

WACDA's NEWEST ATTORNEY

By WACDA Staff

Bonnie Fong is the newest member to the WACDA' legal team. She is an experienced litigator across diverse practice areas. Before joining the WACDA team, Bonnie engaged in commercial litigation, administrative appeals, and contract drafting and enforcement. Bonnie also has an extensive pro bono background with marginalized communities. Her volunteer work included working with the King County Housing Project Justice Project, a homelessness prevention program providing volunteer-based legal services to low-income, residential tenants facing eviction in King County. She also has worked on the Vacating Criminal Records Project, a program that serves clients who are at or below the federal poverty line, and improves these individuals' access to employment and housing that can be negatively impacted

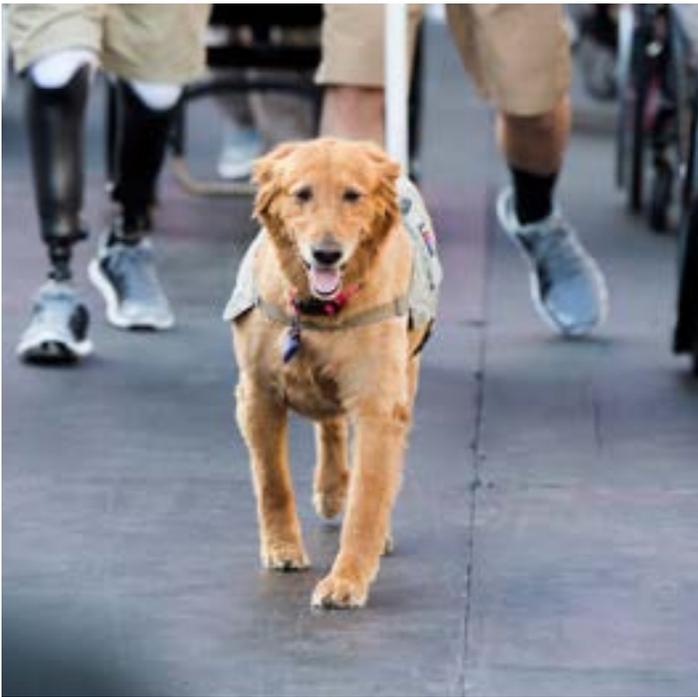


Highlights of this Issue:

WACDA's Newest Attorney	1
Lunch 'n Learn Video Resources	4
Senate Bill 6182 – Mandatory Closed Captioning	4
GiveBig 2020.....	5
Help WACDA Celebrate the 30th Anniversary of the ADA!	5

by criminal conviction. When Bonnie is not fighting for the rights of others, she is a dedicated foster dog parent and case manager at the Seattle Animal Shelter.

WACDA is thrilled to have Bonnie on the team and is looking forward to working with her on furthering the rights of people with disabilities.



The ADA Title II & III protects individuals with Service Animals from Discrimination in all public areas

TAMING THE SKIES: WHAT'S ON THE ITINERARY FOR SERVICE ANIMALS AND AIRLINES

By Jonathan Ko

In recent years, countless headlines report a crescendo of extraordinary animals flying on airplanes. Gizmo the marmoset holds a spot on Frontier's no-fly list after his owner failed to mention the monkey would be flying with him to Las Vegas—www.usatoday.com/story/travel/flights/todayinthesky/2016/08/17/emotional-support-monkey-marmoset/88899586. He now flies Southwest. Famously, Dexter the peacock, tried to fly across the country before United stopped his boarding attempts. Miniature ponies with proper training and documentation may fly American Airlines.

But if you have not taken a selfie or posted a picture with a flying animal celebrity, your time may be running out. Why? In part, because pigs must not be allowed to fly, lest the consequences.

More seriously, the Department of

Transportation (DOT) recently proposed regulations for service animals on airplanes. The DOT started rulemaking because Federal Aviation Administration Reauthorization Act of 2018 mandated a harmonization of service-animal standards, including rulemaking to define the term “service animal” for purposes of air transportation, and to take reasonable measures to ensure pets are not claimed as service animals.

The proposed rules would define a service animal, under Air Carrier Access Act regulations in 14 CFR Part 382. The proposed definition reads: “a dog that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.” This definition aligns with the Department of Justice definition under title II and title III of the Americans with Disabilities Act regulations 28 C.F.R. §§104, 36.104.

For people with disabilities, the harmonization would allow use of the two-inquiry paradigm of the DOJ's title II and title III regulations, where airlines could only make two inquiries to determine whether an animal qualifies as a service animal:



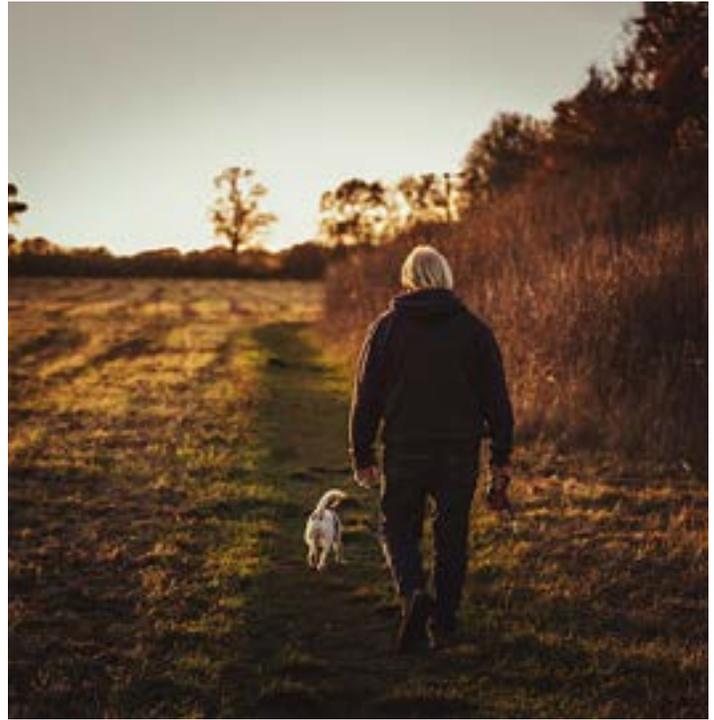
The Federal Aviation Administration only allows qualified support animals on flights.

1. Is the animal required to accompany the passenger because of a disability?
2. What work or tasks has the animal been trained to perform?

In general, the proposed definition limits the species that qualify as service animals to dogs and excludes emotional support animals, comfort animals, companionship animals, and service animals in training from consideration as “service animals.” Airlines would treat emotional support animals as pets rather than service animals, but airlines could choose to continue to recognize emotional support animals and transport them for free pursuant to its established policy. For emotional support animal owners who have a mental health disability, they could train their dogs to do work or perform a task to assist them with their disability, thereby transforming the animal from an emotional support animal to a psychiatric service animal. The proposed rule treats psychiatric service animals the same as other service animals trained to do work or perform tasks.

With respect to documentation that the animal is a service animal, the proposed rule would require individuals traveling with a service animal to provide to the airlines standardized documentation of the service animal’s behavior, training, and health. It would also allow airlines to request a standard form attesting that the animal would not need to relieve itself or can relieve itself in a way that does not create a health or sanitation risk if the service animal will be on a flight segment longer than eight hours. Lastly, it would make that form the only documentation an airline could require of a passenger traveling with a service animal.

The DOT continues to seek comments on the proposed definition and documentation requirements and a few other proposed regulations. It also prescribes no breed restrictions, the available space for service animals to be within the passenger’s foot



Many people with mental disabilities have emotional support or companionship animals

space or the passenger’s lap, handler control and restraint of service animals while in the passenger cabin, online access to standardized forms, and written documentation for determinations to deny transport.

For more details, one can read about it on the Department of Transportation website. People who would be impacted by the regulations should make their opinions known. The proposed regulations are until April 6, 2020. The new regulations try to preserve the rights of passengers with disabilities that fly with their service animals and reduce the animal-related complaints from other passengers. Emotional support animals will most likely have to rein in their flying ambitions, but it’s probably not the last we will see about animals frolicking in unexpected places. People love their animals; social media loves those animals; and I, for one, doubt my cat will stop posting his escapades on Facebook.

LUNCH 'N LEARN VIDEO RESOURCES

By WACDA Staff

As a part of WACDA's initiative to educate the public and to advocate for disability rights, we have uploaded video resources to YouTube known as "Lunch 'n Learn." These videos are intended to be a crash course for those looking to learn more about specific laws and issues as they relate to individuals with disabilities.

One video features a half hour presentation on IDEA (Individuals with Disabilities Education Act) and details the need-to-know aspects of this law, in the convenient amount of time that it takes for a lunch break—hence the name! We hope that individuals with disabilities looking for more comprehensive information on their rights. We also hope that individuals without disabilities will find these helpful and a reliable resource to refer to.

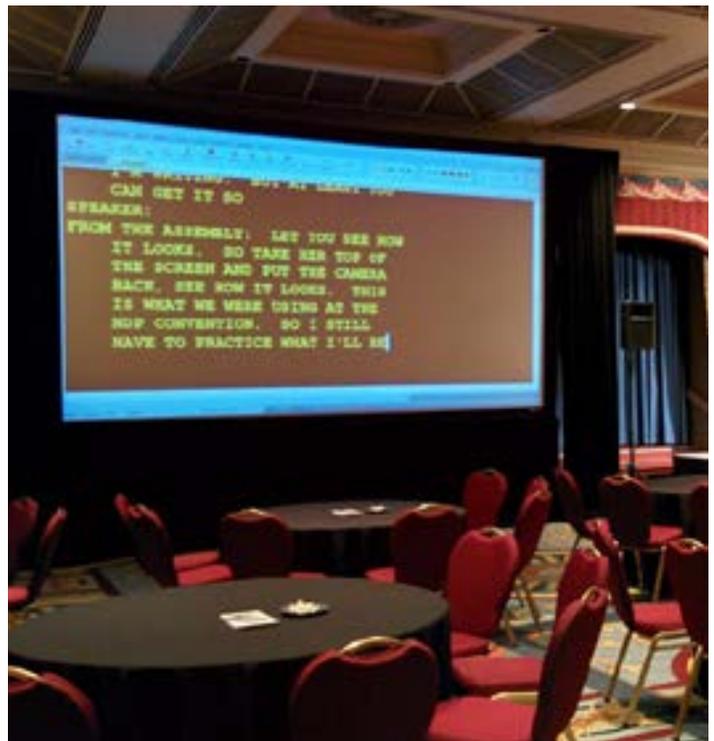
We have uploaded these videos on our YouTube channel, as well as on our website at <https://www.wacda.com/lunch-n-learn>. If there is a specific topic you would like to see a Lunch 'n Learn video elaborate on, please email us at office@wacda.com Please like and subscribe to our YouTube page to stay up to date on the latest Lunch 'n Learn offerings!!

SENATE BILL 6182 – MANDATORY CLOSED CAPTIONING

By Lindsey Muszkiewicz, WACDA Intern

When it comes to advocacy, WACDA has made big leaps in support of Senate Bill (SB) 6128 this winter, a bill requiring all public accommodation establishments to provide closed captioning automatically on any and all televisions viewed by customers.

This bill would ensure all customers who may or may not be hard of hearing can access the services provided of any public accommodation without having to worry about the hassle of requesting captions or outing a potential disability to strangers. Closed captioning is already required in the Americans with Disabilities Act (ADA), but



Deaf and hard-of-hearing individuals rely on access to closed captioning to participate in many events and programs.

this law would be enforceable with fines if businesses do not comply, which cannot be said of multiple other accommodation guidance's within the ADA. That makes this a particularly powerful tool. WACDA supports this bill on the basis that everyone should have the equal right to enjoy their time in recreational spots without needing to worry about accessibility or simply going without; it is time the ADA is enforced.

Due to the advocacy of WACDA and other advocates, this bill was able to be passed unanimously on the House floor during the most recent legislative session in February 2020. Given that most new bills such as SB 6182 do not get this far on their first round through legislation, it is promising that this law will hopefully be passed and signed into law in the next legislative session.

Similar bills have been passed recently in other cities, such as Seattle, Tacoma, and Albuquerque. In Albuquerque, "businesses will now face a fine if they don't turn on

their closed captioning... It makes the owner of any TV that's open to public viewing turn on their closed captioning. If not, they could face a \$500 fine." www.krqe.com/news/politics-government/albuquerque-city-council-set-to-vote-on-closed-captioning-ordinance/?fbclid=IwAR2cH-ofvOHAPpsGSDf1bMFp3GDFAbsHpDKXg1pqwXYpDZRGcBkh2fvtlwg.

While Seattle recently followed Albuquerque's lead, though with much lower fines, WACDA would still like to encourage all Washington State voters to voice their support for this measure by contacting representatives the next time it comes to the floor. With more backing behind it from our community, the more likely we will be able to advocate for its passage next session. We look forward to seeing it pass! To watch the last session on the bill, visit the link <https://www.tvw.org/watch/?eventID=2020021416> and move the time slider to 1:37:00.

GIVEBIG 2020

By WACDA Staff

This year WACDA participated in GiveBIG Washington, which is a 48-hour online giving event focused on supporting nonprofits in Washington State. GiveBIG took place on May 5th and 6th, with donations accepted until May 15. This year, GiveBIG partnered with #GivingTuesdayNow, which is another short giving event that took place on May 5th. WACDA raised \$678. Given the current pandemic and resulting economic climate we are pleased with the result and are so thankful for everyone who supported our campaign! Your generous contributions help WACDA to be able to provide free legal counsel to our clients, work on legislative advocacy, and educate the community about disability rights. GiveBIG is a great opportunity for local nonprofits to receive support from their community members and continue working to make the world a better place.



In 1990, many people with disabilities took part in the Capitol Crawl to protest inaccessibility and demand ADA passage.

HELP WACDA CELEBRATE THE 30TH ANNIVERSARY OF THE ADA!

By WACDA Staff

July 26th marks the 30th Anniversary of the ADA! This law was passed in 1990 and protects people with disabilities from discrimination in employment, government services, businesses open to the public, telecommunications, and more. To celebrate this landmark accomplishment in disability rights history, WACDA will be featuring a 30 Days of Accessibility campaign on Facebook and Twitter. The 30 days will begin on June 26th and run until the ADA anniversary on July 26th. Throughout the 30 days, WACDA Facebook and Twitter will post articles and resources focusing on a different accessibility theme for each week. The first week will be all

about knowing your rights and understanding how the ADA's protections. The second week will focus on Title I of the ADA and disability in employment. The third week's posts will target disability, politics, and voting rights. Finally, the last week will be about disability and access to health care, which we believe is very important during the Covid-19 pandemic. We will end our celebratory month by posting about how to continue creating an accessible future.

In addition to the themed educational posts, we will be sharing our supporters' #ThanksToTheADA stories every day. Each story will focus on how the ADA has helped to create more accessible organizations, places, and objects that have made life more accessible and welcoming for people with disabilities in our communities. If you would like to share your #ThanksToTheADA story with us and our followers, please contact WACDA at this office@WACDA.com hyperlink and we will be sure to include you in our celebration of the ADA.

We are looking forward to starting this month full of education, celebration, and advocacy for disability rights and the ADA. We hope you will all enjoy what we share!

About WACDA:

WACDA is guided by the simple but powerful proposition that all lives have equal dignity and worth. As a result, this organization is committed to providing legal services to people with disabilities without charging attorney fees. WACDA is committed to an "all of the above" approach to increasing accessibility and inclusion in Washington state and, in addition to litigation, assists with disability education and awareness efforts, including informing the disability community on disability rights.

For further information, to be placed on the WACDA mailing list, request this newsletter or other materials in an alternate format, or for any additional comments or questions, please feel free to contact us at:



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