

SUBJECT: USE OF ASSISTANCE ANIMALS**Service Animals**

In accordance with federal and state law, the District permits the use of service animals on school grounds by individuals with disabilities. The work or tasks performed by a service animal must be directly related to the individual's 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, 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.

Permissible Inquiries

"Bona fide" service animals may accompany individuals with disabilities in all areas of District buildings and grounds where the public is normally allowed to go. The District, however, reserves the right to ensure that an animal accompanying an individual with a disability is a "bona fide" service animal. When it is not obvious what service an animal provides, District staff may ask if the dog is a service animal required because of a disability, and what work or task the dog has been trained to perform. District staff may not ask about the person's disability, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

Exclusions

The District also reserves the right to exclude a service animal from District property if the animal is out of control and the animal's handler does not take effective action to control it, if the animal is not housebroken, or if the service animal poses a direct threat to the health or safety of others. In the event a service animal is excluded from District property, the individual will be afforded the opportunity to participate in the service, program, or activity without having the service animal on the premises. Any instance in which an individual's service animal has been excluded from District property will be reported to and documented by the appropriate building principal or the Superintendent.

Responsibilities of Handlers

The District is not responsible for the care or supervision of an individual's service animal. The service animal's handler or the individual for whom the service animal is performing work or tasks will be responsible for ensuring that the animal is cleaned, fed, groomed, trained, vaccinated, and otherwise cared for.

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SUBJECT: USE OF ASSISTANCE ANIMALS (Cont'd.)

All service animals must be harnessed, leashed, or tethered, unless those devices interfere with a service animal's work or the individual's disability prevents their use. If a harness, leash, or tether cannot be used, the individual must maintain control of his or her service animal through voice, signal, or other effective controls.

The owner or handler of a service animal is solely responsible for any damage to District property or injury to personnel, students, or other individuals.

Miniature Horses

The District will, where reasonable, permit the use of miniature horses by individuals with disabilities, provided that any miniature horse has been individually trained to do work or perform tasks for the benefit of the individual. In determining whether the use of a miniature horse is reasonable, the District will consider:

- 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 the safe operation of the District and its property.

The use of miniature horses by individuals with disabilities will be subject to the same rules, requirements, and procedures as the use of service animals, generally.

Request for Use of Service Animals by Students

Where the use of a service animal by a student with a disability is sought, the child's parent(s) or guardian(s) must submit this request to the applicable building principal. The request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to do. It also must provide documentation that the animal is up to date with respect to all required vaccines, that it does not have fleas or other infestation, and that it is in good health.

If there is any question concerning the relationship of the specific task or work to be performed by the service animal to the student's educational program, the District's Committee on Special Education (CSE) or Section 504 team, as applicable, will convene to determine whether the service animal's presence is necessary for the student to receive a free appropriate public education or equal access to the District's programs, activities, or services.

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SUBJECT: USE OF ASSISTANCE ANIMALS (Cont'd.)

Nothing herein will require that a service animal be specified on an Individualized Education Program (IEP) or on a Section 504 Plan as a support, service, modification, supplementary aid, or accommodation for a student.

Use of Service Animals by District Employees

Use of a service animal by an employee with a disability will be allowed when that use is necessary to enable the employee to perform the essential functions of his or her position, or to enable the employee to enjoy comparable benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

Where the use of a service animal by an employee with a disability is sought, then he or she must submit this request to the applicable building principal. The request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to do. It also must provide documentation that the animal is up to date with respect to all required vaccines, that it does not have fleas or other infestation, and that it is in good health. These requests will be addressed on a case-by-case basis.

28 CFR §§ 35.104, 35.136, 35.139

March 30, 2022