

**Disabled Student Council**  
**Newsletter**  
**“A Voice for the Disabled”**  
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*“Develop an attitude of gratitude, and give thanks for everything that happens to you, knowing that every step forward is a step toward achieving something bigger than your current situation.”*

*Brian Tracy*



Reminder: Please remind students that pre-registration will stop on **April 30, 2010**.

Those of you, who have not submitted your meeting report with your student with a disability to us, please do so. This document is a very important part of the student's file.

Final exams for online classes are schedule for April 19-29. The last day to withdraw from a class passing and receive a “W” grade is April 30.

Clearance will be May 4-6; all students must go through this process before taking final exams.

### **Service Animals: Tips for Transportation Providers**

Individuals with disabilities who need the assistance of service animals have rights and responsibilities with respect to the Americans with Disabilities Act. Below are some questions/answers concerning this issue.

Q: Can an operator require a passenger to provide proof that an animal is a service animal?

A: No, you cannot require that the person show any kind of proof—such as a certification or identification—that the animal is a service animal. While some states have a certification process, federal law makes clear that public transportation operators cannot require proof from individuals with disabilities.

Q: Can an operator ask whether an animal is a service animal?

A: Yes, you can ask whether an animal is a service animal or pet. You can also ask what tasks the animal is trained to perform. However, you cannot ask for a demonstration of those tasks, and you cannot ask a person about their type of disability.

Q: Is the passenger required to respond? What if they refuse?

A: Assuming that the person is able to respond, it is their responsibility to answer those questions. There are no magic words that grant the animal access. Handlers may sometimes refer to their service animal as a Seeing Eye dog or a seizure alert animal. If they refuse to respond or choose not to communicate that information to you, then you're not required to transport them.

Q: When scheduling rides in advance, can we ask whether the individual will be bringing a service animal?

A: Yes, you may ask reasonable questions about whether a passenger scheduling a ride will be bringing a service animal and whether that animal will require extra space, such as a seat. If your system consists of a bus route in a rural area that requires advance scheduling for passengers with and without disabilities, it would be appropriate to ask all passengers this question to avoid overloading the bus. This would be comparable to asking whether the individual will be traveling with a companion and thus requiring two seats.

Q: Do we have to allow any type of animal?

A: The ADA does not restrict what types of animals may be used as service animals.

Q: Can an individual bring more than one service animal into the transportation system?

A: Yes, no provision exists to regulate how many service animals a person may use at one time. It is not common for a person to have a service animal that is about to retire and another service animal that is training to replace it. There may be a situation when a person would have two animals, one in full service and one in training to be in service.

It may be the case that a person needs two different animals because they perform two different tasks or functions that one animal cannot do. Maybe they have one animal that is there for leading them around, and they have another one that is there as a seizure alert animal. The pertinent information here is that under the ADA, there is no particular restriction against the number of animals a person can use.

Q: What if the operator or passengers are afraid of or allergic to the service animals?

A: Transportation providers may not deny service to a person who uses a service animal because either the operator or another passenger on the vehicle is afraid of or allergic to animals. For operators who are either afraid or allergic to service animals, this is an employment issue. It is part of the duties of their jobs to service the public, which includes customers with service animals. As a job duty they have to be able to drive the vehicle and allow customers who use service animals to get on and off the vehicle, as they need to. If they are too afraid to allow that to happen or if they have allergies that would prevent that, then an HR decision has to be made with regard to whether or not they can fulfill the duties of their job.

With regard to other people on the vehicle, the ADA does not allow you to deny service to a person with a disability because his or her service animal makes someone else on the vehicle uncomfortable.

Q: Are there any behavior standards for service animals in public transportation?

A: Yes, the ADA requires that the handler be in control of the animal at all times. If the animal is being disruptive, wandering up and down the aisle, sniffing people's lunch boxes, or climbing up onto people's laps, then that animal is not under control. Also, if the animal is growling, or snapping at people, it is not under control.

If the animal is not under control, then you do have the right to deny that person access to the vehicle. That is the handler's responsibility; those of us who use service animals are always

responsible for the care and control of the animal any time it is out in the public. If not fulfilling that responsibility then the rights to have a service animal is lost.

Q: Must we assign seats to service animals?

A: Transportation providers are not expected to assign a seat to a service animal. Seats are fare generators. They are for paying customers, and service animals are not paying customers. Service animals can stay on the floor, under their handler's seat or even on the person's lap.

Q: Can transportation providers require a cleanliness threshold for service animals?

A: The ADA does not address that specifically. It just requires that the animal be under control and not disruptive to the business. If an animal's hygiene is poor enough that it causes a disruption in your service, then yes that would be an issue that you could address.

Source: ADA Compliance Guide. February 2010 Vol.21, No.2, page 8.