

Service Animals

A student with a qualifying disability may have the right to have a service animal, as defined at FBA(LEGAL) accompany the student on campus and other District facilities, including on District transportation. [See FB(LEGAL), Reasonable Modification]

Service Animals
Definition

“Service animal” is defined by the ADA as any dog or miniature horse that is individually trained to work or to perform tasks for the benefit of an individual with a disability, as described in FBA(LEGAL). The work or tasks performed must be directly related to the individual’s disability. 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. A service animal is not a pet. An allowable service animal is a dog or miniature horse and does not include any other animal. A service animal is not required to attend professional dog service training or obtain certification.

Consideration and approval for use of a service animal will be on a case-by-case basis and will be in accordance with the assessment factors prescribed in law. [See FBA(LEGAL)]

Individuals with
Disabilities in
Education Act

Under the Individuals with Disabilities in Education Act (“IDEA”), eligible students are entitled to a free, appropriate public education (“FAPE”). The parent or guardian may request that an ARD committee consider whether the use of a service animal is necessary for the student to receive a FAPE. If the ARD committee determines that the student can be provided FAPE without the use of the animal, the animal does not become a related service or support under the student’s IEP.

Americans with
Disabilities Act and
Section 504 of the
Rehabilitation Act

Under the Americans with Disabilities Act (“ADA”) and Section 504 of the Rehabilitation Act (Section 504), schools are generally required to allow a disabled individual to be accompanied by a service animal, so long as the animal meets the ADA definition of “service animal,” the animal is under the control of its handler, is housebroken, and does not pose a direct threat to the health and/or safety of others. Exclusion of an animal could be discrimination based on disability. The ADA requires public entities to appoint a person to handle claims of disability discrimination, the Section 504 Coordinator [See FB(LOCAL) and FFH(LOCAL)]. For students who are eligible under Section 504 and have a Section 504 accommodation plan, a Section 504 committee should convene to review the plan to ensure the child continues to have equal educational opportunity and to consider reasonable accommodations. Additionally, the Section 504 committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

Medical
Considerations

The school nurse will be consulted by school administration regarding any known allergies among the school population. Any measures needed to minimize contact between any allergic students and the service animal will be identified by the school administration and followed by the handler. The introduction of a service animal into the school setting may result in medical issues among other students and/or employees. Should such issues arise, the District will resolve those issues by considering the needs of all persons involved. The student's schedule may be altered, or other appropriate action taken, in order to accommodate the documented needs of all students and staff on campus.

Requirements

The presence of a service animal on campus or in any District facility will be in accordance with the following requirements.

The service animal must:

1. Remain within the control of the student and/or adult handler at all times.
2. Remain on a harness, leash, or other tether unless the student's disability prevents the use of such device or such device interferes with the animal's performance of work or tasks. In such circumstances, the service animal must be under the individual's control through another effective means, such as voice control or signals.
3. Be clean and well-groomed, with no offensive odor.
4. Be treated for, and kept free of, fleas and ticks.
5. Be housebroken.
6. Be walked, exercised, and allowed to eliminate waste only in designated areas. The individual is responsible for cleaning up after the animal.

Removal of Service
Animal

If a service animal is not housebroken, displays signs of being out of control at any time and the animal's handler is not able to gain control of it, or is a direct threat to the health or safety of others [See FB(LEGAL) Direct Threat], the animal will be removed from the building and the student's parent or guardian will be contacted. The District may ask the individual to remove the animal if the animal's presence or behavior fundamentally alters the nature of the District's service, program, or activity.

Parent Request

A parent or guardian must submit a written request for a service animal to accompany a student to the principal at least 15 District business days prior to bringing the animal on campus. If not readily

apparent, the parent or guardian will confirm that the animal is required because of the student's disability and will provide information about the work or tasks that the animal has been trained to perform. [See FBA(EXHIBIT A)]

Vaccinations

All vaccinations must be kept current. The student's parent or guardian will annually provide a copy of the vaccination record, which will be kept on file with the campus principal.

Service dogs are required to be vaccinated for: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Corona virus, Bordatella, and Rabies).

Miniature horses are required to be vaccinated for: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles.

Liability

The owner of a service animal is liable for any harm, injury, or damage caused by the animal to other students, District employees, visitors, and/or property.

Adult Handler

The handler for a service animal is presumed to be the student. However, the District may permit an adult handler to accompany the student and the animal on a case-by-case basis. An adult handler is a designated adult who has agreed to handle the service animal in the educational setting.

**Approval for an
Adult Handler Who
is Not an Employee**

If an adult handler who is not an employee is needed to accompany the student and the service animal the District will conduct a criminal history check of the handler, in accordance with CJA(LEGAL) or GKG(LEGAL). Any fees associated with a criminal history check will be paid by the District. In addition, the District will verify whether the adult handler is a registered sex offender. [See GKC(LEGAL)]

An adult handler will not be permitted to accompany the student and the service animal on any school campus or to any District facility prior to the completion of a criminal history check and final approval of the Superintendent. [See FBA(EXHIBIT B)]

Upon final approval, an adult handler will be required to comply with all campus visitor procedures.

Integration

IEPS and 504 Plans

A student's admission, review, and dismissal (ARD) or 504 committee, as appropriate, will convene to determine if the service animal is necessary for the student to receive a free and appropriate education (FAPE) under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act. If the animal is nec-

essary for the student to receive a FAPE, the animal will be provided for in the student's individualized education program (IEP) or 504 plan, as appropriate. [See EHBAB, FB]

Integration Plan

The campus ADA/Section 504 coordinator, the student's teachers, the school nurse, the campus principal, and any other relevant campus staff will create a plan with the student, the student's parent or guardian, and the adult handler, if applicable, to integrate an approved service animal into the classroom and school environment and to meet the animal's basic needs during the school day prior to the introduction of the animal. [See FBA(EXHIBIT C)]

The plan will consider:

1. A class or campus-wide educational program to educate students and staff on how to behave appropriately around the animal.
2. Rest times and a rest place for the animal, if needed.
3. An area for the animal to relieve itself.
4. Emergency evacuation and disaster response.
5. Alternate accommodations/plans in the event the primary adult handler or the animal is unable to accompany the student to school due to illness, injury, or death.
6. Impact on other students in the learning environment.
7. Any other activities or conditions appropriate for the learning environment. [See FBA(EXHIBIT C)]

To the extent the use of a service animal is not a related service addressed in an IEP or 504 plan, an integration plan does not constitute a service or accommodation under the IDEA or Section 504.

Appeal

Complaints alleging discrimination or harassment based on disability may be appealed in accordance with FFH(LOCAL).

All other decisions regarding service animals may be appealed in accordance with FNG(LOCAL).