

SERVICE ANIMALS

Definitions

For purposes of this regulation, the following definitions apply:

“Service Animals” means any dog that has been or is being 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.

The work or tasks performed by a service animal must be directly related to the person'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
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

The crime deterrent effect of an animal's presence or the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Service Animals do not include other species, whether wild or domestic, trained or untrained. Service animals are not pets.

"Service Animal in training" means a dog that is being trained as a Service Animal. ("Service Animal in training" does not mean a miniature horse.) A Service Animal in training will be considered to be the same as a Service Animal. In accordance with state law, "Trainer of a Service Animal" means a person who is qualified to train dogs (and not miniature horses) to serve as Service Animals.

"Direct threat" means a significant risk to the health and safety of others that cannot be eliminated by a modification of policies, practices or procedures. In determining whether an individual poses a direct threat to the health or safety of others, the District will make an

individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

Request for Admission of Service Animals

In accordance with law, individuals with disabilities, including students, employees or visitors, may be accompanied by Service Animals in all areas of the District's facilities where members of the public, participants in services, programs or activities or invitees, as relevant, are allowed to go. A student, employee or visitor with a disability may submit a request to be accompanied by a Service Animal to school buildings, on District property, or when being transported in vehicles dispatched by the District or one of its schools. However, there is no automatic right to be accompanied by a Service Animal on District premises.

Employees, students (the student's parents) or visitors must submit form JLIF-E to the principal of the school where the employee, student or visitor would like to use the Service Animal at least three weeks prior to the date of the proposed use. Such request must describe the work or task the animal has been trained or is being trained to perform as needed to assist the employee, student or visitor with a disability. Under no circumstances may a Service Animal be on District property without prior approval by the principal in accordance with these regulations.

The use of a Service Animal on District property may be subject to a plan that introduces the Service Animal to the school environment, any appropriate training for employees and students regarding interaction with the Service Animal, and other activities or conditions deemed necessary by the District. The District's approval of the use of a Service Animal on District property is subject to periodic review, revision or revocation by the District Administration as provided in this regulation.

Admission of Service Animals in Training

In accordance with state law, a trainer of a Service Animal may be accompanied by a Service Animal that the trainer is in the process of training in school buildings, on District property, or when being transported in vehicles dispatched by the District or one of its schools. However, there is no automatic right to be accompanied by a Service Animal in training.

504 Plans and Individualized Education Plans

If a student has either a 504 plan or an individualized education plan ("IEP"), the Service Animal may be included in the 504 plan or IEP under the following conditions:

1. In the case of a 504 plan, if use of a Service Animal is necessary to avoid discrimination on the basis of a disability, to enable the student to participate in or benefit from the District's services, programs or activities (except as otherwise provided by this policy or by applicable law) or to provide the student with a free appropriate public education ("FAPE") as defined by section 504; and

2. In the case of an IEP, if use of a Service Animal or other animal is required for the student to receive FAPE as defined by the Individuals with Disabilities Education Act.

While not every student who requires a Service Animal will qualify for a section 504 plan, any student with a Service Animal who does not have a 504 plan may request that such a plan be developed.

A student with a disability may be accompanied by a Service Animal regardless of whether the Service Animal is written into a 504 plan or IEP, subject to any conditions or limitations established by this policy or by applicable law.

Care and Supervision of Service Animal

It is recommended that the Service Animal wear proper identification such as a harness, saddle bags or a vest. The Service Animal shall at all times be under the control of its handler. The Service Animal must be on a harness, leash or other tether unless either the handler is unable because of a 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). It is the sole responsibility of the Service Animal's handler to provide proper supervision and care of the animal, including any feeding, exercising, walking to relieve, clean up and stain removal of the Service Animal. Any cost incurred to care for the Service Animal will be the handler's responsibility.

Exclusion of Service Animals

The District may restrict a Service Animal from District property or vehicles when it is determined that the animal's presence or behavior poses a direct threat to the health or safety of others. Determination of threat is the responsibility of the principal. Determination of direct threat will be made in consultation with the school's child protection team (including the school nurse, counselor, and principal).

The District retains discretion to exclude or remove a Service Animal from its property or vehicles if:

1. The Service Animal is out of control and the animal's handler does not take effective action to control the animal;
2. The Service Animal is not housebroken or the animal's presence or behavior fundamentally alters the nature of a service, program or activity offered by the District;
3. The Service Animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or
4. For any other reason permitted by law.

If the District excludes a Service Animal, it shall provide the individual with a disability the opportunity to participate in the service, program or activity without having the Service Animal on the premises.

Conflicting Disabilities

Individuals with disabilities that are adversely impacted by Service Animals should contact the building principal. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. (Certain individuals with animal dander allergies or fear of dogs may qualify as individuals with disabilities.) Conflicts or concerns with Service Animals and children with medical reactions to those animals will be referred to the school nurse. It is the policy of the District to consider the safety, health and well-being of each and every student when making decisions regarding the introduction of Service Animals to the classroom. The principal is responsible for resolving the conflicting needs/accommodations of the disabled individuals involved in consultation with the involved parties, the school health officer (nurse) and others as the administration deems appropriate. The principal may exclude the Service Animal in accordance with these regulations.

Liability

The employee, student or visitor who is accompanied by the Service Animal or Service Animal in training is liable for any damage to District property or the personal property of third parties and any injuries to individuals caused by the Service Animal or Service Animal in training.

Miniature Horses

An individual with disabilities may be accompanied by a miniature horse if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability and to the extent necessary to avoid discrimination on the basis of disability. However, a miniature horse may not accompany such individual if it would require the District to fundamentally alter its services, programs or activities or if the District otherwise determines that it would be unreasonable to modify its policies, practices or procedures as would be necessary to allow the miniature horse into the specific facility.

In evaluating "reasonableness" for purposes of this regulation, the District shall 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 safe operation.

If the District determines that an individual with disabilities may be accompanied by a miniature horse, the provisions of this policy relating to Service Animals shall apply.

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