

## Service Animals

The Board of Education (the “Board”) for Mapleton Public Schools (the “District”) complies with State and Federal laws concerning the rights of persons with service animals. All requests to bring a service animal to school will be addressed in accordance with this policy.

A “service animal” is defined by law as a dog that is individually trained to do work or perform tasks for people with disabilities. Only dogs are recognized as service animals under the ADA. Service animals are working animals, not pets. The work or task the service animal has been trained to provide must be directly related to the person’s disability. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, assisting mobility-impaired individuals with balance or by carrying or picking up objects, or alerting and protecting a person who is having a seizure. Service animals whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

In accordance with applicable law, the District will allow service animals to accompany people with disabilities in all areas where the public is allowed to go. The District will make reasonable accommodations to ensure facilities are accessible for individuals accompanied by a service animal. The District will not make accommodations that impose an undue hardship on the District or that pose a physical threat or danger to others.

When it is not obvious what service an animal provides, District staff may ask two questions: (1) is the service animal a service animal required because of a disability, and (2) what work or task has the service animal been trained to perform. District staff may not ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task.

The individual must submit a written request to the Executive Director of Integrated Services for approval prior to bringing the service animal to any District property. See IHBAA-E: Notice of Request for Service Animal. The individual must also provide a certificate or report from a veterinarian licensed in the State of Colorado demonstrating that the service animal has a vaccination license and is free of disease and proof that the service animal has been spayed or neutered.

The individual is required to participate in meetings at the request of school and/or District administration to ensure the handler understands their obligations and responsibilities and to assist in forming a strategy for when the service animal is on school property.

Allergies and fear of service animals are not valid reasons for denying access or refusing service to people using service animals. However, the District will notify staff and families of students who will be in class with the service animal to ensure allergies and safety issues are

addressed. The District will attempt to accommodate an individual with allergies or concerns that the presence of the service animal will disrupt their learning by assigning them to another classroom or a seat away from the service animal.

A service animal is the personal property of its handler. A service animal must be under the control of its handler at all times. Under the ADA, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

District staff will not provide care for or supervision of a service animal. The handler is responsible for providing all necessary care for the service animal including walking, feeding, and cleaning up. If a student is too young to care for the animal, the student's guardian is responsible for providing a handler to accompany the service animal at all times.

The individual is responsible for ensuring the service animal relieves itself in designated outdoor areas as needed and for cleaning up after the service animal. A service animal that is not housebroken will not be allowed.

The student's parent/guardian is solely liable for any damage or injury caused by the animal to any other person or property.

The service animal must not disrupt the normal operations of the school or instruction. A service animal that is out of control and the handler does not take effective action to control it, will be required to leave. The student's parent/guardian will be contacted and must remove the service animal from the premises without delay.

It is a crime in the State of Colorado to intentionally misrepresent an animal as a service animal for the purpose of obtaining any of the rights or privileges for individuals with disabilities. C.R.S. 18-33-107.7.

*Adopted September 28, 2021 by the Board of Education for Mapleton Public Schools.*

LEGAL REFERENCES:

42 U.S.C. § 12101 *et seq.*

ADA Title II regulations, 28 C.F.R. § 35.136

U.S. Department of Justice, Civil Rights Division, Disability Rights Section 2011 ADA

C.R.S. § 18-33-107.7 (*intentional misrepresentation of a service animal*)