

# Davis School District Policy and Procedures

**Subject:** 11IR-104 Service and Emotional Support Animals in District Facilities  
**Index:** Individual Rights and Responsibilities - Accommodation of Disabilities  
**Revised:** April 18, 2017

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## 1. PURPOSE AND PHILOSOPHY

The Board of Education of Davis School District (Board) adopts this policy to ensure that individuals with disabilities are able to participate in and benefit from Davis School District (District) services, programs, and activities, and to ensure that the District does not discriminate against individuals on the basis of disability. As established and defined by the Americans with Disabilities Act (ADA) and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals on District property in accordance with this policy.

## 2. POLICY

- 2.1. The District will reasonably modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- 2.2. Individuals with disabilities including students, employees, and visitors shall be permitted to be accompanied by their service animal in all areas of the District facilities where members of the public participate in services, programs or activities, or invitees are allowed to go.
- 2.3. The District Director of Risk Management is responsible for the administration of this policy including the formulation of guidelines and procedures as necessary. School administrators and department directors/supervisors are responsible for ensuring compliance with this policy in schools, departments, or offices.

## 3. DEFINITION OF SERVICE AND EMOTIONAL SUPPORT ANIMAL

- 3.1. A “service animal” means any dog that is individually trained to do or perform tasks for the benefit of an individual with a disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or task performed by a service animal must be directly related to the individual's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this definition.
- 3.2. An “emotional support animal” means a domesticated animal that is individually necessary for the emotional support, well-being, comfort, or companionship of an individual with a disability. The tasks performed by an emotional support animal must be directly related to the individual's disability. Non-human primates are specifically excluded from this definition.

## 4. SERVICE ANIMAL GUIDELINES AND PROCEDURES

- 4.1. If the need for a service animal is not readily apparent, the animal's owner may be required to affirm that the animal is required because of a disability. Additionally, the animal's owner may be required to articulate what work or task the animal has been trained to perform.
- 4.2. A service animal's owner may be required to provide documentation indicating the service animal has been licensed in the jurisdiction in which the owner resides.

- 4.3. Other than service animals, as defined in this policy, personally owned animals are not permitted at District facilities except as allowed for pre-approved educational purposes.
- 4.4. To avoid confusion about whether an animal is a permitted service animal, a person accompanied by a service animal while on school property or at school functions is strongly encouraged to exhibit one of the following:
  - 4.4.1. the animal's laminated identification card;
  - 4.4.2. the animal's service vest; or
  - 4.4.3. another form of identification sufficient to put others on notice that the animal is a service animal.
- 4.5. A service animal shall be under the control of its handler. A service animal 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 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).
- 4.6. Neither the District nor any of its employees are responsible for the care or supervision of a service animal, unless documentation exists specifically requiring such care or supervision by the District or its employees.
- 4.7. The owner or handler of a service animal is liable for any loss or damage caused or inflicted to District premises by the person's service animal.
- 4.8. The District may ask an individual with a disability to remove a service animal from a District facility or vehicle, District grounds, or District function if:
  - 4.8.1. the service animal is out of control and the service animal's handler does not take effective action to control it;
  - 4.8.2. the service animal is not housebroken;
  - 4.8.3. the service animal poses a direct threat.
- 4.9. Individuals with disabilities that are adversely impacted by service animals should contact their school administrator or department director/supervisor. The school administrator or department director/supervisor shall strive to facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of the disabled individuals involved.
- 4.10. The District may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. Those requirements must be based upon actual risks, not on mere speculation, stereotypes, or generalizations about people with disabilities.

## **5. MINIATURE HORSES**

- 5.1. The District shall make reasonable modification in its policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
- 5.2. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the District shall consider:
  - 5.2.1. the type, size, and weight of the miniature horse and whether the facility can accommodate these features;

- 5.2.2. whether the handler has sufficient control of the miniature horse;
- 5.2.3. whether the miniature horse is housebroken; and
- 5.2.4. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

5.3. All guidelines and procedures found in section 4 of this policy, which apply to service animals, shall also apply to miniature horses.

## **6. EMOTIONAL SUPPORT ANIMALS**

- 6.1. The use of an emotional support animal, sometimes referred to as a comfort animal, may be considered a request for a reasonable accommodation under the ADA.
- 6.2. A request for the use of an emotional support animal must be supported by recent, reliable, objective, medical documentation.
- 6.3. Only domesticated animals will be considered as an emotional support animal.
- 6.4. Documentation regarding an emotional support animal may be required to address legitimate safety requirements necessary for the safe operation of District programs, services, or activities.
- 6.5. All guidelines and procedures found in section 4 of this policy, which apply to service animals, shall also apply to emotional support animals.

## **7. SERVICE ANIMALS IN TRAINING**

As provided for in Utah State Law, service animals in training shall **only** be granted access to District facilities, buildings, or areas that are accessible to any member of the public. All guidelines and procedures found in section 4 of this policy which apply to service animals, shall also apply to service animals in training.

## **8. UNIQUE CIRCUMSTANCES OR REQUESTS**

- 8.1. Circumstances or requests requiring special consideration shall be reviewed by the District Risk Management Director in consultation with other appropriate District personnel.
- 8.2. The District's Director of Risk Management shall coordinate with State Risk Management prior to denying a service animal, a miniature horse, an emotional support animal, or a service animal in training.
- 8.3. If the service animal is properly removed from the premises, the District will continue to give the individual with a disability the opportunity to participate in the District services, programs, or activities without having the service animal on the premises.

## **9. COMPLAINT PROCEDURES**

- 9.1. Student Complaint Procedures
  - 9.1.1. A student with a disability, who believes the District denied him or her a Free and Appropriate Public Education (FAPE) under Section 504 of the ADA by excluding his or her service animal, may file a complaint in writing to the District 504

Coordinator (Student Issues) according to the procedures in District policy *11IR-101 Section 504 Students with Accommodations*, within ten (10) school days from the date the service animal was excluded.

- 9.1.2. A student with a disability who believes the District denied him or her a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act by excluding the service animal, may file a state complaint with, or request a due process hearing from the Utah State Office of Education (USOE).
- 9.1.3. A student with a disability not receiving services under a 504 Accommodation or an IEP who believes the District has discriminated against him or her by excluding his or her service animal, may file a complaint to the District Compliance Officer according to the procedures in District policy *11IR-100 Nondiscrimination Policy and Complaint Procedures*, within ten (10) work days from the date the service animal was excluded.

9.2. Employee Complaint Procedure

An employee with a disability who believes the District discriminated against him or her by excluding his or her service animal, may file a complaint in writing to the District ADA Coordinator (Employment Issues) according to the procedures in District policy *11IR-102 Provision for Reasonable Accommodation to Individuals with Disabilities*, within ten (10) work days from the date the service animal was excluded.

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**DEFINITIONS**

**“Disability”** means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

**“Direct threat”** means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in 28 CFR 35.139.

**“Service animal” and “emotional support animal”** see section 3 of the policy.

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**REFERENCES**

29 U.S.C. 794 - Section 504 of the Rehabilitation Act

42 U.S.C. Chapter 126. - Americans with Disabilities Act

28 C.F.R Title 28 Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services

[Utah Code Ann. Title 62A, Chapter 5b](#) – Rights and Privileges of a Person with a Disability

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**DOCUMENT HISTORY:**

**Adopted: October 18, 2011**

**Revised: February 21, 2012 (by consent)** – Clarified complaint procedure.

**Revised: June 15, 2015** – Revised as recommended by State Risk Management to comply with federal guidance.

**Revised: February 8, 2017 (by consent)** -- Clarifying language on ADA request for a reasonable accommodation.

**Revised: April 18, 2017 (by consent)** – State Risk Management recommends limiting the scope of service animals in training to only those areas that are accessible to any member of the public.