

Accommodating Individuals with Disabilities

Service Animals in Schools

The Board of Trustees acknowledge its responsibility to permit students and/or adults with disabilities, as required by the Americans with Disabilities Act, 28 C.F.R. Part 35, to be accompanied by a service animal on District premises or at any District sponsored activity. Any use of a service animal shall be subject to the following:

1. When it is not readily apparent what service the animal provides, the principal or designee may inquire whether the service animal is required for the individual with a disability and may inquire about the work or task the animal has been trained to perform.
2. Staff may not ask that the animal demonstrate its ability to perform the work or task.
3. Staff may not require documentation regarding certification, training, license or vaccination of the service animal.
4. The service animal must have a harness, leash or tether or otherwise under the handler's control (e.g. voice control, hand signals or other effective means).
5. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors and/or property.
6. The District is not responsible for the care or supervision of a service animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis.
7. The service animal must be licensed and vaccinated for rabies per County requirements

Removal of a Service Animal

A school administrator may request an individual with disabilities remove a service animal from District premises if any of the following circumstances occurs:

1. The animal is out of control and the animal's handler does not take effective action to control it.
2. The animal is not housebroken.
3. The animal would fundamentally alter the educational program or activity.
4. The animal presents a direct threat or unreasonable risk to the health and safety of students, staff or individuals in the area.

If a service animal is excluded, the individual will be given the opportunity to participate in the District activity or program without the service animal or in an alternative activity.

Definitions:

Service Animal: Under the 2010 ADA Title II regulations at 28 CFR 35.104, a “service animal” is defined to mean any dog that has been 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. **Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities.** Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support *do not* qualify as service animals under the ADA.

Note that other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of the regulatory definition. Miniature horses although not included in the definition of “service animal” are protected under ADA specific circumstances.

On District Premises or at any District sponsored activity, regardless of location: shall include, but not be limited to buildings, facilities and grounds on the District campus, school buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

Legal Reference:	5.1.104	Kootenai County Ordinance - Dog Licenses
		ADA Regulations, 28 C.F.R. Part 35 (as amended, 2010)
	28 C.F.R. Part 35	Nondiscrimination on the Basis of Disability in State and Local Government Services (Implementing the ADA)

Policy History:

Adopted on: December 12, 2011

Revised on: December 8, 2020

Revised on: June 24, 2021