

Tumwater School District Procedures

SERVICE ANIMALS IN SCHOOLS

Definition

A service animal is a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by the service animal must be directly related to the individual's disability.

Examples of work or tasks, consistent with Title II of the ADA (Title II), include, but are 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,
- 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.

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

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. The use of a service animal shall not be conditioned on the payment of a fee, security deposit or surcharge. A service animal must also be licensed and immunized in accordance with the laws, regulations, and ordinances of the city of Tumwater, the county, and the state of Washington.

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

Section 504 – FAPE Considerations (Students Only)

When a student with a disability uses a service animal in District programs or facilities, the District will consider its obligations under Section 504 of the Rehabilitation Act of 1973 (Section 504) to determine whether the student requires related aids, services, or accommodations in connection with the use of a service animal to ensure that the student receives a free appropriate public education (FAPE).

The District will follow its Section 504 evaluation procedures if it has reason to suspect that a student who uses a service animal requires related aids, services, or accommodations to receive FAPE. Any determination of such aids, services, or accommodations

will be based on the student's individual needs (See Board Policies 2161 and 2162 and Procedure 2162P).

Use of Service Animals by Members of the Public

The use of a service animal by visitors with a disability is permitted at school district buildings, grounds, activities and facilities, including school buses on the same terms as other members of the public, subject to the provisions of this procedure, and shall not be conditioned on the payment of a fee, security deposit or surcharge.

Permissible Inquiries

If the individual's disability or the work or tasks performed by the service animal are not obvious, District employees may ask only the following two questions: 1) is the dog a service animal required because of a disability; and 2) what work or task the animal has been trained to perform. District employees may not ask for documentation (e.g., service animal identification, proof that the animal has been certified or prescribed by a physician, etc.) and may not inquire about the nature or extent of the individual's disability.

Control of Service Animal

A service animal must be under the control of its handler. Under Title II, service animals must be harnessed, leashed, or tethered, unless the individual's disability prevents using these devices or these devices interfere with the service animal's safe, effective performance of tasks. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Parents or Animal Handlers

Parents/guardians or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal are required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

Removal or Exclusion of a Service Animal from School or School Property

The building principal, a district administrator, or employee responsible for supervising an activity or premises (e.g. bus driver, coach, security officer, etc.) may only request an individual with a disability to remove a service animal from school, a school sponsored activity or school property if:

1. The presence of the animal poses a direct threat to the health and/or safety of others;
2. The presence of the animal would result in a fundamental alteration of any school program;
3. The animal is not harnessed/leashed or controlled by voice/hand signals, etc.;
4. The animal is out of control in public – e.g., growling, biting, excessive barking;
5. There is a legitimate safety requirement necessary for the safe operation of the service, program or activity;

6. The animal is out of control and the handler does not take effective action to control it; or
7. The animal is not housebroken.

If the district excludes a service animal, it will provide the individual with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises.

For a student, any proposed on-going exclusion of a service animal shall be expeditiously addressed as a change in placement and the student and parent/guardian provided notice of the procedural protections in Policy and Procedure 2161 and 2161P and 2162 and 2162P.

Responsibility/Liability

Neither the district, nor its employees, are responsible for the cost, care or supervision of the service animal, absent a finding by a student's Section 504 or IEP Team that the service animal is required as a related service to provide the student a FAPE. (See Policies 2161, Education of Students with Disabilities, and 2162, Education of Students with Disabilities Under Section 504, for responsibility for related services).

The owner/handler of the service animal is responsible for any and all damage caused by the service animal at school, on school premises or at school activities.

Appeals

A student and/or visitor whose service animal has been excluded or removed, but who is not otherwise entitled to an appeal of the action under Policy 2161 or Policy 2162 and the applicable procedures thereunder, may appeal the decision to the superintendent under Policy and Procedure 4220 and 4220P. If dissatisfied with the superintendent's decision, the student and/or visitor may appeal to the board.

Resources

1. District Contact: Chris Burgmeier, Executive Director of Special Services
2. Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360-725-6162
3. Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360-753-6770
4. Office of Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310

Seattle, WA 98174
206-607-1600

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