

SERVICE ANIMALS

Note: Federal regulations implementing Title II of the Americans with Disabilities Act were amended in 2010 to broaden the right of individuals with disabilities to be accompanied by their service animals on school property. The new regulations, which take effect March 15, 2011, include a clear requirement that individuals with disabilities be permitted to be accompanied by their service animals in all areas of a public entity's facilities where the public and school participants are allowed. Additionally, public entities are to modify existing policies, practices, and procedures to permit the use of service animals.

The following language was adapted from the Service Animal policy of the Anchorage School District.

The Board is committed to providing quality education to all students and ensuring full access to district programs, services and facilities by individuals with disabilities, including those requiring the use of a service animal. The district will comply with all applicable laws concerning the use of service animals on district property, in classrooms, at school functions, and in connection with district services.

(cf. 0410 – Nondiscrimination in District Programs and Activities)
(cf. 1312.3 – Public Complaints Concerning Discrimination)
(cf. 4030 – Nondiscrimination in Employment)

Individuals with disabilities may be accompanied by a working service animal individually trained to do work or perform tasks for the benefit of the individual. The Superintendent or designee shall develop guidelines to implement this policy, including procedures for individuals to request the use of a service animal, proof of animal vaccination, and procedures for accommodating the use of the service animal when a student or staff member has a known allergy.

(cf. 1260 – Visits to the Schools)

It is the responsibility of the handler or the individual assisted by a service animal to ensure that the animal is identified as a service animal and to properly control and supervise the animal at all times while on district property. The district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. The care and supervision of service animals for young children unable to care for or supervise the animal should be addressed on a case-by-case basis in the discretion of the building administrator.

Owners of service animals are liable for any harm or physical injury caused by the animal to other students, staff, or visitors. Owners of service animals may be required to pay for property damage caused by the animal to the same extent any individual would be charged for such damage.

(cf. 3515.4 – Recovery for Property Loss or Damage)
(cf. 6161.2 – Damaged or Lost Instructional Materials)

SERVICE ANIMALS (continued)

A school administrator may ask that an individual with a disability remove a service animal from a school building or school function if the animal is out of control and the animal’s handler does not take effective action to control the animal, or if the animal is not housebroken. If the animal is properly excluded, the individual with a disability must still be permitted to participate in the service, program, or activity without the service animal.

No individual shall intentionally interfere with the use or assistance of a service animal by harassing or obstructing the service animal or its user.

Note: Under the ADA regulations, a service animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, is required to be permitted in schools as a “service animal.”

“Service animal” includes those animals as identified in applicable state and federal laws and regulations. Service animal does not include an animal whose primary work or task is to provide emotional support, well-being, comfort, or companionship.

Note: District personnel should not make prohibited inquiries regarding the use of a service animal. Specifically, individuals should not be asked about the nature or extent of the disability and, as a general rule, documentation that the animal has been certified, trained, or licensed as a service animal, cannot be required. To determine whether an animal qualifies as a service animal, the person may be asked if the animal is required because of a disability and what work or task the animal has been trained to perform. If it is clearly observable that the animal is trained to do work or perform tasks for the person (such as a dog observed to be guiding a person with sight impairment or a dog pulling a wheelchair), then no further inquiry should be made regarding whether or not the animal qualifies as a service animal.

Legal Reference:

UNITED STATES CODE

42 U.S.C. 12101, et seq., *Americans with Disabilities Act*
29 U.S.C. 794, *Section 504 of the Rehabilitation Act*

CODE OF FEDERAL REGULATIONS

28 C.F.R. Part 35, *Nondiscrimination on the Basis of Disability in State and Local Government Services*
28 C.F.R. Part 41, *Nondiscrimination on the Basis of Handicap in Federally Assisted Programs*
29 C.F.R. Part 1630, *Implementing the Equal Employment Provisions of the Americans with Disabilities Act*

ALASKA STATUTES

Title 18, Chapter 80, *Discriminatory Practices Prohibited*
AS 11.76.130, *Interference With Rights of Physically or Mentally Challenged Person*