

Billings School District 2

NONINSTRUCTIONAL OPERATIONS

Service Animals

For the purposes of this policy, state law defines a service animal as a dog or any other animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Federal law definition of a disability includes a physical, sensory, psychiatric, intellectual, or other mental disability. It is the District's intent to provide the necessary accommodations and modifications to students and staff under Section 504 protection and those who meet the Individuals with Disabilities Education Act (IDEA) eligibility.

The District will permit the use of service animals by an individual with a disability according to state and federal regulations. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Service animals are working animals, not pets. The work or task a service animal has been trained to provide must be directly related to the person's disability. Service animals, such as a dog, whose sole function is to provide comfort or emotional support do not qualify as service animals under ADA.

An animal is not a service animal if its mere presence benefits the individual with a disability. For example, dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are primarily used for emotional support, are not service animals. As a result, therapy dogs are not considered service animals and will not be allowed on district property.

Service animals 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. The District may ask an individual with a disability to remove a service animal from the premises if:

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

- The animal is not housebroken;
or
- The service animal's uncontrolled behavior or actions pose a safety threat.

The District is not responsible for the care or supervision of the service animal. The handler must be in full control of the service animal at all times.

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

It is the District's intent to comply with Federal and State laws relating to service animals.

Cross Reference: 8425 P-1 Procedure for allowance of 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

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