

Policy 2325

Instruction

Service Animals

McCall-Donnelly School District acknowledges its responsibility to make reasonable accommodations permit persons with disabilities to be accompanied by a service animal in all areas where the public is normally allowed to go, including in its school buildings, classrooms, and at school functions.

DEFINITIONS

“Handler” means an individual with a disability or another individual who has been designated to control the service animal and attend to its needs.

“Miniature horse” means a very small horse generally ranging in height from 24 to 34 inches measured to the shoulders and generally weighing between 70 to 100 pounds. A miniature horse will be allowed to act as a service animal where reasonable.

“Service animal” means any dog (or, in specific circumstance, a miniature horse (see “Miniature Horses” section below)) that is individually trained to do work or perform tasks for an individual with a disability including a physical, sensory, psychiatric, intellectual or other mental disability. No other species of animal, whether wild or domestic, will be permitted as a service animal. Animals whose sole function is to provide comfort or emotional support do not qualify as service animals for the purposes of this definition.

Examples of such 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 nonviolent 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.

PROCEDURE

All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the superintendent and must contain documentation of proof of vaccinations as required by state or local law. This written request must be delivered to the superintendent’s office at least ten (10) days prior to bringing the service animal to school or to a school function.

STAFF INQUIRIES

Staff will not inquire about the nature or extent of an individual's disability. Staff may not make inquiries about a service animal when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

When it is not readily apparent to staff what service the animal provides, staff may make the following two (2) inquiries to determine whether an animal qualifies as a service animal:

1. Staff may ask if the animal is required because of a disability; and
2. Staff may ask what work or task has the animal been trained to perform.

Staff may not require documentation regarding a service animal, such as proof that the animal has been certified, trained, or licensed as a service animal; licensed as a pet; or vaccinated. Staff may not ask that the animal demonstrate its ability to perform the work or task. The district will not charge surcharges for a service animal, *provided, however, if the district's normal policy is to charge individuals for the damage they cause, the district reserves the right to charge an individual with a disability for the damage caused by his/her service animal.*

HANDLER RESPONSIBILITIES

1. The handler must be in full control of the service animal at all times.
 - a. Service animals must have a harness, leash, or tether unless these devices interfere with the service animal's safe, effective performance or the individual's disability prevents the use of these devices, in which case the individual must maintain control of the animal through voice, signal, or other effective controls.
2. The handler must care for and supervise the service animal at all times, *which generally means as follows:*
 - a. *The district is not responsible for providing a staff member to walk the service animal, respond to the animal's need to relieve itself, or to provide any other care or assistance to the animal.*
 - b. *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/guardian is responsible for providing care and supervision of the animal.*

The district recognizes that in certain circumstances the handler may need assistance in providing care and supervision for his/her service animal (for example, leading a service animal outside to relieve itself). In such circumstances, the district will consider a request for a reasonable accommodation. The district is not obligated to approve a requested accommodation that would fundamentally alter the

nature of the district's services, programs or activities, or which would pose a direct threat to the health or safety of students, staff or others.

MINIATURE HORSES

A miniature horse will be permitted as a service animal where reasonable. Staff may make the same inquiry and ask the same questions when it is not apparent what services a miniature horse provides, as set forth in the "Staff Inquiries" section of this policy.

The following four assessment factors will be used in determining whether a miniature horse can be reasonably accommodated in school buildings, in classrooms, or at school functions:

1. The miniature horse is housebroken.
2. The handler has sufficient control of the miniature horse.
3. The facility can accommodate the miniature horse's type, size, and weight.
4. The miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of the facility.

EXCLUSION OF SERVICE ANIMALS

A school administrator may exclude a service animal or ask an individual with a disability to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:

1. The service 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 service animal's presence would fundamentally alter the nature of the service, program, or activity.
4. The service animal presents a direct threat to the health and safety of students, staff, or other individuals. In determining whether a service animal poses a direct threat, 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 would mitigate the risk.

If a service animal is excluded, the individual with a disability will be given the opportunity to participate in the service, program, or activity without having the service animal on the premises

and/or may be offered other alternatives to the service animal that are effective in performing the functions required with respect to the individual's disability.

Policy History:

Adopted: October 2017

Legal reference:

Americans with Disabilities Act, 28 C.F.R. Part 35 (as amended 2010)

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

28 C.F.R. §35.130(b)(7)

28 C.F.R. §35.136

28 C.F.R. §35.139

Alboniga v. School Board of Broward County Florida, 87 F.Supp.3d 1319 (2015)