

521.5 SERVICE ANIMALS

I. PURPOSE

Independent School District No.12 prohibits discrimination against individuals based on disability, including individuals who require the assistance of a service animal. Toward that end, the District acknowledges its obligation to modify its policies to allow the use of a service animal by individuals with disabilities.

II. DEFINITIONS

A. Handler: A “handler” is an individual with a disability who is accompanied by a service animal, a trainer who is accompanied by a service animal, or an individual who is handling a service animal for or on behalf of an individual with a disability.

B. Service Animal: A “service animal” is a dog (regardless of breed or size) or miniature horse that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets.

1. The “work or tasks” performed by a service animal must be directly related to the individual’s disability.

2. Examples of “work or tasks” 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, 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.

3. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.

C. Trainer: A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

III. RIGHTS AND RESPONSIBILITIES

A. Equal Access: A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler or the individual who needs the service animal because of a disability has the right: (a) to be present on District property or in 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 District.

B. Equal Treatment: The District may not do any of the following: isolate the handler from individuals without service animals; ask or require the handler to pay an extra fee; or treat the handler less favorably than individuals without service animals.

C. Care and Supervision: The School District is not responsible for the care or supervision of a service animal. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither the District nor its staff will assume such responsibilities.

D. Tether: A service animal must have a harness, leash or other tether, unless: (a) the handler is unable to use a harness, leash, or other tether because of a disability, or (b) the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks. If either (a) or (b) applies, the service animal must be under the handler's control by voice, signals, or other effective means.

E. Control: A service animal must be under the control of its handler.

F. Removal: A school official may require a handler to remove a service animal from District property, a district facility, a vehicle operated by or on behalf of the District, or a school sponsored event, activity, or program if the service animal is out of control and the handler does not take effective action to control it, or the service animal is not housebroken. If the District requires an individual with a disability to remove a service animal, the individual may remain on District property, in a District facility, in a District owned or operated vehicle, or at a school sponsored event, activity, or program without having the service animal, unless the individual has violated a law or school rule or regulation that would warrant the removal of the individual.

G. Liability: A handler who is accompanied by a service animal is liable for any and all harm, injury, or damage caused by the service animal.

IV. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES

A. Only Reasonable Modifications Required: The School District must make “reasonable” modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

B. Assessment Factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District may consider the following 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 legitimate safety requirements that are necessary for safe operation.

V. GUIDELINES FOR SERVICE ANIMALS

A. Permitted Inquires: District staff generally may ask a handler or an individual with a disability if an animal is required because of a disability and, if so, what work or task the animal has been trained to perform. However, District staff may not make these inquiries when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has impaired vision, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

B. Prohibited Inquires: District staff may not ask a handler or an individual with a disability about the nature or extent of a disability. In addition, District staff may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

C. Vaccinations. Each handler is responsible for ensuring that the service animal is properly vaccinated.

D. Allergies: If a student or employee notifies the District that he or she is allergic to a service animal, the District will balance the rights of the individuals involved.

Generally, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal.

E. Fear of Animals: Fear of animals is not a valid reason for prohibiting the presence of a service animal.

F. Working Status of Service Animals: Students, parents, and employees of the District should not feed or pet a service animal without permission from the handler. In addition, students, parents, and employees generally should not seek to separate a service animal from its handler.

G. Notice Encouraged But Not Required: Students, parents, and employees are encouraged, but not required, to notify the building principal if they expect to be utilizing a service animal on a regular basis. This notification will not be used to deny access to any program, service, activity, or benefit. Rather, this notification will be used to provide an opportunity for discussion that is designed to assist the student or employee in transitioning to the regular use of a service animal at school or work.

Legal References: 28 C.F.R. § 35.136

Minn. Stat. § 363A.19

Minn. Stat. § 256C.02

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