

**Tumwater School District
Board Policy**

SERVICE ANIMALS IN SCHOOLS

The Tumwater School District Board of Directors acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” as required by Title II of the Americans with Disabilities Act (Title II), Section 504 of the Rehabilitation Act of 1973 (Section 504) and the Washington State Law Against Discrimination.

This policy, and the procedures adopted hereunder, governs the presence of service animals in District schools, on school property, including school buses, and at school programs and activities.

Definition

A “service animal” is a dog or miniature horse that is trained to do work or perform tasks for the benefit of an individual with a disability.

Examples of work or tasks include, but are not limited to the following:

- 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 nonviolent protection or rescue work,
- Pulling a wheelchair,
- Assisting an individual during a seizure,
- Alerting an individual 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.

The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

Use of Service Animals by Students and Visitors

A student and/or visitor with a disability may be accompanied by a service animal on school property, including bus services, and at school programs and activities in accordance with Title II.

Advance approval is not required for a service animal to accompany a student and/or visitor. A parent/guardian of a student with a disability who intends to bring a service

animal to school is encouraged, but not required, to provide advance notice to the building principal to allow the school to plan for the presence of the service animal.

It is a civil infraction to misrepresent an animal as a service animal.

Permissible Inquiries

In determining whether an animal that accompanies a student and/or visitor with a disability qualifies as a service animal, the District may only ask: 1) if the animal is required because of a disability, and 2) what work or task the animal has been trained to perform. The principal may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

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.

This provision does not limit the District's obligations under 34 C.F.R. § 300.111 and § 104.36 to evaluate a student when the District has reason to believe the student may need special education or related aids and services.

Cross References: 5010 - Nondiscrimination and Affirmative Action
 3210 - Nondiscrimination
 2162 - Education of Students With Disabilities Under
 Section 504 of the Rehabilitation Act of 1973
 2161 - Special Education and Related Services for Eligible
 Students
 2029 - Animals as Part of the Instructional Program

Legal References: American Disabilities Act (ADA), Revised Title II
 Regulations, §35 Service animals
 Section 504 of the Rehabilitation Act of 1973
 RCW 28A.642 Discrimination Prohibition
 RCW 49.60.040 Definitions
 WAC 162-26 Public accommodations, disability
 discrimination
 WAC 392-145-021(3) General operating requirements
 WAC 392-172A-01035 Child with a disability or student
 eligible for special education
 WAC 392-172A-01155 (3) Related services
 WAC 392-190 Equal education opportunity - Unlawful
 discrimination prohibited

Management Resources: 2018 - December 2018 - December Policy Issue

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