(This document is specifically designed with errors to provide participants with the chance to practice adding alt text and creating headings.)

**Animals and Access**

Service animals and emotional support animals have received a lot of press this year. In this issue of *Explore Access Update*, we provide ‘back to the basics’ resources on animals and access in postsecondary settings. Those working in other settings may also find these resources helpful. Our thanks to Julie Ballinger, Southwest ADA Center Regional Affiliate, for acting as a consultant on this issue of the Update.

**Overview**

This overview is not intended to serve as legal advice nor to be comprehensive. Please refer to the resources provided below and directly to the language within the laws for more detail.

**Definitions**

Service animals: dogs\* that are individually trained to do work or perform tasks for people with disabilities. The task(s) performed must be *directly related* to the specific person’s disability. (ADA)

*Assistance animals:*animals of various species that work, provide assistance, or perform tasks for the benefit of a person with a disability, or is not trained and provide emotional passive support that alleviates one or more identified symptoms or effects of a person’s disability. While an assistance animal may perform a task, neither the Fair Housing Act nor Section 504 of the Rehabilitation Act require that the animal be individually trained. Thus, an animal considered to be an ‘assistance animal’ under these acts may not meet the definition of a ‘service animal’ under the ADA. (HUD housing regulations as it applies to the Fair Housing Act and Section 504)

*Emotional support animals:* animals of various species that provide emotional support which alleviates one or more identified symptoms or effects of a person’s disability. These animals are passive and are not trained to engage in recognition and response as it relates to a person’s disability.

\*The ADA revisions include another provision that allows miniature horses, when specific criteria are met, to be treated similarly to service dogs.” See DOJ Fact Sheet: Service Animals.

**Animals and Access**

Sometimes when a person is using an animal to enhance access or remove a barrier, disability resource professionals forget what they already know. The landscape is made more confusing since different laws apply in different circumstances and those different laws require a different response from the college or university.

Service animals are allowed to go anywhere the public normally goes—classroom, dormitory, cafeteria, etc. If the animal meets the ADA definition of a service animal, there should be no additional questions and colleges should minimize any burden placed upon the student who is bringing a service animal on campus. The student is not required to request the presence of the dog as an accommodation. If the need for a service dog is not obvious, the regulations allow for only two questions to be asked:

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

Asking about the person’s disability or asking the person to demonstrate how the dog performs the task is not allowed.

Emotional support animals (ESAs) can be any species that does not pose a direct threat in terms of either safety or risk of disease and would not result in significant damage to property. ESAs are typically, due to the Fair Housing Act, only allowed in places of residence (i.e. residence halls or other student housing). The reasonableness of the accommodation to waive the “no animals” rule in a residence hall is determined on a case-by-case basis during the interactive process.

When engaging with a student who is requesting to have an ESA in the residence hall, it may help to put aside the fact that this is an animal and ask the same kinds of questions you would ask in response to any other accommodation request. What is the student’s disability? What is the barrier the student is experiencing? What is the link between the barrier and the disability? How does the presence of the ESA remove that barrier? Remember that it is only appropriate to make inquiries and require certain documentation if the disability is not obvious or the need for the assistance animal is not apparent or not known.

We hope the resources provided below will be helpful to you. Still have questions? Call your Regional ADA Center at 1-800-949-4ADA (1-800-949-4232).

**Resource Highlights**

**Service Animals and Emotional Support Animals:** This brief guide provides an overview of how federal laws govern the rights of a person who use assistance animals.
<https://adata.org/guide/service-animals-and-emotional-support-animals>

**Service Animals on Campus Quick Facts:** This sheet can be posted on campus to inform people how to respond appropriately to the presence of service animals.
Explore Access: Service Animals on Campus Quick Facts (PDF)

Learn more at:

<https://exploreaccess.org/handouts>