

Students

Service Animals in Schools

I. Purpose

This policy establishes procedures for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

II. General Statement of Policy

Service animals are permitted to accompany individuals with a disability to public events or within public areas of the school district, consistent with the Americans with Disabilities Act, and Minnesota law concerning persons with disabilities. Use of a service animal on district property is subject to the following procedures.

III. Definitions

For purposes of this policy, the definitions included in this section apply.

- A. "Service animal" means any dog, or in specific circumstances, a miniature horse, 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes 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.
- B. "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.
- C. "Trainer" means a person who is training a service animal and is affiliated with a recognized training program for service animals.
- D. "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 destructive behaviors.

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 will 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 will 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, as described in III.A.
- C. 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 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, or responding to the service animal's need to relieve itself.
- F. The 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 their 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 their 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 Use of a Service Animal

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the form attached as Appendix to the principal of the school the student attends. The principal will notify the director of student support services of the request. School district employees seeking to be accompanied by a service animal are requested to submit the attached form to the director of human resources.
- B. Students or employees seeking to bring a service animal onto district premises are requested 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.
- C. The owner of the service animal is requested to provide proof that the service animal has received all vaccinations required by state law or local ordinance.
- D. The district will perform a background check for handlers in accordance with Policy 404.

VII. Additional Provisions for Service Miniature Horses

- A. Requests by an individual with a disability to permit a service miniature horse that has been individually trained to do work or perform tasks for the individual to accompany the individual on school district property or at a district-sponsored event will be handled on a case-by-case basis, considering these additional factors:
 - i. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - ii. Whether the handler has sufficient control of the miniature horse;
 - iii. Whether the miniature horse is housebroken; and
 - iv. Whether the miniature horse's presence in a specific facility compromises health and safety.

VIII. Exclusions/Removals of Service Animals

The school district retains the discretion to exclude or remove a service animal from its property or school-sponsored program or activity if:

- A. Any of the previously listed conditions are not met.
- B. The service animal is out of control and/or the animal's handler does not effectively control the animal's behavior.
- C. The service animal's presence or behavior fundamentally alters the functions of the district.
- D. 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.

IX. Liability

- A. 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 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.

X. Allergies; Fear of Animals

Allergies and fear of dogs generally are not valid reasons for denying access or refusing services to individuals using service animals. When a student or employee notifies the school 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.

XI. Animals for Students with IEPs or Section 504 Plans

If a special education student or a student with a Section 504 plan seeks to bring an animal onto district property that is not a service animal, the request will 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 appropriate public education (FAPE).

XII. 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 will be referred to the director of human resources. 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 their position or to perform in a manner comparable to those similarly situated non-disabled employees.

Legal References:

20 U.S.C. § 1401 et seq. (Individuals with Disabilities Education Act)
29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973)
28 C.F.R. §§ 35.104; 35.136 (Definitions; Service Animals)
Minn. Stat. § 256C.01-.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)
Edina City Code, Ch. 8 (Animals)

Cross References:

Policy 402 (Disability Nondiscrimination)
Policy 521 (Student Disability Nondiscrimination)
Policy 404 (Employee Background Checks)

Policy
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INDEPENDENT SCHOOL DISTRICT NO. 273
Edina, Minnesota

Appendix I to Policy 721

Approval Request Form for Use of a Service Animal

Please turn in your request to the director of student support services (students) or the director of human resources (employees)

Student/Employee Name: _____ Date: _____

Parent/Guardian or authorized representative name(s) and contact information (*please include email, phone number, and address*):

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 documentation that the service animal is:

- Properly licensed
- Properly and currently vaccinated

I have read and understand the Edina Public Schools Service Animals in Schools policy 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 animal's behavior; is not housebroken or the animal's presence or behavior fundamentally interferes in the functions of 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 school 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 any injuries to individuals caused by my service animal. I agree to indemnify, defend, and hold harmless Edina Public Schools, its directors, officers, employees, and agents, from and against any and all claims, actions, suits, judgments, and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my service animal.

Director Student Support Services Signature _____ Date _____

Parent/Guardian Signature _____ Date _____

Note: This Registration/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.