

***SERVICE ANIMALS***

The Lyon County School District is committed to providing equal access to its programs, activities, events and facilities and will not discriminate against any individual regardless of that individual's disabilities. Individuals who, because of the nature of their disability, require the assistance of a "service animal" to access LCSD programs, activities, events and facilities shall not be denied access.

The District permits individuals with disabilities to use their service animals at District facilities and in District programs and activities in accordance with Section 504 and Title II regulations at 34 C.F.R. § 104.4; and 28 C.F.R. §§ 35.104, 35.130, and 35.136.

For the purposes of this policy the term "service animal" is defined as:

1. 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.
2. A miniature horse if the miniature horse has been individually trained to do work or perform tasks for the individual's benefit, subject to the following considerations:
  - 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 the specific facility compromises legitimate safety requirements that are necessary for its safe operation.

All other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this policy.

To avoid disruptions to the learning environment and to reduce personal and property liability, only service animals as outlined above are permitted on district property. Exceptions to this policy require express written consent from the building principal or workplace supervisor after consultation with the Superintendent or designee.

Should you feel your rights have been violated regarding this policy or use of your service animal, please contact:

-LCSD Executive Director of Special Services and Section 504 Coordinator

-LCSD Executive Director of Human Resources and Title IX Coordinator

775-463-6800

25 E. Goldfield Avenue

Yerington, NV 89447

References: Americans with Disabilities Act, Title II Regulations as amended in 2010, 28 C.F.R. Part 35.

***SERVICE ANIMALS – ADMINISTRATIVE REGULATIONS***

**A. Use Of Service Animals**

1. In determining whether an animal that accompanies an individual with a disability qualifies as a service animal, the District may ask solely (1) if the animal is required because of a disability, and (2) what work or task the animal has been trained to perform. The District may not ask for documentation (e.g., service animal identification, proof that the animal has been certified or prescribed by a physician, etc.), or ask about the nature or extent of the individual's disability.
2. Individuals with service animals are not required to (1) request permission prior to bringing the service animal to school or to a school function; or (2) provide proof that the service animal is vaccinated unless such a request is a legitimate safety requirement that also applies to pets per federal, state, or local law.

**B. General Rules for Use of Service Animals**

1. The owner of the service animal is liable for any harm or injury cause by the animal to other students, staff, visitors, and/or property.
2. All service animals must be “required” for the individual with a disability.
3. All service animals must be “individually trained” to do work or a task for the individual with a disability.

All service animals 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 task, in which case the service animal must be otherwise under the handler's control; i.e., voice control, hand signals or other effective means of control.

4. The LCSD is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. However, the District is responsible for implementing a student's 504/IEP plan as written, which may include the need to care for or supervise the service animal as outlined in the 504/IEP.

- a. The LCSD is not responsible for providing a staff member to walk the service animal or provide any other care or assistance to the animal.

- b. Individuals with service animals are expected to care for and supervise their animals, except as noted in B4 above.

### **C. Access To Facilities**

Individuals requiring the use of service animals shall be permitted to be accompanied by their service animal in all areas non-disabled persons are allowed to access. No additional fee may be charged to an individual with a service.

### **D. Removal of Service Animal**

1. The LCSD reserves the right to remove a service animal if any of the requirements set forth above are not met. The site administrator or their designee may also request that an individual with a disability or their parent/guardian remove a service animal from a school building, classroom, or from a school function if any one of the following circumstances occur:
  - a. The animal is out of control and the animal's handler does not take effective action to control it.
  - b. The animal is not housebroken.
  - c. The animal's presence would fundamentally alter the nature of the service, program, or activity.
2. If a service animal is excluded, the individual with the disability shall have the opportunity to continue to access the program, activity, event, and facility without having the service animal on the premises. Additionally, the decision to remove a service animal that is part of a student's 504 plan or IEP must be made consistent with the procedural requirements of Section 504 and Title II. This includes reconvening the Section 504 or IEP team to ensure that the student is still receiving a free and appropriate public education.