

607.09 Service Animals

Friday, August 11, 2023

SERVICE ANIMALS AND THERAPY DOGS

The Board recognizes that service animals may be used to provide assistance to some persons with disabilities. This policy governs the presence of service animals in the schools, on school property, including school buses, and at school activities.

A service animal is a dog 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 are not service animals for the purposes of this definition, though miniature horses are entitled to similar treatment in certain circumstances.

The service animal must perform tasks or do work for the individual with a disability. The work or tasks performed by a service animal must be directly related to the individual's disability, such as:

- 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.

Excluded from the lists of acceptable tasks or work performed by a service animal are:

- The crime deterrent effects of an animal's presence, or
- The provision of emotional support, well-being, comfort, or companionship.

When determining whether an animal qualifies as a service animal, school officials may ask the individual with a disability only two questions:

1. Whether the animal is required because of a disability; and
2. What task or work the animal has been trained to do. These questions may not be asked if it is readily apparent that the individual has a disability or that the animal is trained to do work or perform tasks for the individual with a disability. School officials may not ask about the nature or extent of a person's disability, nor can a request be made to produce a certificate establishing the dog's qualification as a service animal.

The service animal must remain well-behaved and under control at all times at school. The service animal must have a harness, leash or other tether unless it cannot be used by the person in control because of a disability or if it would interfere with the service animal's performance. In either case, the animal must still be under control by way of voice controls, signals or other means.

Individuals with disabilities are permitted to be accompanied by a service animal in all areas of the district's facilities where members of the public, participants in services, programs, or activities are normally allowed to go. If the service animal has a separate handler, that individual shall also be allowed access to facilities. At events for which an attendance fee is charged, there shall be no additional fee for the service animal.

The district may remove or exclude a service animal from district facilities if:

1. The animal is out of control and the animal's handler does not take effective action to control it;

2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others;
or
4. The presence of an animal would require a fundamental alteration to the service, program or activity of the district. In the case of removal of a service animal from the premises, the individual with a disability shall still be provided with the opportunity to participate in the service, program, or activity without the service animal.

The person in control of the service animal, and not the school district, is responsible for caring for the dog's needs. This includes any feeding, exercising, and clean up. The district may charge for any property damage caused by the service animal provided the district normally charges individuals for damage they cause.

Therapy Dogs

A therapy dog is one that is used to provide emotional support, well-being, comfort, or companionship to students. Such dogs are generally not intended for the personal use of district students or employees and will only be approved at the discretion of district administration and counselors for their intended purpose. Prior to the consideration of the use of a therapy dog by an individual student, administration and counselors shall consult with the student's parent/guardian and the student's health care provider.

In the case of considering the routine use of a therapy dog by an individual student, the limitations stated above for service animals will also apply to therapy dogs. In addition the school will require that the therapy dog's owner must provide to the district a proof of vaccinations received by the therapy dog as determined by and signed by a veterinarian, for the district's files. These records shall be maintained in the district's files. The therapy dog must be spayed or neutered. The therapy dog must show no aggression toward people or other animals and must not bark or make other distracting noises while in school. The therapy dog may not interfere with the educational process of any student. The district may also require that the therapy dog has been obedience tested and certified as Canine Good Citizens by the American Kennel Club ("AKC") and certified for temperament as a therapy dog with a specific handler by the AKC and supply supporting documentation of such certification satisfactory to the superintendent. The district shall maintain copies of

current certifications in its files.

Legal Reference:

ADA of 1990, 28 CFR Part 35

ADA of 1990, 42 USC Sec. 12101 et seq.

Section 504 of the Rehabilitation Act, 29 USC Sec. 794