

Service Animals

The district will comply with Colorado law and federal regulations concerning the rights of persons with service animals and will permit service animals on school premises and on school transportation in accordance with 28 CFR §35.136, and related regulations implementing the Americans with Disabilities Act, C.R.S. §24-34-803, 804, and §40-9-109, and this policy JLIF.

Service Animal Defined

The term “service animal” is defined as a dog that has been specifically 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. The work or tasks performed by a service animal must be directly related to the student’s disability. 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 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.
- 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.

Note that dogs whose purpose is to provide comfort, companionship, or therapy just by being with a person are not considered service animals, because they have not been trained to perform a specific job or task.

Dogs that have been trained to provide protection against harm by other people are not considered service animals.

Other species of animals apart from dogs, whether wild or domestic, trained or untrained, are not defined as service animals and will not be permitted in district schools, with the sole

exception that federal regulations also define a service animal to include a miniature horse under specified conditions.

Applicable Use

The district personnel will permit the use of a service animal in the school building, on school transportation vehicles, on field trips and at school sponsored activities. The service animal will be permitted access to all areas of the school the student is attending, where members of the public, other students, other participants in the school's services, programs or activities, or invitees, as relevant, are allowed to go, except 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 students are allowed to go.

Handling Allergy or Other Claims

In the event that students or staff members with animal dander allergies or other disability-related reactions claim that the presence of the service animal constitutes a direct threat to their health or safety, the district will evaluate such claims in accordance with the provisions of 28 CFR §35.139. Specifically, in determining whether such threat exists, the district must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modification of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk. If such reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will not mitigate the direct threat sufficiently to protect the health or safety of others, then the service animal may be lawfully excluded from school.

Custody and Control of Service Animal

The district shall not assume or take custody or control of, or responsibility for, any service animal or the care or feeding thereof. The owner or the person having custody and control of the service animal shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc. No service animal shall be admitted to any district school building or facility, school transportation vehicles, field trips, or school sponsored activities without proof of a current rabies vaccination and any legally required vaccinations required by the state, county, municipality, or any other local government unit with jurisdiction in which the school, building, or facility is located. In addition, no service animal shall be admitted to any district school building or facility, school transportation vehicles, field trips, or school sponsored activities without appropriate registration of the animal as required by the city or county.

The person having custody and control of the service animal will be responsible daily for any outside toileting of the animal and resulting clean up. An area will be designated by the site principal for this purpose. The parents, teacher, and principal will determine the time and manner for this activity in order to not interfere with the educational program. If a student's disability prevents the student from performing these functions, the student's IEP team or 504 team will review and make necessary accommodations. If a service animal is not house-broken, it may be lawfully excluded from school.

The person having custody and control of the service animal will be responsible daily all activities of care required, not limited to feeding, watering, and grooming . An area will be designated by the site principal for this purpose.

If, in the judgment of the building principal or authorized designee, any service animal is out of control in the school setting or during district transportation, the matter shall be immediately reported to local law enforcement, and the permission granted pursuant to this policy JLIF may be immediately revoked. The parent or guardian of the student having custody and control of the service animal will be required to remove the service animal from district premises immediately.

If a service animal is excluded from school for any reason set forth in this policy, the district shall remain under the general obligation to ensure that the student is not denied or limited access to its education program or activities pursuant to 28 CFR §35.130 and 34 CFR §104.

Providing a Copy of this Policy

When a student will be accompanied by a service animal at school or in other district facilities on a regular basis, such student's parent or guardian, as well as the dog's owner and any other person who will have custody and control of the dog, will be provided a copy of this policy JLIF and JLIF-R.

Training of Service Animals on District Property

In accordance with state law, a trainer of a service animal may be accompanied by a service animal that the trainer is in the process of training in district facilities and vehicles, on district grounds, and at district functions. A service animal in training is subject to all requirements for service animals as set forth in this policy.

(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