

791L SERVICE ANIMALS IN SCHOOL

I. PURPOSE

The purpose of this Policy is to establish Procedures for the use of Service Animals by Students, Employees, and Visitors within Freshwater school buildings and on Freshwater school grounds.

II. DEFINITIONS

A. Service Animal:

A “service animal” means any dog (regardless of breed or size) or miniature horse that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog or miniature horse has been trained to provide must be directly related to the person’s disability.

Service animals are working animals that perform valuable functions; they are not pets. Service animals do not include any other species of animals, whether wild or domestic, trained or untrained, farm animals, rodents and animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being.

B. 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. For purposes of this policy, the terms “handler” and “individual with a disability” may be used interchangeably.

C. Work or Tasks:

1. Work or tasks are those tasks performed by a Service Animal. The “work or tasks” must be directly related to the individual’s disability.
2. Examples of work or tasks include, but are not limited to:
 - a. Assisting individuals who are blind or have low vision with navigation and other tasks;
 - b. Alerting individuals who are deaf or hard of hearing to the presence of people or sound;
 - c. Providing non-violent protection or rescue work;
 - d. Pulling a wheelchair;
 - e. Assisting an individual during seizures;
 - f. Alerting individuals to the presence of allergens;
 - g. Retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
 - h. Helping person 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 do not constitute work or tasks for the purposes of this definition.

D. Trainer:

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

E. Comfort Animal:

In and of itself, any animal referred to as a “comfort animal” is not allowed access to school district premises unless such animal meets all the requirements of a “service animal” and thus would be referred to as a service animal. [See II.A.]

III. ACCESS TO PROGRAMS AND ACTIVITIES: PERMITTED INQUIRES

A. Planning effective integration:

Prior to bringing a service animal on district property, facilities, or vehicles, the parent/guardian of a student with a disability or the employee will be asked to meet with a planning team to prepare for effective integration of the service animal into the school environment. This meeting will allow for planning regarding schedules, transportation, student instructional day and extracurricular activities, as well as a communication plan to the school community in preparation for the service animal. In addition, the parent/guardian or employee

will be provided with a copy of this Policy and asked to sign for acknowledgement of its' receipt.

B. Implementation:

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, or the individual who needs the service animal because of a disability has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right:

1. to be present on school district property or in school district facilities;
2. to attend or participate in a school sponsored event, activity or program; or
3. to be transported in a vehicle that is operated by or on behalf of the school district.

C. Prohibited and Permitted School Inquires:

1. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person's disability, but may make the following two inquires to determine whether the animal qualifies as a service animal:

a. Is the dog or miniature horse a service animal required because of a disability; and

b. What work or tasks has the dog or miniature horse been trained to perform.

2. School district employees shall not make these inquires of an individual with a disability bringing a service animal to school district property when it is obvious what service(s) the dog or miniature horse provides.

3. 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.

IV. REQUIREMENTS FOR ALL SERVICE ANIMALS

A. Control:

A service animal must be under the control of its handler at all times.

B. Fully Trained Service Animals:

The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability, as described in Section II. C.

C. Tether:

A service animal must have a harness, leash, or other tether, unless either the handler is unable because of disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether 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 controls, signals, or other effective means).

D. Housebroken:

The service animal must be fully housebroken.

E. Vaccinations:

The service animal must be properly and currently vaccinated.

V. CARE OF, AND RESPONSIBILITY FOR, SERVICE ANIMALS; LIABILITY

A. Handler Responsibly:

The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, toileting, clean up and stain removal.

B. No School Responsibility:

The district is not responsible for providing a staff member to walk the service animal or to provide any other care of assistance to the animal. Neither the school district nor its staff will assume such responsibilities. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the building administrator.

C. Supplies and Equipment:

Individuals with disabilities who are assisted by service animals are responsible for providing the supplies and equipment needed by the service animal.

D. Liability:

Owners of service animals or non-service animal are liable for any harm or injury caused by the service animal to other students, staff, visitors and/or property.

VI. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL

A. Exclusion:

A school official may require a handler to remove a service animal from school district property, a school building or a school-sponsored program or activity, if:

1. The serviced animal is out of control and the handler does not take effective action to control it;
2. The service animal is not housebroken;
3. The presence of the animal would fundamentally alter the nature of the services, programs or activities provided to the public;
4. The service animal poses a direct threat to the health and safety of others or has a history of such behavior.
5. The handler fails to submit proof of current licensing and vaccination rules that are applied to all dogs.

B. Participation:

If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.

VII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES

A. Limitations:

In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:

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;
4. Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate safety requirements that are necessary for safe operation; and
5. Whether the miniature horse's presence is contrary to any other provision of this policy.

VIII. ALLERGIES; FEAR OF ANIMALS

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

IX. ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS PLANS/INDIVIDUAL FAMILY SERVICE PLANS OR SECTION 504 PLANS

If a student on an Individualized Education Program Plan/Individual Family Service Plan or a student with a Section 54 Team seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP Team or Section 504 Team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education ("FAPE").

X. SERVICE ANIMALS FOR EMPLOYEES

Use of service animal by a school district employee who is a qualified individual with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

Legal References: 28 C.F.R. §35.104, 28 C.F.R. § 35.130(b)(7) and 28 C.F.R. § 35.136 Minn. Stat. § 363A. 19 (Discrimination Against Blind, Deaf, or Other Persons with Physical or Sensory Disabilities Prohibited)

Cross References: Policy 521- Student Disability Nondiscrimination