

719 SERVICE ANIMALS IN SCHOOLS

I. PURPOSE

This policy establishes procedures for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

II. GENERAL STATEMENT OF POLICY

Service animals are permitted to accompany individuals with a disability to public events or within public areas of the district, consistent with the Americans with Disabilities Act, 28 CFR 35.136, and Minnesota law concerning persons with disabilities, Minn. Stat. §§ 256C.02, and 363A.19. Use of a service animal on district property is subject to the following procedures.

III. DEFINITIONS

- A. "Service animal" means any dog that is 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.
- B. "Handler" means an individual with a disability who uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, handler means the person who cares for and supervises the animal on that individual's behalf. District personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.
- C. "Work or tasks" includes, but is 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.

IV. REQUIREMENTS FOR ALL SERVICE ANIMALS

- A. The service animal must be required for the individual with a disability.

- B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability, as described in III.A.
- C. The service animal must have a harness, leash or other tether, unless either the handler is unable to use such because of a disability, or the use of such 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).
- D. The service animal must be housebroken.
- E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, or responding to the service animal's need to relieve itself.
- F. The district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
- G. In the case of a student who is unable to care for and/or supervise their service animal, the student's parent/guardian of the individual is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise their service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.

V. REQUESTING USE OF A SERVICE ANIMAL

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the attached form to the Principal of the school the student attends. The Principal will notify the Director of Student Services of the request. District employees seeking to be accompanied by a service animal are requested to submit the attached form to the Director of Human Resources.
- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability, and to describe the work or tasks that the service animal is trained to perform.
- C. The owner of the service animal is requested to provide proof that the service animal has received all vaccinations required by state law or local ordinance.

VI. EXCLUSIONS/REMOVALS OF SERVICE ANIMALS

The district retains the discretion to exclude or remove a service animal from its property if:

- A. Any of the previously listed conditions are not met.
- B. The service animal is out of control and/or the animal's handler does not effectively control the animal's behavior.

- C. The service animal's presence or behavior fundamentally alters the functions of the district.
- D. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.

VII. LIABILITY

- A. The owner of the service animal is responsible for any harm or injury to an individual, and for any property damage caused by the service animal, while on district property.
- B. An individual who directly or indirectly through statements or conduct intentionally misrepresents an animal in that person's possession as a service animal may be subject to criminal liability.

VIII. ALLERGIES; FEAR OF ANIMALS

Allergies and fear of dogs generally are not valid reasons for denying access or refusing services to individuals using service animals. When a student or employee notifies the district that he or she is allergic to a service animal, the district will take reasonable steps to accommodate that student or employee as well as the individual utilizing the service animal.

IX. ANIMALS FOR STUDENTS WITH IEPS OR SECTION 504 PLANS

If a special education student or a student with a Section 504 plan seeks to bring an animal onto district property that is not a service animal, the request shall be referred to the student's IEP or Section 504 team to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE).

Legal References:

Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.
Section 504 of the Rehabilitation Act of 1973
28 C.F.R. §§ 35.104; 35.136 (Regulations to the ADA)

Cross References:

Policy 402 (Disability Nondiscrimination Policy)
Policy 521 (Student Disability Nondiscrimination)