

Billings School District 2

NONINSTRUCTIONAL OPERATIONS

Service Animal Allowance Procedure

The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, if the animal is not housebroken, or if the service animal's uncontrolled behavior, or actions pose a safety threat.

If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Health: The service animal must be in good health to ensure the health and safety of all students and staff.

Leash: The service animal must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices.

Under Control: The handler must be in full control of the service animal at all times.

- The service animal cannot be left unattended at any time.
- The handler may not allow or request any other person to control the service animal.
- Others are not permitted to touch or pet the service animal.

Clean-Up: The care and supervision of a service animal is the sole responsibility of the handler.

- Proper equipment must be carried at all times for sufficient clean-up after the service animal.
- Clean-up must be properly disposed.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Form: An individual seeking to have a service animal on district property must complete form 8425F.

Cross Reference: 8425 Procedure for Service Animals
8425 F-1 Service Animals in District Facilities Form
2161 Special Education
2162 Section 504 of the Rehabilitation Act of 1973

Legal Reference: 28 CFR 35.136 Service Animals
28 CFR 35.104 Definitions
49-4-203(2), MCA Definitions

Procedure History:

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