consumer Protection Division, at 202-366-2220.

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Frequently Asked Questions About Service Animals and the ADA

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Resources

For more information about the ADA, please visit our website (www.ADA.gov) or call our toll-free number.

To receive email notifications when new ADA information is available, visit the ADA Website’s home page and click the link near the bottom of the right-hand column.

ADA INFORMATION LINE
800-514-0301 (Voice) and 800-514-0383 (TTY)
Mon-Wed, Fri 9:30 a.m. – 5:30 p.m.
Thurs 12:30 p.m. – 5:30 p.m. (Eastern Time)
to speak with an ADA Specialist. Calls are confidential.

For people with disabilities, this publication is available in alternate formats. Duplication of this document is encouraged.

A Tale To Tell

By Toni Eames

My new guide dog, Adora, has settled in nicely and is the calmest two-year-old Golden Retriever. She behaves well with my six indoor cats and does not get distracted by other dogs when guiding. Due to my back pain issues, her pull is still a bit much as is her bark at the door, but all is forgiven with her gentle kisses and body cuddles.

As a retired rehabilitation counselor (I just had my 70th birthday), I have a second career of speaking at veterinary schools and conferences. A side benefit of these presentations is the ability to visit friends in the area and do some sightseeing.

Friends thought I was nuts to accept a speaking engagement at the University of Minnesota Veterinary School in the middle of Winter 2014, but I just couldn’t resist going where I am needed. Debbie Prieto was my travel companion and I got a charge from her reaction to a city covered in snow! California born and raised, Debbie had never seen a snow-covered landscape before except in movies. As a former New Yorker, I have experienced — though not with great fondness — a world covered in the cold white stuff. My California girl, Adora, was not quite so fond of the snow. If she had the chance to romp and play in the snow, perhaps she would have become more relaxed. At this encounter, however, she did not want to lower herself to do her business outdoors but tiptoed through the ice. When we landed, the temperature was three degrees Fahrenheit, and it went down to just one degree F. the next day!

My presentations went well and, as usual, the audience of veterinary students was responsive.

My roommate, James, and I like holiday decorations and our house was most festive for the month. To our great disgust, my young cats, Yancha and Meadow, had fun systematically removing ornaments off the holiday trees!

When I bought this house I was excited to have my very own fruit trees. Picking and eating my very own oranges, grapefruits and tangerines is thrilling. Unfortunately, the recent freeze did some damage to the trees. In the summer, I harvested plums and apricots from other trees. Adora helped herself to several fruits that had fallen from the trees but, fortunately, no harm except loose stools resulted.

Of all the veterinarian conferences, my favorite is the North American Veterinary Conference. Debbie’s sister, Linda Morgan, and I traveled by plane to Orlando and rented a car for the event on January 18, 2015. Unrealistically, I believed I would be able to handle the extensive walking involved with navigating the large conference exhibit hall. At the last minute, I decided to bring my wheelchair and that turned out to be a good decision. As I rode in it throughout the site, Linda would describe what we were passing and ensured Adora was adequately following.

Adora made a big hit impression for everyone with her poise, good manners and affection when permitted to socialize. I had the opportunity to see some of my favorite veterinarians and spent a lovely dinner with Dr. Barbara Eves of Nutramax Laboratories, the generous company that has long supported IAADP. Monday was spent at Human Animal Bond sessions and my lunch partner was Dr. Alice Villalobos, my oncologist friend who kept my cat Nifty alive long after her cancer diagnosis.

Unfortunately, the two days set aside for sightseeing continued on page 19...
were very cold and windy. Linda and I visited Disney’s Epcot Center which was far more commercialized than I had anticipated. I figured it would be strongly visual, but it was disappointing. We did attend two shows that were enjoyable, however, and this trip was for Linda. She loved the sites.

Despite the far-below-normal temperatures, Linda and I went off to explore Wild Florida, an animal preserve featuring alligators. Linda and I rode an air boat but the alligators knew to stay below the surface because of the chilling temperature. Meanwhile, the boat driver described alligator habitat while pointing out bald eagles and other wildlife to Linda while I mostly huddled in a fetal position to keep warm! The best part was having our photos taken holding a baby alligator with a parrot sitting on my shoulder. Adora looked on with minimal interest. Before leaving the park, we had fried alligator for lunch! Sorry to my vegan friends.

Several weeks later, Linda and I flew to Seattle for a day of sightseeing. The weather was dreary and cold so we opted for a three-hour city bus tour. The tour guide was fantastic, and Linda got a great overview of the city, while I enjoyed the history lesson. Adora was the first assistance dog Lance had on his tour, and she was a terrific guest! At the end, we were dropped off at the famous Pike’s Market where Linda observed fish being thrown. We perused the arts and crafts stores. One of our fellow bus passengers joined us for dinner at Etta’s and I feasted on a casserole of scallops and beet noodles! Returning to the airport on the light rail, Adora acted as if she had always ridden subway trains. What a great guide dog! From the airport, the hotel shuttle whisked us back to the Embassy Suites where we prepared for the next two conference days.

The 15th and 16th of February were dedicated to attendance at the Assistance Dog Club of Puget Sound Conference. Longtime friend Jeanne Hampl, former director of the Prison Pet Partnership Program, encouraged me to attend. I knew several members when they shared a conference with IAADP several years ago. A focus of the conference was on dogs alerting to diabetic fluctuations. Unlike a guide dog convention where the canine audience consists mostly of retrievers, we had everything from a tiny toy Poodle to a huge Newfoundland. Other than a desire to want to sniff the other dogs, Adora had exemplary manners and didn’t bark once!

Saturday evening, Linda and I had dinner with Jeanne and her ADC Board. Keeping with my seafood theme, I delighted in sampling the yummy crab cakes and lobster bisque! It was a great few days and hopefully I’ve added several new friends to my cadre!

One of the puppy raisers, Heidi, whom I met when hosting the puppy raising group at my home was very taken with Latrell, my late husband Ed’s retired guide dog. She offered to care for him while I was in Seattle. They have been on the waiting list for a new puppy and were more than happy to host Latrell. Heidi is a teacher and she provided Latrell the pleasure of attending school with her plus meeting her junior high students. When Heidi brought Latrell home on Monday, he received a great report card. Adora and Latrell took over where they left off, wrestling and chasing one another!

My next big adventure was to New Orleans. Debbie and Linda were unavailable as travel companions, so Tracie Fields excitedly agreed to make the trip with me. On the ninth of April, we were met at the airport by Davis Hawn and service dog Booster. Davis is my charming friend who provides timeshares in the Bahamas each year. I splurged and Tracie and I stayed at the Cornstalk Hotel on Royal Street in the French Quarter, considered a boutique hotel.

After dropping off our luggage and feeding Adora, we took off for the first of our three tours, a jazz boat tour with buffet dinner. The food and music were mediocre, but I always have fun with Davis!

Thursday morning we caught the tour bus for a narrated ride to the swamp. We arrived, boarded a boat, and received fascinating descriptions of the fauna and flora in the swamp. Our Cajun boat captain knew his animals, throwing marshmallows to the alligators and chicken necks to the raccoons that practically ate from his hand. Tracie took many photos including ones of us holding a live baby gator. Adora slept through the experience. Returning to New Orleans, we ate a variety of fried seafood in Deanie’s, a restaurant recommended by the tour guide. On the long walk back to the hotel, we found ourselves in the midst of the beginnings of the French Quarter Jazz Fest. Almost every block had a small band or a horn player. Jazz is not my favorite kind of music, but we did find a Dixie-style band I liked, so I sat on the sidewalk to rest and listen to the music. I was pretty tired and sore by the time we returned to the Cornstalk so I sat on the patio with Tracie for awhile before heading to bed early that night.

The city bus tour Friday morning was thorough and informative. At the end we were dropped off at the French market where we purchased Louisiana spices and other gift items. The walk back to the hotel proved long and difficult for me, once more. Checking out of the hotel, we were greeted by a second year veterinary student, Lillian Barber. This 22-year-old young lady had the manners and maturity of a much older woman. She drove us to Baton Rouge and made a timely lunch stop at another Louisiana-style restaurant where I ordered red beans and rice with sausage! Most yummy!

That evening, Tracie and I settled in at the Lod Cook Hotel on the Louisiana State University campus. Bright and early on Saturday morning, Lilly picked us up and we headed off to the Southeast Regional Diversity Conference. I was the last speaker of the day and figured I would have no audience left, but it turned out the room was still full! I shared insights about clients with disabilities and two veterinarians with disabilities discussed their challenges, as well. I had another opportunity to speak on Sunday morning’s panel before the conference ended at noon. After checking out, the wonderful Lillian drove us back to the airport with a slight detour to purchase alligator sausages!

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Tracie loves to cook and we all enjoyed a sausage feast back in Fresno.

Not all of my trips are by plane. The trip I took on October 15th, for example, was a car ride to attend the Woodland Hills, California Counsel of the Blind Convention. I was asked to be the Fundraising Chair and obtained many toys for the guide dogs in attendance. The dogs were so well-behaved and Adora was great, except for stealing a sniff or kiss of another dog in close contact during the elevator ride. She went right to work the moment those elevator doors opened. My trio of volunteers helped at the guide dog booth and relief area while I sat in on some valuable sessions. I almost forgot to mention our stop at Brent’s, a fabulous Jewish deli.

January 2016 found my companions and me back in Florida attending the North American Veterinary Conference. I sat in on some of the behavior and human animal bond sessions and enjoyed browsing the exhibit hall. I was able to walk most of the time, but it was much more efficient being pushed in my wheelchair through the hotel.

We enjoyed a fun lunch with Rocky Bigbie, my former Zoetis sponsor, and a nice dinner with Barbara Eves and Nancy Loes, our loyal and faithful Nutramax sponsors, plus a breakfast with Karen Shenoy my former Hills Sponsor. Hopefully, one of these companies will come through for me next semester. One of the goals in attending NAVC was to raise funds for IAAADP, but no such luck!

When the veterinary ophthalmologists offered a free exam, I was dismayed to learn Adora had uveitis! She requires eye drops in both eyes twice a day. Thankfully, the condition has not progressed. Miss Golden Retriever big mouth Adora grabbed the tube of eye medicine from the kitchen table and swallowed it! Scary business, but fortunately, it came out in her stool several days later.

My housemate is more of a sugarholic than I. He had a large jar of milk chocolate covered raisins on his desk and failed to tightly secure the lid. One day, Adora knocked the jar off the desk, dislodging the lid and helping herself to about a quarter pound of the goodies. Raisins can cause kidney failure in some dogs, so off to the vet she went on a Sunday. After she was forced to empty her stomach, Adora spent the day at the vet receiving fluid treatment. I took her home that afternoon, and luckily, no adverse reaction after that. But, I could sure do without these scary experiences! Our assistance dogs may be brilliant workers, but we must always remember they are dogs first!

I always feel extremely welcome at the Tuskegee School of Veterinary Medicine. My professor friend Caroline Schaffer keeps me busy and involved with the staff and students. Debbie, Adora and I flew to Montgomery, Alabama on March 15th and had lunch with Caroline at an Olive Garden before driving to Tuskegee. The next day I had an interview with a psychology professor and lunch with several staff members. That evening a student hosted us at her home with a potluck dinner. I had an informal talk with about a dozen students. It was great fun! On Thursday, I lectured to a large group of students during lunch and met with the dean afterwards. Now they are trying to figure out a way to get me to come back!

I had been hoping to return to Texas A&M for the longest time and my wish finally came through. My housemate and I arrived at the Fresno Air Terminal at the crack of dawn hoping to get Adora out for a final relief break before boarding our two flights to College Station, Texas. Many years ago, Ed helped the airport folks design a beautiful, functional relief area within the security perimeter. However, no one seemed to have the key to that magical kingdom. I was getting stressed thinking Adora would have to hold her bowels for many hours, but finally the right person was found. As it happened, we were the last to board the flight to Dallas, but at least Adora got the break she needed! It was a tight connection in Dallas where, again, we were the last to board the flight to College Station.

We were driven around by Dr. Dan Posey, a delightful professor, and that evening group of students from the behavior club were quite involved and interactive. On Wednesday, April 20, we met with several staff prior to my lunch presentation. Texas A&M is one of the few campuses with a puppy raising club, so I got to meet with these raisers and two of their Labradors after lunch. They raise for Guide Dogs for the Blind, Adora and Latrell’s alma mater. It was fun discussing my relationship with the Fresno clubs and my history of six guides since 1967.

I must say, the College Station Airport was most comfortable with its couch-like seating. It was a bit unnerving to learn our flight had mechanical difficulties and would be delayed, but we did make the Fresno plane in Dallas. Yet again, we were the last to board – not my favorite way to travel!

Latrell is my living connection with Ed, who has been dead for seven years. Latrell is over fifteen! Since he is on a special diet, his birthday treat was several meatballs with his kibble. He was so joyous, he even rolled in the grass! Thankfully, Latrell has recently been diagnosed with terminal hemangiosarcoma.

I feel so blessed to have had him in my life! But these last weeks of a loved furry’s life are so difficult. He is receiving medication to help his appetite, but it breaks my heart when this magnificent Golden Retriever turns his face away from food.

Of course, April 1st 2016 was one of the saddest days of my life with the unexpected death of Joan Froling, IAADPs co-founder and retainer of thousands of facts! Please donate to IAADP in Joan’s memory.

I never met a more dedicated, hard worker. Even dur...
The Ministry of Veterans Affairs has earmarked new funding to develop national standards for the training of service dogs, sources tell CTV News.

The new standards will set out specific training requirements for service dogs who are assigned to war veterans with post-traumatic stress disorder. Service dogs are in high demand for mentally and physically injured veterans. In particular, there is growing demand for service dogs to help ex-soldiers cope with PTSD. “If you get upset or agitated in public, they’ll jump on you, they lick your hand,” Sgt. Claudia Proctor, a Canadian Forces veteran, told CTV News. “If you have a nightmare, same thing. They’ll wake you up right out of that sleep,” she added.

Royal Canadian Legion officials have been calling for a national training standard for dogs for some time. The organization said it was concerned about the risks posed by dogs who have received inadequate training. “There are people are out there who claim they have a trained certified service dog, yet the dog is lunging, trying to go after (other) dogs,” said Proctor.

In response, the ministry has put forward $500,000 to fund the Psychiatric Service Dog Pilot Project, which will match up to 50 Canadian veterans with assistance animals. The two-year process will also see national standards established by the Canadian General Standards Board. “The effect these dogs have on wounded warriors can be life changing and positive, and we need to ensure the best training and standards are in place so we can establish a world-class program in Canada,” said Veterans Affairs Minister Erin O’Toole in a statement on Saturday.

George Leonard, a spokesman for Courage Companions, said that national standards for service dogs are vital to ensure former Canadian Forces members receive adequate care. “Any professional service dog needs to have a standard,” Leonard said. He added that poorly trained service dogs can put veterans and members of the public at risk. Ottawa has yet to reveal how these proposed standards will be enforced, but advocates say the standards are long overdue and could also help ease restrictions on where veterans are allowed to bring their service dogs.

There have been numerous cases of assistance dogs not being permitted on airline flights or in public places. In a prominent incident last year, Afghan war veteran Shirley Jew was told her service dog, which she has for her PTSD, was not allowed on an Air Canada flight. “Airlines, restaurants, pubs, communities … once there is a Canadian nationalized-standardization tag on the vest of the dog, they’ll be comfortable and (trustworthy),” said Scott Maxwell, executive director of Wounded Warriors Canada.

O’Toole will announce more details about the plan on Monday. Former Veterans Affairs Minister Julian Fantino greenlit the proposal in one of his final moves last January.
Co-op City Eases Rules for Disabled Residents to Own Dogs

By REUTERS June 4, 2015

Co-op City, the largest affordable housing cooperative in the United States, will loosen its policy against owning pets to accommodate disabled residents who require service dogs or other animals, under a federal consent decree announced on Wednesday.

Riverbay Corp, which manages the complex in the Bronx, will also pay up to a $50,000 civil fine plus up to $600,000 to compensate people harmed by its prior discriminatory practices, the U.S. Department of Justice said.

Co-op City, which has about 15,372 units housing 60,000 people, was accused of violating the federal Fair Housing Act by having long made it too burdensome or impossible for disabled residents to get waivers from its strict “no-pets” rule dating to 1965.

The Justice Department said the co-op, from January 2005 to November 2011, denied 28 out of 42 requests for reasonable accommodations, and at times even threatened disabled residents with eviction unless they gave up their service animals.

Under the consent decree, Co-op City may still require residents to provide letters from medical or social services workers indicating a need for the animals.

It also said the complex “prefers but does not require” that emotional support animals weigh no more than 25 pounds, be spayed or neutered and not have a strong bite.

U.S. Attorney Preet Bharara in New York said the accord should result in Co-op City “improving housing accessibility for all of its residents and in providing for a more caring and compassionate environment for Bronx residents.”

The co-op said it did not admit wrongdoing in agreeing to settle.

Jeffrey Buss, a lawyer for Co-op City, said the co-op views the accord as “a model for other housing communities,” in part because it accommodates people with mental illnesses and psychological disabilities who might benefit from the emotional support of animals.

U.S. Ruling on School Access Case in Florida

United States District Court, Southern District of Florida
Case No. 0:14-CV-60085-BB
MONICA ALBONIGA, individually and on behalf of A.M., a minor, Plaintiffs,
v.
SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, Defendant.

STATEMENT OF INTEREST OF THE UNITED STATES OF AMERICA
WIFREDO A. FERRER, United States Attorney
VERONICA HARRELL-JAMES, Assistant United States Attorney, Southern District of Florida et al

PRELIMINARY STATEMENT

This dispute arises out of defendant School Board of Broward County, Florida’s (“the School Board”) alleged failure to accommodate plaintiffs Monica Alboniga and her six-year old son, A.M.’s, requests relating to A.M.’s use of his service animal at school. The parties raise a host of issues in their respective motions for summary judgment, but the United States Department of Justice (“the Department”) files this Statement of Interest solely to address and correct the School Board’s assertions about the proper construction of 28 C.F.R. § 35.136, the service animal provision of the regulation implementing Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. § 12131 et seq. That provision provides, in part: “Generally, a public entity shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.” 28 C.F.R. § 35.136(a). In its motion for summary judgment, the School Board contends that (1) the Department exceeded its statutory authority in promulgating the service animal provision, and (2) the provision is inconsistent with, and impermissibly stricter than, the regulatory provision requiring that public entities make reasonable modifications to avoid discrimination on the basis of disability. (See Def.’s Mot. at 2-3, 9-11.)

In raising this challenge, the School Board fundamentally misunderstands the Title II regulation. A product of the Department’s thorough and considered evaluation of how best to implement the ADA’s objective of eliminating all forms of discrimination against individuals with disabilities, the regulation establishes that public entities “[g]enerally” must permit individuals with disabilities to be accompanied by their service animals. 28 C.F.R. §§ 35.136. Outlining the contours of this rule, the regulation enumerates, inter alia, particular circumstances when the general requirement does not apply. The regulation thus presents

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the Department’s holistic view of when it is reasonable (and conversely, unreasonable) to require public entities to permit the use of service animals. Far from being contrary to, or imposing greater obligations than, the regulation’s reasonable modifications provision, the service animal provision specifically applies the reasonableness inquiry.

Since the ADA’s inception almost twenty-five years ago, the Department has interpreted the ADA’s application to service animals in this fashion. Consistent with the ADA’s goals of integrating persons with disabilities and respecting their autonomy and self-determination, see 42 U.S.C. § 12101(a)(7), this regulatory framework furthers Congress’s intent that individuals with disabilities not be separated from their service animals, while simultaneously ensuring that public entities, such as the School Board, can exclude service animals when appropriate. As the federal agency charged with primary responsibility for enforcing the ADA and its implementing regulations, the Department’s views are entitled to deference. Accordingly, the United States respectfully submits this Statement of Interest to clarify the regulation’s proper construction and application.

INTEREST OF THE UNITED STATES

Under 28 U.S.C. § 517, the Attorney General may send any officer of the United States Department of Justice “to attend to the interests of the United States in a suit pending in a court of the United States . . . .” The Department is the federal agency charged with primary responsibility for enforcing Title II of the ADA and its implementing regulation. See 42 U.S.C. § 12188(b). Consistent with this statutory charge, the Department has an interest in, inter alia: (1) supporting the ADA’s proper interpretation and application; (2) furthering the statute’s explicit Congressional intent to provide clear, strong, consistent, and enforceable standards addressing discrimination against individuals with disabilities; and (3) ensuring that the United States plays a central role in enforcing the standards established in the ADA. See id. § 12101(b).

These interests are particularly strong here, where the School Board has called into question the Department’s authority to promulgate the Title II regulation.

REGULATORY BACKGROUND

Implementing Title II’s broad mandate that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity,” 42 U.S.C. § 12132, the service animal provision of the Department’s Title II regulation requires that public entities, such as the School Board, generally permit individuals with disabilities to use their service animals. 28 C.F.R. § 35.136(a). Providing specific guidance with respect to assorted issues that may arise in the application of this rule, the provision sets forth, among other things: the nature of the permissible inquiries a public entity may make about an individual’s use of a service animal (§ 35.136(f)); the requirement that individuals with disabilities be permitted to be accompanied by their service animals “in all areas of a public entity’s facilities where members of the public, participants in services, programs or activities, or invitees . . . are allowed to go” (§ 35.136(g)); and the general prohibition against requiring individuals who use service animals to pay a surcharge or to comply with requirements generally not applicable to people without pets (§ 35.136(h)). Read as a whole, these and other subsections of the service animal provision present the Department’s comprehensive view of how public entities should address the myriad issues that may arise in the service animal context.

This view of course would not be comprehensive, however, without a consideration of the circumstances in which it would be unreasonable to require public entities to allow the use of service animals. The regulation accordingly enumerates specific exceptions to the general rule. These exceptions, set forth at 28 C.F.R. §§ 35.104, 35.130(b)(7), 35.136(b), and 35.139, establish that while allowing individuals with disabilities to use their service animals generally is reasonable (i.e., reasonable in the run of cases), there are certain circumstances when requiring public entities to permit their use would not be reasonable. As an initial matter, the general requirement applies only to dogs that are “individually trained to do work or perform tasks for the benefit of an individual with a disability,” 28 C.F.R. § 35.104 (definition of “service animal”). Further, a public entity need not allow an individual to use his service animal if it would fundamentally alter the nature of the entity’s service, program, or activity, or if it would pose a direct threat to the health or safety of others. Id. §§ 35.130(b)(7), 35.139; see 28 C.F.R. pt. 35, app. A § 35.104 at 600; id. § 35.136 at 608 (July 1, 2014). And a service animal may be properly excluded if it “is out of control and the animal’s handler does not take effective action to control it,” or if the animal “is not housebroken.” 28 C.F.R. § 35.136(b).

The Department has consistently interpreted the ADA to require that public entities permit individuals with disabilities to use their service animals, subject to these exceptions. This was the Department’s view long before it promulgated the service animal provision, and it remains the Department’s view today.

CONCLUSION

The Title II regulation’s service animal provision permissibly implements the ADA’s mandate that no individual with a disability shall be subjected to discrimination by any public entity, regardless of whether that discrimination takes the form of blatant mistreatment or, alternatively, a failure to make modifications to existing facilities and practices. Because the Department authored the regulation and has an interest in ensuring the ADA’s consistent interpretation and application, the United States respectfully requests that the Court consider the views expressed herein in resolving the School Board’s Motion for Summary Judgment.

Dated: January 26, 2015

EDITOR’S NOTE: The previous court case has been edited for length.
AADP welcomes its newest board member, Megan Kennedy, who credits Ras, her hearing dog, for opening her eyes and shifting her perspective towards her passionate pursuit of a law degree with a focus on disability rights and public policy. She has been an active member with IAADP and contributed an article in the 2013 issue of Partners Forum. Megan helped launch the Disability Justice Caucus and the Animal Law Society at Northeastern University. “As I further my studies in the law, it becomes abundently clear to me that it is so important for the public to hear the voices of service dog teams and allies.” Megan has been working closely with the board to develop a system for tracking and prioritizing newsletter content plus handout cards with legal references on service dog laws to educate the public.

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Membership Information

Membership Dues: Partner Member $40; Renewal $40; or join/renew, 3 years for the price of 2 years! $80; Partners outside United States $20 per year or $40 for 3 years; Friend $40; Provider $50.

Send check with signed application from website at http://www.iaadp.org/iaadp-membership-application.html to IAADP, P.O. Box 638, Sterling Heights, Michigan 48311. You may also obtain a membership application with S.A.S.E. Credit Cards accepted online! Specify newsletter format - Print, Cassette, Data CD or Email. Renewal notices may or may not reach you. Please renew 45 days in advance of the Expiration Date on Partner Membership Card to maintain your eligibility for benefits. Change of dog? You must notify us to update your dog’s name in our database file!