

Service Animals on District Property

Purpose

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) requires state and local government entities, which includes the Fargo Public School District, to make reasonable accommodations for qualified students, parents or guardians, and stakeholders in order to allow access to its programs, services, and activities, and for qualified employees to be able to perform the essential functions of their jobs. This policy establishes the procedures for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

Definitions

“Service Animal” means any dog, or in specific circumstances, a miniature horse, that is individual 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a 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.

“Handler” means 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. District personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

“Work or tasks” includes, but is 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 destruction behaviors.

“Individual with a Disability” as a person who has a physical or mental impairment that limits one or more major life activities of the individual; has a record of such an impairment; or is regarded as having such an impairment.

Requirements for all Service Animals

1. The service animal must be required for the individual with a disability.
2. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.
3. The service animal must have a harness, leash, or other tether, unless either the handler is unable to use such because of a disability, or the use of such would interfere with the service animals 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).

4. The service animal must be housebroken.
5. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of the service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, or responding to the service animal's need to relieve itself. The handler is responsible for properly cleaning up any waste associated with the service animal relieving itself on school property. Under control also means the service animal does not bark repeatedly in class, theaters, libraries, or other quiet places.
6. The District is not responsible for providing a staff member to walk to service animal or to provide any other care or assistance to the animal.
7. In the case of a student who is unable to care for and/or supervise their service animal, the student's parent or 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 their service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
8. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances. The handler is responsible for knowing all licensure and vaccination requirements.

Additional Requirements for Service Miniature Horses

Requests by a person with a disability to permit a service miniature horse that has been individual trained to do work or perform tasks for the person to accompany them on District property or at District-sponsored events will be handled on a case-by case basis, considering these additional factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises health and safety.

Requesting a Service Animal

1. Students with a disability seeking to be accompanied by a service animal are to submit the Service Animal Request form to the Principal of the school the student attends. The Principal will notify the Director of Compliance of the request. District employees seeking to be accompanied by a service animal are to submit the Service Animal Request form to the Human Capital Department.
2. Students or employees seeking to bring a service animal onto District property are to identify whether the need for the service animal is required because of a disability, and to describe the work or tasks that the service animal is trained to perform.
3. The owner of the service animal will also be required to provide proof that the service animal is properly licensed and vaccinated in accordance with both state law and local ordinance.

Exclusion and Removal of Service Animals

The District retains the discretion to exclude or remove a service animal from its property in any of the following situations:

1. If any of the previously identified conditions are not met.
2. The service animal is out of control and/or the service animal’s handler does not effectively control the animal’s behavior.
3. The service animal’s presence or behavior fundamentally alters the functions of the District.
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.

Liability

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

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.

Allergies and Fear of Animals

Allergies and fear of dogs are generally not valid reasons for denying access or refusing service to individuals using service animals. When a student or employee notifies the District that they are allergic to a service animal, the District will take reasonable steps to accommodate that student or employee as well as the individual utilizing the service animal.

Animals for Students with Individualized Education Plans (IEP) or Section 504 Plans

If a student with an IEP or a Section 504 plan seeks to bring an animal onto District property that is not a service animal, the request must be referred to the student’s IEP or Section 504 team to determine whether the animal is necessary for the student to receive a free and appropriate public education (FAPE).

Legal Citations

Americans with Disabilities Act, 42 §§ U.S.C. 12101 et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
ADA regulations at 28 CFR 35.104 and 35.136
N.D.C.C. § 14-02.4-02(5)
N.D.C.C. ch. 25-13

(See below for Service Animal Request Form)

January 2013
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Revised 6/2024

Approval Request Form for Use of Service Animal

Please turn in your request to the Director of Compliance (Students) or the Human Capital Department (Employees)

Student/Employee Name: _____ Date: _____
Parent or authorized representative name(s) and contact information (please include email, phone number, and address):

District Building: _____
Type of service animal: _____
Name of Service animal: _____ Name of handler: _____
Is the service animal required because of a disability: _____

What work or tasks is the service animal trained to perform: _____

Checklist for Completion of Form:

Attached is the documentation that the service animal is:

- Property licensed
Properly and currently vaccinated

I have read and understand Fargo Public School District Administrative Policy 6260 – Service Animals on District Property and will abide by the terms of the policy.

I understand that if my service animal is out of control and/or the animal’s handler does not effectively control the service animal’s behavior; it is not housebroken or the animal’s presence or behavior fundamentally interferes in the function sof the District; or 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 direct threat to the health and safety of others that cannot be eliminated by reasonable modifications, the District has the discretion to exclude or remove my service animal from its property.

I agree to be responsible for any and all damage to District property, personal property, and for any injuries to individuals caused by my service animal. I agree to indemnify, defend, and hold harmless the Fargo Public School District, its Board members, directors, officers, employees, agents, from and against any and all claims, actions, suits, judgments and demands brough by any party arising on account of, or in connection with, any activity of, or damage caused by, my service animal.

Director of Compliance Signature _____ Date:

Parent/Guardian Signature _____ Date:

Note: This Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year, or whenever a different service animal will be used.