

Service Animals

Service animals are permitted to accompany individuals with a disability to public events or within public facilities operated by the district, consistent with the Americans with Disabilities Act, 28 CFR 35 and 36, and Colorado Revised Statutes §24-34-803, 804, and §40-9-109. This policy serves to establish procedures for the use of service animals in facilities operated by the district, including school buildings, vehicles and other property.

PURPOSE

The purpose of this policy is to establish procedures for the use of service animals by employees, and visitors within facilities operated by the district, including but not limited to school buildings and school grounds. Student use of service animals is covered in Policy JLIF.

DEFINITIONS

A. Service Animal

“Service Animal” means any dog (regardless of breed or size) or miniature horse that is individually trained to do work or perform "work or tasks" for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Service animals are working animals that perform valuable functions; they are not pets. Service animals do not include wild animals, farm animals and rodents and animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

B. Handler

A "handler" is an individual with a disability who is accompanied by a service animal or a trainer who is accompanied by a service animal. For purposes of this policy, the terms “handler” and “individual with a disability” may be used interchangeably.

C. Work or Tasks

1. “Work” or “tasks” are those tasks performed by a Service Animal. The "work or tasks" must be directly related to the handler's disability.

2. 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 non-violent 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, such as reminding an individual with a disability to take medication, performing safety checks or room searches for individuals with PTSD, interrupting self-mutilation, and removing disoriented individuals from dangerous situations.

3. 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.

D. Trainer

A "trainer" is a person who is training a service animal. A person with a disability may be both a handler and a trainer of their own service animal. If a trainer is not also a handler, then the trainer should be affiliated with a recognized training program for service animals.

ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES

- A. Prior to bringing a service animal on district property, facilities, or vehicles, the employee or other authorized person will be asked to meet annually with a planning team to prepare for and maintain effective integration of the service animal into the school environment. To the extent practicable, this meeting will occur prior to the first day of each fall semester, to allow for planning regarding schedules, transportation, student instructional day or work day and extracurricular activities, as well as a communication plan to the school community in preparation for the service animal. In addition, the employee or other authorized person will be asked to review and verify their understanding of the District's Service Animal Policy at the time of such planning meeting.

- B. In general, handlers (i.e. individuals with disabilities) or trainers are permitted to be accompanied by their service animals in all areas of district properties where members of the public or employees (as the case may be) are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right:

1. to be present on district property or in district facilities;
2. to attend or participate in a school sponsored event, activity, or program;
or
3. to be transported in a vehicle that is operated by or on behalf of the district.

Note that this policy does not override public health rules that prohibit dogs in swimming pools. However, service animals must be allowed on the pool deck and in other areas where members of the public are allowed to go.

- C. When an individual with a disability brings a service animal to a district property, district employees shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:
 1. If the animal is required because of a disability; and
 2. What work or tasks the animal has been trained to perform.
- D. District employees shall not make these inquiries of an individual with a disability bringing a service animal to district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.
- E. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

REQUIREMENTS FOR ALL SERVICE ANIMALS

1. A service animal must be under the control of its handler.
2. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability, as described in section II.C. above.
3. A service animal must 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 other 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. The service animal must be housebroken.
5. The service animal must be properly and currently vaccinated and the handler will be required to provide proof of vaccination and immunization.

CARE OF, AND RESPONSIBILITY FOR, SERVICE ANIMALS; LIABILITY

1. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, toileting, clean up and stain removal.
2. 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. Neither the district nor its staff will assume such responsibilities. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the building administrator.
3. Individuals with disabilities who are assisted by service animals are responsible for providing the supplies and equipment needed by the service animal.
4. Owners of service animals are liable for any harm or injury caused by the service animal to staff, visitors and/or property.

REMOVAL OR EXCLUSION OF A SERVICE ANIMAL

- A. A school official may require a handler to remove a service animal from district property, a school building or a school-sponsored program or activity, if:
 - A. The service animal is out of control and the handler does not take effective action to control the animal;
 - B. The service animal is not housebroken;
 - C. The presence of the animal would fundamentally alter the nature of a service, program or activity;
 - D. The service animal poses a direct threat to the health and safety of others that cannot be eliminated by reasonable modifications, or
 - E. The handler fails to submit proof of current vaccinations and immunizations of the service animal.
- B. If the service animal is properly excluded, the district shall give the individual with a disability the opportunity to participate in the service, program or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

ADDITIONAL LIMITATIONS FOR MINIATURE HORSES

- C. In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:
 1. The type, size and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken;

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4. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate safety requirements that are necessary for safe operation; and
5. Whether the miniature horse's presence is contrary to any other provision of this policy.

ALLERGIES; FEAR OF ANIMALS

If a student or employee notifies the district that he or she is allergic to a service animal, the district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.

SERVICE ANIMALS FOR EMPLOYEES

Use of a service animal by a district employee who is a qualified individual with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

(Adoption date) February 26, 2019

LEGAL REFS.: C.R.S. §24-34-803, 804
 C.R.S. §40-9-109
 28 CFR §35.136
 28 CFR §35.139

CROSS REFS.: General Service Animal Policy for Students

Garfield School District No. Re-2

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