



SERVICE ANIMAL POLICY

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The School District does not discriminate against individuals (students, employees and/or visitors) with disabilities, including those who need the assistance of a service dog or service miniature horse in its facilities (classrooms, schools, buildings, work locations and administrative sites). The School District complies with state and federal laws (ADAAA 2008, The Code of Federal Regulations 28 CFR Part 35) concerning the rights of persons with service dogs or service miniature horses.

All Principals/ Department Heads and /or designees must comply with the following measures when authorizing individuals (students, employees and/or visitors) with disabilities to be accompanied by a service animal in School District facilities or School District sponsored events. No dog or miniature horse shall be taken to school without prior authorization of the Douglas County School District and the School Principal

I. DEFINITIONS

Service dog:

A “service animal” is defined by law as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual or other mental disability.

Other Species:

“A public entity or private business must allow a person with a disability to bring a miniature horse on the premises as long as it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. However, an organization can consider whether the facility can accommodate the miniature based on the horse’s type, size, and weight. The rules that apply to service dogs also apply to miniature horses”. (ADA National Network)

Work or Task:

The function of service animals is to fulfill some of the tasks that individuals with disabilities cannot accomplish themselves. The work or tasks performed by the service animal must be directly related to the individual's disability. The service animal must be “individually trained” to do something that qualifies as work or task.

A dog that is simply a “pet” or a “support dog” and does not mitigate the facets of the disability, is not a service animal.

Examples of work or tasks to be performed by a service animal include but are not limited to:

- Supporting individuals that are blind or have severe sight impairment as “seeing eye dogs” or “guide dogs”;
- Warning deaf or individuals with hearing impairment of sounds;

- Pulling wheelchairs or carrying and picking up objects for individuals with mobility impairments;
- Assisting mobility-impaired individuals with balance;
- Helping persons with psychiatric and neurological disabilities by stopping impulsive or destructive behaviors.

II. ACCESS

The service animal must be a dog or a miniature horse. No other species of animal, whether wild or domestic, will be authorized in School District facilities or school/district sponsored events as a “service animal.”

In compliance with the law, individuals with disabilities shall be permitted to be accompanied by a service dog or a miniature horse in all areas of the Douglas County School District facilities, and vehicles, where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go, if the facility can accommodate the miniature horse’s type, size or weight.

The School District shall make reasonable accommodations so that its facilities, vehicles, grounds and functions are accessible for an individual with a disability who is accompanied by a service animal. However, accommodations will not be made to the extent that the accommodation imposes an “undue hardship” on the School District or poses a physical threat/danger to others.

If the work/task the service animal provides is not obvious, before a service animal will be accepted in a School District facility or vehicle or, on School District grounds or functions, the building principal, and/or ADA Manager could ask the service dog’s handler two questions, to determine whether the animal qualifies as a service animal:

- Is the animal required because of a disability; and
- The type of work or task(s) the animal has been trained to perform.

A School District representative may not ask these questions about a service animal if it is clear that the service animal is trained to do work or perform tasks for an individual with a disability, e.g., a dog is seen guiding a blind person, pulling a person’s wheelchair, or a miniature horse is providing assistance with stability or balance to a person with an observable mobility disability.

The service animal handler/owner is required to participate in meetings requested by the Building Principal, and/or ADA Manager, to help create a strategy for the visit with the service animal or the full time admission to school.

Staff members and families of the school must be informed that a service animal will be authorized on site prior to the first attendance to guarantee that there are no individuals who suffer from acute allergic reactions the animal. This does not apply to visitors.

In the event that a student or staff member assigned to the classroom in which the service animal is approved, suffers an allergic reaction to the service animal, either the person having custody and control of the service animal will be required to remove the animal to a different site designated by the school principal or designee or the person with the severe allergy will have to be moved to a different location and an alternate plan has to be created with the appropriate School District staff.

III. SERVICE ANIMALS IN TRAINING

Under Colorado law, service animals-in-training are permitted in certain public areas without being required to pay an extra charge for the service animal in training. For purposes of access to schools, public areas include:

- The cafeteria during a public fundraising event,
- The auditorium during public exhibitions,
- Administrative offices,
- The gymnasium during a public sporting event.

Public school classrooms are not considered “public areas” for purposes of this provision. Accordingly, individuals may be accompanied by a service animal in training if they are on school property that is being used as a “public area,” but will not be permitted in classrooms during educational instruction.

IV. RESPONSIBILITIES

In order to have the authorization of the Douglas County School District to bring a service animal to school, vehicles, School District grounds and functions, the handler/owner must submit:

- A completed and signed Service Animal Request Form. (Found under www.dcsdk12.org > A-Z > Letter S), up to 30 days prior to the service dog’s first attendance at school,

- A health certificate or report of examination from a veterinarian licensed in the U.S., indicating that the service animal has a vaccination license and is free of disease. The documentation must be provided annually, if applicable.

The following requirements apply:

- **A service animal must be under control of its handler, at all times.**
- A service animal is the personal property of the student/employee or visitor.
- The School District is not liable for the care or supervision of a service animal.
- The School District is not responsible for providing a staff member to walk the service animal for exercise or so that the dog can relieve itself or to offer any other care or assistance to the service dog/miniature horse (water, food).
- Students/employees/visitors, with a service animal must be able to care independently or with little assistance for the animal. (If the child or employee requires school personnel to actually issue commands to the animal, as opposed to occasionally reminding him/her to do so, then he/she cannot be considered in control of his/her service dog.)
- A service animal will not be permitted if the animal's presence would disturb the nature of the service, program, or activity.
- The owner of a service animal is solely liable for any damage or injury caused by the animal to other students, staff, visitors, and/or school board property.

SERVICE ANIMAL PUBLIC APPROPRIATENESS

The service dog/ miniature horse must:

- be clean and well groomed to prevent shedding and dander,
- be kept free of fleas and ticks,
- not have an offensive odor and,
- not urinate or defecate in inappropriate locations.

BEHAVIOR

The service dog must not:

- seek attention or annoy other students or school personnel;
- vocalize unreasonably by barking, growling, or whinnying;
- show aggression towards people or other animals beg or steal food or other objects from students or school personnel;
- disrupt the normal course of school business.

TRAINING

The service animal must:

- be specially and fully trained to perform a task to mitigate facets of a student's or employee's disability;
- have a harness, leash, or other tether, unless either the handler is unable because of his/her 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, and efficient implementation of the work or tasks, in which case the service dog is required to be under the handler's control;
- be able to perform the work/tasks in public; and, be able to lie silently beside the handler without blocking aisles, doorways, etc.(dogs)

V. EXCLUSION OF SERVICE ANIMALS FROM SCHOOL DISTRICT FACILITIES

A School District representative may ask an individual with a disability to remove a service animal from School District Facilities, if:

- the service animal is not under the control of its handler and the handler does not take effective action to control it, or
- the service animal is not housebroken.

If the service animal is excluded, the adult handler or parent/guardian of the student having custody of the dog will be required to remove the service animal from School District premises without delay. The school district shall give the individual with a disability the opportunity to join in the service, program, event or activity without having the service animal on the premises.

DIRECT THREAT

“Direct Threat” occurs when a substantial risk to health and safety of others cannot be removed by an adjustment of policies, practices and procedures. Dogs might trigger an allergic reaction or otherwise harm the health of students or employees.

No service animal may be taken to school or kept in the school, classroom, office or public areas that may negatively affect the health of any student or employee who must use that area.

Dogs that trigger an allergic reaction or impair the mental/emotional/physical health of students or employees shall be removed from the school/classroom or vehicle promptly so that no student or employee shall have his or her health compromised.

In concluding whether a service animal poses a “direct threat” to the health and safety of others, the Douglas County School District will make an individual evaluation, based on reasonable judgement that relies on current medical knowledge or on the best available objective evidence.

The following will be considered in determination if a direct threat exists:

- the nature, duration, and severity of the risk
- the probability that the potential injury will actually occur; and
- whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

VI. STUDENTS

All requests for students with a disability to be accompanied by a service animal must be addressed in written form (online Service Animal Request Form). The request must be submitted as soon as possible, and at least thirty (30) school days prior to bringing the service animal to the school.

504 PLANS AND INDIVIDUALIZED EDUCATION PLANS

The service animal may be incorporated in the 504 plan or IEP under the following conditions:

- In regards to the 504 plan, if the use of a service animal is required to avoid discrimination on the basis of disability, to allow to take part in or benefit from the School District’s services, programs or activities, or to provide the student with a Free Appropriate Public Education (FAPE) as defined by section 504; and
- In regards to an IEP, if the use of a service animal is needed for the student to receive

FAPE as described by the Individualized with Disabilities Education Act.

A student with a disability may be accompanied by a service animal regardless of whether the service animal is written into a 504 plan or IEP, subject to any condition or limitations established by this policy or applicable law.

Under the ADA, service animal must be harnessed, leashed, or tethered, unless any of these tools interfere with the service animal’s work or the student’s disability prevents the use of any of these tools. In such case, the service dog must otherwise be under the handler’s control.

Individuals with disabilities, or any other individuals who are negatively impacted by service animal should contact the school Principal/Administration. Documentation will be required to confirm the disability and the necessity for an accommodation. The school Principal/Administration shall facilitate a process that will settle the conflict that considers the opposing needs/accommodations of the disabled individuals.

If a service animal will accompany the student to school, the principal, 504 Liaison and the parent/guardian of the student will meet to create a plan and to give the parent/guardian guidelines and responsibilities regarding allowing the service animal in school.

IMPLEMENTATION PLAN

Upon agreement, the school will work with the student's parents and/or handler to:

- Guarantee that families, school body and school community are notified that a service animal will be in the school building, to allow other families to voice concerns.
- Ensure that there are no other students with life threatening allergies, particularly in the classroom the service animal will work.
- Familiarize the service animal and/or handler with the campus prior to the actual start date; - orient the service animal to school faculty and students, mainly those in the student's classroom;
- Establish a school wide educational program to instruct others on how to behave correctly around a service animal; and - establish water or feeding breaks for the service animal,
- Create a place for the service animal to urinate/defecate and a location for the handler to correctly dispose the service dog's waste.
- Establish and practice a fire drill and an emergency evacuation plan to include the service animal.

TRANSPORTATION OF THE SERVICE ANIMAL

If a student with an approved service animal uses School District transportation services, the following shall apply:

Prior to the first transport of the student and the service animal:

- The driver and any bus attendant shall be introduced to the service animal's owner. The owner is responsible for providing information to the driver and any bus attendant regarding critical commands needed for daily communication and emergency/evacuation;

- The service animal’s owner shall support the school district’s transportation department staff in informing other students riding the bus with the service animal about the animal’s functions and how students should interact with the service animal;
- The service animal’s owner shall ensure the service dog practices the bus evacuation drills with the student.

On the bus, the handler shall ensure that the service animal is positioned on the floor, at the student’s feet. The animal must be secured by a harness, leash, or other tether, unless such harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or task; in such a case, the service animal must otherwise be under the handler’s control.

CESSATION OF TRANSPORTATION

Situations that would cause a cessation of transportation of the service animal include, but are not limited to, the following:

- The service animal’s behavior poses a threat to the health or safety of others as determined by the School District.
- The service animal urinates or defecates on the bus; or
- The service animal does not remain in the designated area.

Allergies and fear of animal are not valid reasons for rejecting access or declining service to people using a service animal. If a person who is allergic to animal dander and the person who uses the service animal must spend time in the same room or facility, or vehicle, for instance, in a school classroom, they both should be accommodated by assigning them, if possible, to separate locations within the room or different rooms in the facility.

VII. EMPLOYEES

All requests for an employee with a disability to be accompanied by a service animal must be addressed in writing (online Service Dog Request Form) and submitted to the school Principal and the ADA Manager. This written request must be submitted as soon as possible or at least thirty (30) school days prior to bringing the service animal to a School District facility.

VIII. VISITORS

A visitor with a disability accompanied by a service animal will be authorized to access a School District facility at district/school functions.

In order to ensure students and staff members are safe and informed, we are asking the visitor(s) to fill out the Service Animal Request form on the Douglas County School District Website prior to the visit, so that the ADA Manager can inform the school administration and any precautionary changes can be made.

Should the service animal not be under control of the handler during the visit, the school has permission to have the service animal removed from the school facility.

VIII. INTENTIONAL MISREPRESENTATION OF A SERVICE ANIMAL

Under Colorado law, a person commits intentional misrepresentation of a service animal if:
The person intentionally misrepresents an animal in his or her possession as his or her service animal or service animal-in-training for the purpose of obtaining any of the rights or privileges set forth in section 24-34-803, CRS, for individuals with disabilities with service animals, and,
The person knows that the animal in question is not a service animal or service animal-in-training
Violation of this law is a misdemeanor punishable by fines and/or community service.

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 Requirements guidance document regarding service animals, www.ada.gov/service_animals_2010.htm Intentional Misrepresentation of a Service Animal for a Person with a Disability, C.R.S. §18-33107.7