



# **Improving Access for Service Animal Users through Stakeholder Deliberative Dialogues**

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A service animal is defined by the U.S. Department of Justice in its ADA regulations as any dog that is trained to do work or perform tasks for the benefit of the person with the disability. The work or tasks the dog performs must be directly related to the person's disability. This ADA definition explicitly excludes other species<sup>1</sup> and animals that provide only emotional support or comfort to the person. The service animal must be allowed to accompany the person in all areas that members of the public are allowed to go, and the public entity or public accommodation cannot require the person to pay a surcharge for the animal. It can only ask two questions about the animal: (a) whether the animal is required because of a disability and (b) what work or tasks it has been trained to perform. The entity or business cannot probe users with questions about their disability or require documentation for the animal (28 C.F.R. §§ 35.136; 36.302(c); 35.104; 36.104). Despite these requirements, the Southwest ADA Center (SWADA) and the ADA National Network regularly receive complaints from service animal users about their treatment and inquiries from businesses about whether the animal should be allowed on the premises.

In order to gain a better understanding of these issues, SWADA developed and disseminated a survey to people with disabilities about their service animal and their experiences accessing public places. An electronic invitation went to a mailing list of disability organizations and people with disabilities. E-mails were also sent to service animal organizations across the country and the ADA National Network, inviting them to share the survey with their members and constituents. SWADA also publicized the survey through its social media channels and encouraged its social media followers to share information about the survey.

From September through December of 2017, a total of 1,250 individuals who use a service animal to assist with day-to-day activities were surveyed. Of these, 1,176 individuals reported living in a U.S. state or territory. Most responses came from California (9.90%), Texas (7.90%), Florida (5.40%), and Arizona (5.1%). The majority of respondents were female (n=946, 79%) and 251 were male (21%). Of those who disclosed their race/ethnicity, a majority were Non-Hispanic White (n=1,006, 83.80%), followed by Hispanic (n=77, 6.40%), Mixed (n=50, 4.90%), Native American (n=24, 2%), Asian/ Pacific Islander (n=22, 1.80%), and Non-Hispanic Black (n=13, 1.10%). Over 90 percent of the respondents reported that their animal wore a badge, tag, vest, or other gear to identify as a service animal.

The respondents indicated that their animals assisted them with the following functions; some animals performing more than one function:

- Assisting with physical tasks (n=562, 46.4%)
- Assisting with balance (n=418, 34.5%)
- Guiding for vision (n=298, 24.6%)
- Notifying for sound (n=153, 12.6%)
- Alerting to onset of medical situation (n=322, 26.6%)
- Managing symptoms of cognitive or psychiatric conditions (529, 43.7%)

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<sup>1</sup> The ADA does permit the use of miniature horses trained to assist a person with a disability, but allows the facility to consider the impact of its type, size, and weight, along with any safety concerns that the horse poses.

The survey found the following:

- Most respondents were rarely denied access or felt unwelcomed by the establishments they frequented. However, more than a third (37.2%) reported that they sometimes were denied access or felt unwelcomed while 5% said they were frequently denied access.
- The most cited types of establishments respondents had difficulty accessing with their animal were food services (82.2%), transportation entities (46.4%), hospitals or medical facilities (31.9%), and hotels and lodging (10%).
- Even though the ADA prohibits such enquiries, almost 90% of the respondents have been asked for the certification or license of the animal, while over 38% were asked for proof of their disability.
- Respondents believed the reasons for these unwelcome experiences were due to establishments being poorly informed about the ADA (90%), establishments having a no pets/animal policy (50.9%), concern that the animal would bother other customers (41.8%), or concerns that the animal would violate state or local ordinances (38%).

SWADA convened a group of service animal users and representatives from these key service industries to engage in deliberative dialogues. Deliberative dialogues are a form of civic engagement in which key stakeholders from various backgrounds come together to solve problems openly and develop action plans to make changes on a critical issue. SWADA engaged the stakeholders to: 1) identify service animal-related barriers from the survey results and the stakeholders' experiences, 2) identify concerns from the represented industries, and 3) develop solutions to the identified barriers.

The deliberative dialogues consisted of three meetings, each lasting 60-90 minutes. All three deliberative dialogues were facilitated by the lead investigators, Vinh Nguyen and Monique Pappadis. Research assistants recorded and took note of each meeting. The recorded discussions were then transcribed. Four people who used service animals and seven representatives from lodging (2), transportation (2), health care (2), and restaurant industries (1) participated in these dialogues. The goal of the first meeting was to discuss specific barriers to service animal use. Stakeholders were provided with background information, in the form of a fact sheet, on the service animal topic and its requirements on the ADA. The fact sheet also included a summary of the survey results. Stakeholders also reviewed and commented upon the common barriers to the use of animals encountered by people with disabilities from the survey. The preliminary analyses were presented to the group and the group was asked to reflect on the extent to which these analyses accurately represented their experiences. Stakeholders with visual impairments received an electronic copy of each document that was screen-reader friendly. During the discussion, more barriers were identified and noted.

In the second meeting, participants discussed the barriers further, as well as discussed some potential approaches and recommendations to address the barriers identified from the perspectives of the service animals' users and the service entities. The results of the first two meetings, can be seen below. Before the third meeting, a list of solutions was generated and shared with the stakeholders. They were also asked to rank the statements prior to the meeting. The goal of the last meeting was to prioritize and rank the recommendations, and to suggest potential key stakeholders who might be involved to implement the recommendations. The recommendations were given a ranking of high, medium, or low priority by each member of the

group. The group discussed in detail the pros and cons of each recommendation and the identification of key stakeholders to help implement the recommendation.

### **General Barriers Identified:**

- **An explosion of fraudulent animals.** People bring their pets to establishments and call them their service animals. Non-service animal owners are also buying fake certificates, tags, and handles to put on their pets to trick establishments into believing that their pets are service animals.
- **Service animal owners are concerned about non-trained dogs (pets) causing danger to their trained service animals.** Non-trained dogs/pets can sometimes provoke the service animals.
- **Individuals and industries not understanding rules and regulations regarding service animals.** Industries, business owners, and employees do not know much about the Do's and Don'ts in regards to service animal policies.
- **A majority of industries, business owners, and employees do not know how to identify service animals as opposed to pets.** They feel that the two questions that they are allowed to ask are not sufficient to properly identify a service animal and leave some ambiguity as to whether or not the animal should be permitted.

### **Industry-specific Barriers and Challenges:**

#### **Transportation:**

- **Booking Rides Profile** - For paratransit users, there is a challenge as to how rides are booked. It counts the number of riders, but does not ask or allow riders to report about their service animal(s). At the same time, when customer services speak to the riders, they do not often identify whether or not their service animal(s) will be riding with them.
- **Ride-sharing Services** - Due to the diversity in drivers and looseness in regulations, drivers have been refusing service animal owners and their animals.

#### **Lodging:**

- **Verification Process is needed** - Lodging operators have difficulty verifying whether their guests are staying with their service animals rather than pets, especially when there is no official verification process. The ADA limits them to asking only two questions.
- **Initial Check-in Point** - In the event a training or certification process was implemented whereby staff could ask for proof of training or certification of the animal, the lodging industry does not know what would be a "reputable organization" to rely on. They would defer to the disability community to give lodging/hotels the guidance to follow.
- **Barriers from the service animal owners/users perspective on lodging/hotel** - Service animal users mentioned how some hotels had wanted to charge a pet fee for their animal, despite it being identified as a service animal or providing certification/verification information.

### **Health care industry:**

- **Difficulty identifying service animals** – Health care personnel have difficulty identifying service animals.
- **Difficulty discerning emergency contact during medical situations** – Personnel have issues identifying what to do with the animal or to whom to pass control of the service animal(s) when the owner is unresponsive or during a medical emergency.

## **Recommendations**

### **High-priority (unanimous or near unanimous high priority ranking):**

- 1. The ADA will need to be revised to address the issue of people misrepresenting their pets as service animals.**

**Stakeholders:** The federal government is responsible for setting the national standard. Industry representatives want change so they can more easily identify service animals and not compromise their customer relationships. Advocates would participate in lobbying and be the voice for the different groups.

#### **Comments:**

- The ADA currently does not require certification of a service animal and limits inquiries about the animal to two questions: 1) whether it is needed because of a disability, and 2) what tasks the animal is trained to perform to assist the person with a disability.
  - Participants believe there could be some resistance from the disability community because change is often opposed, due to not knowing when the change would take effect or when people feel like their rights are being taken away. There would need to be a transition period to accept these changes.
  - Service animal schools and trainers, as well as certifying bodies, were listed as also being helpful in advocating for this change.
- 2. There should be a certification or accreditation process to confirm the training of the animal.**

**Stakeholders:** States were listed as stakeholders.

#### **Positives and Negatives:**

- Having an accreditation process with state IDs that confirmed the animal's training would make it easier to identify fraudulent representations of service animals.

- Problems which were cited included reciprocity amongst states and the problems that would arise if one state's standards were significantly stricter than another state's standards.

**Comments:**

- It was discussed that the minimum guidelines should be the same nationally, but one state may test more strictly than another.
- Some group participants did not agree with retesting or recertifying if they moved to another state, since their dog would already have been tested against the national standards.
- Participants seemed fine with a periodic check, but some would only want it to be through their trainer or organization.
- For people who train their own animals, it was suggested that those service animal owners pay a fee to be tested and certify their animal has been trained appropriately. However, this could prove restrictive for people with limited financial resources.

**3. There should be a process that entities can use to verify that the animal is a service animal.**

**Stakeholders:** The state government would issue identification and would be in charge of the process, while a federal standard would serve as the direction for the states.

**Positives and Negatives:**

- A database was seen as one way to compile information on registered service animals so that people could check if a service animal was legitimate.
- The negative was that being in a database was invasive and expensive, but it was also brought up that people are in multiple databases anyway.

**Comments:**

- The reasoning for needing an entity to verify that the animal is a service animal is so that we do not penalize those with service animals by making them go through another verification process.
- IDs were brought up again as they would allow industries to verify on the spot if an animal was a legitimate service animal. IDs were mentioned as something which may not completely eradicate fraud but would reduce it.

- 4. Trainers should be licensed by the state or federal government to train or accredit service animals. It was also suggested that the government could recognize certain organizations as qualified to certify both the service animals and the trainers.**

**Ranking:** Everyone in the group identified the training and accreditation process as a high priority area, except for one member who ranked it as a medium.

**Stakeholders:** The government, both federal and state, as well as non-profit organizations, were identified as stakeholders for the recommendation.

**Positives and Negatives:**

- Some positives of the recommendation to have a training and accreditation process were that IDs could be made available to certify that an animal was actually a service animal, making it easier to identify frauds. Another positive was that the question, “What tasks does your animal perform?” would be eliminated, which would mean that service animal owners would not have to reveal information on their disability by answering the question.
- A negative to this approach is that current service dogs may need to undergo the testing process unless they were grandfathered in. Participants also mentioned the need for a certifying body that would work across state lines, so that state certification would not be an issue. An additional negative aspect was that the training and accreditation process could be cost-prohibitive for some.

**Comments:**

- Focus group participants agreed that professional trainers and evaluators would need to be certified to be able to train service dogs or evaluate them for accreditation.
- There was some disagreement on whether people should be allowed to train their own service dogs to meet the requirements.
  - A comment was made that people who trained their own animals could just be training well-behaved pets and not have the animal for a disability.
  - It was also said that if people can train their own animals to meet the requirements, then they should still be allowed to go through the accreditation process as self-training, as is currently allowed.
  - People who self-train their animals would not need licenses for training like organizations or professional trainers.

## Recommendations with less consensus

### 5. Educating Service Entities and the Public about the ADA and service animal use

**Ranking:** Two members of the group ranked this recommendation as a low priority, two others ranked it as a medium, and the rest ranked the priority as high.

**Stakeholders:** Participants stated that their industries oversaw educating members.

**Comments:**

- Some participants saw education as redundant since they already work to educate the members of their industries, while other participants saw it as an assist to their industries.

### 6. Ad Campaigns

**Ranking:** One member of the group identified the recommendation as a low priority, two voted high, and the rest of the group voted it as a medium priority.

**Stakeholders:** Large organizations and industry trade groups were identified as stakeholders as well as schools.

**Comments:**

- While ad campaigns were not deemed high priority by most members of the group, there were few negatives stated. Instead, the group seemed to be in consensus that a memorable ad campaign could help people to better understand service animals. It was suggested that a marketing campaign could be created specifically to teach people how to behave around service animals, with organizations, trade groups, and/or schools playing a role in the campaign's creation and dissemination.

## Industry-specific recommendations

For the **food service industry**, the main concern was treating everyone equally. This concern — in terms of how customers are treated and where individuals are seated — was ranked as a high priority by the industry representative, but not by service animal owners. The industry representative stated that being able to check and confirm the identity of service animals was a medium priority and that having a health guideline in regards to serving service animal users would be beneficial as well.

The **transportation industry** had a recommendation to add a section in the booking and scheduling workflow to ask or allow riders to report that they have their service animals with them for the ride, to address space concerns. Both the transportation industry representative and

service animal owners listed this as a high priority. However, allowing this type of inquiry outside of paratransit service could be used to screen out riders with service animals.

The **lodging industry** representatives stated that they are not sure if they would need a different entity or organization to oversee the verification process for them. This is due to the fact that they believe that their employees are already trained, and as long as customers can show the certification for their service animal, it should be fine for the industry. It was rated as a high priority for the industry to engage with different brands and national associations with whom they work closely.

The **healthcare industry**'s recommendation was that people with service animals put notes in their phones' emergency contacts section regarding their service animals and indicate where the animal should go during a medical emergency. The industry representative listed this as a medium requirement; one service animal owner listed it as a high priority, one listed it as a low, and the others listed it as a medium priority. It was also recommended that space be provided on medical forms to list the service animal information. A comment was made that the person that was put down as the emergency contact was generally the person who would be contacted about the service animal.

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