

Admission of Service Animals

In accordance with law, individuals with disabilities, including students, employees and visitors, may be accompanied by service animals in District facilities and vehicles, on District grounds and at District functions. A student with a disability or employee with a disability may voluntarily submit a request to be accompanied by a service animal by contacting the building principal or supervisor or Human Resources, but it is not required to do so.

Definitions

1. "Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Except as provided by law, other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

The work or tasks performed by a Service Animal must be directly related to the individual's disability. However, the handler of the service animal may not necessarily be the individual with a disability. Examples of work or tasks include, but are not limited to:

- a. Assisting individuals who are blind or have low vision with navigation and other tasks;
- b. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds,
- c. Providing non-violent protection or rescue work;
- d. Pulling a wheelchair;
- e. Assisting an individual during a seizure;
- f. Alerting individuals to the presence of allergens;
- g. Retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and
- h. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The animal's provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Section 5000 – Personnel

5050-R Service Animals (Cf. 8930)

5050

2. In determining whether the service animal poses a "direct threat" to the health or safety of others, the District will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.
3. Miniature horses generally range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

Inquiries

- If it is not readily apparent that the animal is trained to do work or perform tasks for the individual with a disability, the owner or handler of the animal may only be asked the two following questions before the animal is allowed in a District facility, on District grounds, at District functions or in a District vehicle: Whether the animal is required because of a disability; and
- The type of work or task the animal has been trained to perform.

Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

504 Plans and Individualized Education Plans

A student with a disability may be accompanied by a service animal or miniature horse regardless of whether the Service Animal is written into a 504 plan or IEP, subject to any conditions or limitations established by applicable law. See definitions and inquiries above for the applicable legal conditions and limitations.

- Where the animal does not meet the definition of service animal, the IEP or Section 540 team should consider whether the service animal is nevertheless necessary for the student to receive a free and public education (FAPE).
- Where the team determines the service animal is necessary for the student to receive a FAPE, the team would include in the IEP or Section 504 plan its determination of how the service animal is necessary for the student to receive a FAPE.
- In instances where the team determines that a service animal that does not meet the definition of service animal but is otherwise necessary for the student to receive a FAPE,

the team can limit the settings in which the student could be assisted by the service animal.

A student with a service animal or miniature horse who does not have a 504 plan may request that such a plan be developed.

Care and Supervision of Service Animal

- Animals shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (*e.g.*, voice control, signals, or other effective means). The handler must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the handler.

The owner/handler of a service animal shall be solely responsible for:

- Supervision and care of the animal, including any feeding, exercising, walking to relieve, clean up, and the cost of stain removal, if required; and
- Except as provided in Board policy or rules, harnessing, leashing or tethering the animal.

The District is not responsible for the care and supervision of a service animal.

Conflicting Disabilities

Individuals with disabilities that are adversely impacted by service animals should contact the building principal/supervisor or Human Resources. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. (Certain individuals with animal dander allergies or fear of dogs may qualify as individuals with disabilities.) The building principal/administrator or Human Resources shall strive to facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of the disabled individuals involved. However, the conflict shall not be resolved by prohibiting the student or employee from bringing a service animal on campus.

Exclusion of Service Animal

The District may exclude a service animal from District facilities, vehicles, grounds or functions under the following circumstances:

- The animal is out of control, and the animal's handler does not take effective action to control it;

Section 5000 – Personnel

5050-R Service Animals (Cf. 8930)

5050

- The animal is not housebroken;
- The animal poses a direct threat to the health or safety of others; or
- For any other reason permitted by law.

If the District excludes a service animal, it shall provide the individual with a disability the opportunity to participate in the service, program or activity without the service animal on the premises.

Allergies and fear of dogs are not valid reasons for denying access to students, employees or visitors using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, they both should be accommodated by assigning them, to the extent possible, to different classes or different locations within the room or facility.

Complaint Procedures

A student with a service animal who believes the District has discriminated against him or her on the basis of a disability or has denied him or her FAPE by excluding the service animal, may utilize the grievance procedures outlined in Board Policy 8015-R or may file a complaint with appropriate agencies.

An employee with a service animal who believes the District discriminated against him or her on the basis of a disability by excluding the service animal may utilize the grievance procedures outlined in Board Policy 5030-R or may file a complaint with appropriate agencies.

A member of the public with a service animal who believes the District discriminated against him or her on the basis of a disability by excluding the service animal may file a complaint with the Assistant Superintendent of Human Resources or designee or may file a complaint with appropriate agencies.

Liability

The owner or the handler of a Service Animal or a Service Animal-in-training is liable for any and all damages to property or injuries to persons caused by the Service Animal or Service Animal-in-training. The owner or the handler of a Service Animal or a Service Animal-in-training must also indemnify, defend and hold harmless the District from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage or injury caused by the Service Animal or Service Animal-in-training.

Section 5000 – Personnel

5050-R Service Animals (Cf. 8930)

5050

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