

SERVICE ANIMALS

In accordance with the Americans with Disabilities Act (ADA) and its implementing regulations, it is the policy of the Ida Public Schools to permit individuals with disabilities to be accompanied by service animals in all areas of the District's facilities where members of the public, participants in District services, programs, or activities, or invitees, as relevant, are permitted.

For purpose of this policy and the implementing administrative guideline, "service animal" means a dog that has been 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 animal, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The District may permit an individual with a disability to be accompanied by a miniature horse in District facilities under certain circumstances if the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The Superintendent, or his/her designee, shall develop administrative guidelines to implement this policy.

Nothing in this policy or administrative guidelines shall be construed to diminish any rights an individual with a disability may have to be accompanied by a service animal or other assistance animal in District facilities or at District events under other state or federal laws.

Policies and procedures pertaining to animals on school property that are not service animals as defined by the ADA (e.g., pets, therapy dogs in classrooms for educational purposes, etc.) are not addressed in this policy.

42 USC § 12101, *et seq.*, Americans with Disabilities Act  
28 CFR 35.104, 28 CFR 35.136, ADA Regulations

*Adopted August 8, 2016*

### SERVICE ANIMALS

These guidelines have been developed to ensure proper implementation of Policy 8390, Service Animals, and to comply with the Americans with Disabilities Act (ADA) and its implementing regulations relating to the use of service animals in District facilities and on District property.

#### **Definition**

"Service Animal" means any 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. Except as provided by law, other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. The District may be required to permit an individual with a disability to be accompanied by a miniature horse in district facilities under certain circumstances if the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

The work or tasks performed by a service animal must be directly related to the individual's disability. The dog must be trained to take a specific action when needed to assist the individual with a disability. 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, the onset of a seizure, or high/low blood sugar levels;
- 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.

A dog whose sole purpose is to deter crime or provide emotional support or comfort to the individual with a disability due to the animal's mere presence does not qualify as a service animal under the ADA. The dog must be trained to take a specific action when needed on behalf of the individual with a disability in order to be a service animal under ADA and these guidelines.

### **Admission of Service Animals**

Individuals with disabilities, including students, employees, and visitors, may be accompanied by service animals in District facilities where members of public, participants in District services, programs, or activities, or invitees, as relevant, are permitted. A student with a disability or employee with a disability who desires to be accompanied by a service animal at school is encouraged, but is not required, to notify the District in writing at least 10 school days prior to bringing the service animal to school.

If a student or employee of the District desires to be accompanied by a service animal during school or work and the student or employee will not be the animal's handler, the handler must undergo a criminal history check and any other background check required by state law or District policy of school employees and volunteers prior to being allowed to regularly access to District facilities as the handler of the service animal. If the results of the background check would prevent the handler from regularly or continuously working in the District under state law or District policy, the handler will not be permitted to have regular access to District facilities as the handler of the service animal. However, the District must permit the individual with a disability to be accompanied by a service animal in District facilities, but without the handler.

### **Inquiries**

School officials are permitted to ask the individual with a disability or the service animal's owner or handler the following questions *to the extent the answers to the questions are not readily apparent*:

- Is the service animal required because of a disability?; and
- What type of work or task has the service animal been trained to perform?

School staff are not permitted to inquire about the nature or extent of the individual's disability. Staff also may not require documentation that the service animal is certified, trained, or licensed as a service animal; nor may personnel require the service animal to demonstrate its task or work.

If a local ordinance or the public health department requires that all dogs be vaccinated, registered, or licensed with the appropriate authorities, the District may require proof that the service animal meets these requirements.

### **Charges, Fees, and Liability**

The District may not ask or require an individual with a disability to pay the District a surcharge, deposit, or other fee in order to be accompanied by a service animal in District facilities. The District may charge the service animal's owner for damages to District property caused by the service animal to the extent it charges other individuals for damages caused to District property.

### **Care and Supervision of Service Animal**

The individual with a disability or the service animal's handler is responsible for the care and supervision of the service animal at school, including, but not limited to, toileting, feeding, grooming, veterinary care, and exercising of the animal. The District is not responsible to supervise or otherwise care for a service animal unless required by other laws.

### **Use of Harness, Leash, or Tether**

The service animal must be under the control of the handler at all times. A service animal must be on a harness, leash, or other tether unless the individual's disability prevents the use of these devices or the devices interfere with the service animal's performance of work or tasks on the behalf of the individual with a disability. In this case, the individual with a disability or the animal's handler must use voice, signal, or other effective means to maintain control of the service animal.

The District may provide a student with a disability who is accompanied by a service animal some assistance to enable the student to handle his or her service animal in some instances.

### **Exclusion of Service Animals**

The District may exclude a service animal from District facilities, vehicles, grounds, or functions under the following circumstances:

- The animal is out of control, and the animal's handler does not take effective action to control it;
- The animal is not housebroken;
- The animal poses a direct threat to the health and safety of others; or
- The animal's presence fundamentally alters the nature of the District's programs, services, or activities.

If school officials believe that the service animal should be excluded from District facilities, the individual with a disability (or the parent/guardian in the case of a student with a disability) will be notified and given an opportunity to respond to the District's concerns. If the District determines to exclude a service animal, it shall notify the party in writing, along with a copy of the District's Section 504/ADA grievance procedures. The individual with a disability shall be given the opportunity to participate in the District service, program, or activity without the service animal.

Allergies to pet dander and the fear of dogs are not valid reasons to exclude a service animal from District facilities. Persons who have concerns about a service animal's presence in District facilities for these reasons should contact their building administrator or District's Section 504/ADA coordinator.

### **Conflicting Needs**

Individuals who are adversely impacted by the presence of a service animal in school because of a disability should contact the District's Section 504/ADA coordinator. The District shall strive to facilitate a process to resolve the conflict considering the needs of the individuals involved to determine how best to address the needs of both individuals. The District will notify each party in writing of the District's plan to address the conflicting needs.

### **Miniature Horses**

The District may permit an individual with a disability to be accompanied by a miniature horse in District facilities if the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and the animal's presence does not fundamentally alter the District's services, programs, or activities or is otherwise determined to be unreasonable. In determining whether reasonable modifications to the District's policies, practices, or procedures can be made to allow a miniature horse into a District facility, the District will consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken; and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

If the District permits an individual with a disability to be accompanied by a miniature horse in District facilities, the administrative guidelines relating to services animals shall apply.

*Adopted August 8, 2016*