

Originated: April 27, 2020

Revised: October 24, 2022

## **I. PURPOSE**

The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

## **II. GENERAL STATEMENT OF POLICY**

Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.

## **III. DEFINITIONS**

A. Service Animal – A “service animal” is a dog (regardless of breed or size) or miniature horse that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. The work or tasks performed by the 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 – A “handler” is 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. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

### **C. Work or Tasks**

1. “Work or tasks” are those functions performed by a service animal.

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.

3. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.

D. Trainer – A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

#### **IV. ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students, and employees 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: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school-sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.

B. When an individual with a disability brings a service animal to a school district property, school 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. Is the service animal required because of a disability; and
2. What work or tasks is the service animal trained to perform.

C. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form described in Part VI. below.

D. 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.

#### **V. 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.

C. 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).

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, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.

F. The school 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 his or her service animal, the

student's parent/guardian 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 his or her 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.

## **VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL**

A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the building principal of the school the student attends. The principal will notify the superintendent or the administrator designated with responsibility to address such requests. School district employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.

B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service 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 shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.

## **VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:

1. Any of the requirements described in Part V., above, are not met.
2. The service animal is out of control and/or the handler does not effectively control the animal's behavior.
3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or
4. 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.

B. If the service animal is properly excluded, the school 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.

## **VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

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:

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate health and safety requirements.

## **IX. ALLERGIES; FEAR OF ANIMALS**

If a student or employee notifies the school district that he or she is allergic to a service animal, the school 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 general not a valid reason for prohibiting the presence of a service animal.

## **X. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPs) OR SECTION 504 PLANS**

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

## **XI. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES**

If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the superintendent or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required 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.

## **XII. LIABILITY**

- A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the service animal while on school 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.

## **XIII. THERAPY DOGS**

### **I. GENERAL**

The Board of Education, in recognizing the educational uses of dogs in the classroom, requires that permission be obtained from the Building Principal before animals (other than service animals) are brought to the school or classrooms. It is the Building Principal's responsibility to

confirm that there is appropriate educational purpose if any animal is housed in a classroom. Animals, other than service animals, are not to be transported on school buses.

Any school which cares for or uses animals for study will afford the animal the following: appropriate quarters; sufficient space for the normal behavior and postural requirements of the species; proper ventilation, lighting, and temperature control; adequate food and clean drinking water; and quarters which shall be cleaned on a regular basis and located in an area where undue stress and disturbance are minimized.

Animals in school must be properly supervised, handled, and cared for and only the staff member or those students designated by the staff are to handle animals.

It shall be the responsibility of the Principal or his/her designee to develop a plan of care for those animals housed in school in the event of an emergency school closing. Animal-specific guidelines established by the Center for Disease Control shall be followed at all times.

The Hawley Public School ISD #150 supports the implementation of a Therapy Dog program for the academic, social, and emotional benefit of its students.

A therapy dog is a dog trained to provide affection and comfort to students in the Hawley Public School ISD #150. The most important characteristic of a therapy dog is its temperament. A good therapy dog must be friendly, patient, confident, at ease in all situations, and gentle. Therapy dogs must enjoy human contact and be content to be petted and handled, sometimes clumsily. A therapy dog's primary job is to allow unfamiliar people to make physical contact with it and to enjoy that contact. Therapy dogs are not considered trained service dogs as described by the Americans with Disabilities Act (see Service Animals section above).

## **II. GUIDELINES**

The following minimum standards shall be in effect for all therapy dogs approved to serve in the Hawley Public School ISD #150:

- A. A therapy dog is expected to be clean, well-groomed, and not have an offensive odor.
- B. A therapy dog is expected not to urinate or defecate in inappropriate locations.
- C. A therapy dog is expected to not annoy any member of the student body or school personnel by seeking attention.
- D. A therapy dog is expected to not vocalize unnecessarily.
- E. A therapy dog is expected to show no aggression towards people or other animals.
- F. A therapy dog is expected to not solicit or steal food or other items from the student body or school personnel.
- G. A therapy dog is expected to not in any way interfere with the educational process of any student
- H. A therapy dog is expected to not pose a health or safety threat to any student, personnel, or other persons.

A therapy dog may be excluded from school property if a school administrator determines any of the above are being violated. Owner shall remove the dog immediately if so.

## **III. RESPONSIBILITIES**

Therapy dogs are independently owned by school employees or designees and must meet standards of health as prescribed by veterinarians at the owner's expense. Required training for accreditation is at the owner's expense. The school district bears no financial responsibility for

the care or feeding of the animal. The school district is not responsible for providing any care, supervision, or assistance of the therapy dog.

Therapy dogs in the school setting shall be recommended by the Superintendent of Schools and approved by the Board of Education. Prior to recommendation and approval, owners shall provide:

1. Proof of current Inoculations
2. Proof of Health, such as a current health certificate from a Veterinarian
3. Visible cleanliness of dog with no sign of fleas/ticks
4. A visually healthy, alert and not grossly over or under weight dog
5. Proof of physical
6. Proof of Heartworm Test
7. Proof of current licensure from local licensing authority.
8. Therapy dog must have appropriate identification.

These same requirements must be met on an annual basis, prior to the start of any school year.

All therapy dogs and owners shall be tested and accredited by a nationally recognized dog therapy certification/registration program (Therapy Dog Inc., American Kennel Club Therapy Dog, Pet Partners, etc.).

Owner of dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others that is caused by the therapy dog while on school grounds.

The building principal shall notify parents on an annual basis regarding the presence of a therapy dog in the school building.

#### Legal References:

- Section 504 of the Rehabilitation Act of 1973
- 28 C.F.R. § 35.104, 28 C.F.R. § 35.130(b)(7), and 28 C.F.R. § 35.136 (ADA Regulations)
- 20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)
- Minn. Stat. § 256C.02 (Public Accommodations for Persons with Disabilities)
- Minn. Stat. § 363A.19 (Discrimination Against Blind, Deaf, or Other Persons with Physical or Sensory Disabilities Prohibited)
- Minn. Stat. § 609.226 (Harm Caused by Dog)
- Minn. Stat. § 609.833 (Misrepresentation of Service Animal)