



## OPERATIONAL EXPECTATIONS

ISD 197 School Board

Students

Contact: Assistant Superintendent

### 535 SERVICE ANIMALS IN SCHOOLS

#### I. ~~PURPOSE~~

~~Independent School District No. 197 prohibits discrimination against individuals based on disability, including individuals who require the assistance of a service animal. Toward that end, the District acknowledges its obligation to modify its policies to allow the use of a service animal by individuals with disabilities.~~

#### I. **PURPOSE**

**The purpose of this policy is to establish parameters for the use of service animals by students, employees, and visitors within school buildings and on school grounds.**

#### II. **GENERAL STATEMENT OF POLICY**

**Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.**

#### III. **DEFINITIONS**

##### A. Handler

~~A “handler” is an individual with a disability who is accompanied by a service animal, a trainer who is accompanied by a service animal, or an individual who is handling a service animal for or on behalf of an individual with a disability~~ **uses a service animal. In the case of an individual who is unable to care for and supervise the service animal for reasons such as age or disability, “handler” means the person who cares for and supervises the animal on that individual’s behalf. School district personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.**

##### B. Service Animal

A. A “service animal” is a dog (regardless of breed or size) or miniature horse that is individually trained to perform “work or tasks” for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals,

whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets. **The “work or tasks” performed by a service animal must be directly related to the individual’s disability.** An animal accompanying an individual for the sole purpose of providing emotional support, therapy, comfort, or companionship is not a service animal.

~~B. The “work or tasks” performed by a service animal must be directly related to the individual’s disability.~~

~~C. 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.~~

~~D. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.~~

### C. Trainer

A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

### D. Work or Tasks

- 1. “Work or tasks” are those functions performed by a service animal.**
- 2. 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.**
- 3. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purposes of this policy.**

#### **IV. RIGHTS AND RESPONSIBILITIES – ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES**

- A. ~~Equal Access:~~ **In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students and employees are allowed to go.** A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler or the individual who needs the service animal because of a disability has the right: (a) to be present on school district property or in school district facilities; (b) to attend or participate in a school sponsored event, activity, or program; or (c) to be transported in a vehicle that is operated by or on behalf of the school district.
- B. **It is an unfair discriminatory practice to prohibit a person with a disability from taking a service animal into the public place or conveyance to aid persons with disabilities, and if the service animal is properly harnessed or leashed so that the person with a disability may maintain control of the service animal.**
- C. ~~Equal Treatment: The District may not do any of the following: isolate the handler from individuals without service animals; ask or require the handler to pay an extra fee; or treat the handler less favorably than individuals without service animals.~~ **The school district shall not require a person with a disability to make an extra payment or pay an additional charge when taking a service animal into any school district building.**
- D. ~~Care and Supervision: The service animal must be housebroken. The School District is not responsible for the care or supervision of a service animal. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither the District nor its staff will assume such responsibilities. The service animal must be properly vaccinated in accordance with applicable state laws and local ordinances.~~
- E. ~~Licensing: The service animal must be appropriately licensed in accordance with applicable state laws and local ordinances.~~
- F. ~~Tether: A service animal must have a harness, leash or other tether, unless: (a) the handler is unable to use a harness, leash, or other tether because of a disability, or (b) the use of a harness, leash, or other tether would interfere with the service animal's safe and effective performance of work or tasks. If either (a) or (b) applies, the service animal must be under the handler's control by voice, signals, or other effective means. Control: A service animal must be under the control of its handler.~~
- G. ~~Removal: A school official may require a handler to remove a service animal from District property, a district facility, a vehicle operated by or on behalf of the District, or a school sponsored event, activity, or program if the service animal is out of control and the handler does not take effective action to control it, or the service animal is not housebroken. If the District requires an individual with a disability to remove a service animal, the individual may remain on District property, in a~~

~~District facility, in a District owned or operated vehicle, or at a school sponsored event, activity, or program without having the service animal, unless the individual has violated a law or school rule or regulation that would warrant the removal of the individual.~~

~~H. Liability: A handler who is accompanied by a service animal is liable for any and all harm, injury, or damage caused by the service animal.~~

**D. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether the animal qualifies as a service animal:**

- 1. Is the service animal required because of a disability; and**
- 2. What work or tasks is the service animal trained to perform.**

**E. School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. However, school district employees may inquire whether the individual with a disability has completed and submitted the request form described in Part VI., below.**

**F. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.**

## **V. REQUIREMENTS FOR ALL SERVICE ANIMALS**

**A. The service animal must be required for the individual with a disability.**

**B. The service animal must be individually trained to do work or tasks for the benefit of the individual with a disability.**

**C. A service animal must have 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 control, signals, or other effective means).**

**D. The service animal must be housebroken.**

**E. The service animal must be under the control of its handler at all times. The handler is responsible for the care and supervision of a service animal, including walking the service animal, feeding the service animal, grooming the service animal, providing veterinary care to the service animal, and responding to the service animal's need to relieve itself, including the proper disposal of the service animal's waste.**

- F. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.**
- G. In the case of a student who is unable to care for and/or supervise his or her service animal, the student's parent/guardian is responsible for arranging for such care and supervision. In the case of an employee or other individual who is unable to care for and/or supervise his or her service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.**
- H. The service animal must be properly licensed and vaccinated in accordance with applicable state laws and local ordinances.**

## **VI. REQUESTING THE USE OF A SERVICE ANIMAL AT SCHOOL**

- A. Students with a disability seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the building principal of the school the student attends. The principal will notify the superintendent or the administrator designated with responsibility to address such requests. School district employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the superintendent or the administrator designated with responsibility to address such requests.**
- B. Students or employees seeking to bring a service animal onto district premises are requested to identify whether the need for the service animal is required because of a disability and to describe the work or tasks that the service animal is trained to perform.**
- C. The owner of the service animal shall provide written evidence that the service animal has received all vaccinations required by state law or local ordinance.**

## **VII. REMOVAL OR EXCLUSION OF A SERVICE ANIMAL**

- A. A school official may require a handler to remove a service animal from school district property, a school building, or a school-sponsored program or activity, if:**
  - 1. Any of the requirements described in Part V., above, are not met.**
  - 2. The service animal is out of control and/or the handler does not effectively control the animal's behavior;**
  - 3. The presence of the service animal would fundamentally alter the nature of a service, program or activity; or**
  - 4. The service animal behaves in a way that poses a direct threat to the health or safety of others, has a history of such behavior, or otherwise poses a significant health or safety risk to others that cannot be eliminated by reasonable accommodations.**

- B. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated a law or school rule or regulation that would warrant the removal of the individual.**

## **VIII. ADDITIONAL LIMITATIONS FOR MINIATURE HORSES**

~~Only Reasonable Modifications Required: The School District must make “reasonable” modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.~~

~~Assessment Factors: In determining~~ **assessing** ~~whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District may consider the following factors~~ **a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:**

- A. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- B. Whether the handler has sufficient control of the miniature horse;
- C. Whether the miniature horse is housebroken; and
- D. Whether the miniature horse's presence in a specific facility **building or on school grounds** compromises legitimate safety requirements ~~that are necessary for safe operation.~~

## **IX. GUIDELINES FOR SERVICE ANIMALS**

- ~~A. Permitted Inquires: District staff generally may ask a handler or an individual with a disability if an animal is required because of a disability and, if so, what work or task the animal has been trained to perform. However, District staff may not make these inquiries 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 impaired vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).~~
- ~~B. Prohibited Inquires: District staff may not ask a handler or an individual with a disability about the nature or extent of a disability. In addition, District staff may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.~~
- ~~C. Vaccinations. Each handler is responsible for ensuring that the service animal is properly vaccinated.~~
- ~~D. Allergies: If a student or employee notifies the District that they are allergic to a service animal, the District will balance the rights of the individuals involved. Generally, allergies that are not life threatening are not a valid reason for prohibiting~~

the presence of a service animal.

~~E. — Fear of Animals: Fear of animals is not a valid reason for prohibiting the presence of a service animal.~~

~~F. — Working Status of Service Animals: Students, parents/guardians, and employees of the District should not feed or pet a service animal without permission from the handler. In addition, students, parents/guardians, and employees generally should not seek to separate a service animal from its handler.~~

~~G. — Notice Encouraged But Not Required: Students, parents/guardians, and employees are encouraged, but not required, to notify the building principal if they expect to be utilizing a service animal on a regular basis. This notification will not be used to deny access to any program, service, activity, or benefit. Rather, this notification will be used to provide an opportunity for discussion that is designed to assist the student or employee in transitioning to the regular use of a service animal at school or work.~~

## **IX. ALLERGIES; FEAR OF ANIMALS**

**If a student or employee notifies the school district that he or she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of animals is generally not a valid reason for prohibiting the presence of a service animal.**

## **X. NON-SERVICE ANIMALS FOR STUDENTS WITH INDIVIDUALIZED EDUCATION PROGRAMS (IEPS) OR SECTION 504 PLANS**

**If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the student's IEP team or Section 504 team, as appropriate, to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE) or, in the case of a Section 504 student, to reasonably accommodate the student's access to the school district's programs and activities.**

## **XI. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES**

**If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the superintendent or the administrator designated to handle such requests. A school district employee who is a qualified individual with a disability will be allowed to bring such animal onto school property when it is determined that such use is required to enable the employee to perform the essential functions of his or her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.**

## **XII. LIABILITY**

**A. The owner of the service animal or non-service animal is responsible for any harm or injury to an individual and for any property damage caused by the**

**service animal while on school district property.**

- B. An individual who, directly or indirectly through statements or conduct, intentionally misrepresents an animal in that person’s possession as a service animal may be subject to criminal liability.**

*Legal References:*      **Section 504 of the Rehabilitation Act of 1973**  
                                 **28 C.F.R. § 35.104 (ADA Regulations)**  
                                 **28 C.F.R. § 35.130(b)(7) (ADA Regulations)**  
                                 28 C.F.R. § 35.136 (ADA Regulations)  
                                 **20 U.S.C. § 1400 et seq. (Individuals with Disabilities Education Act)**  
                                 Minn. Stat. § 256C.02 (Public Accommodations)  
                                 Minn. Stat. § 363A.19 (Discrimination Against Disabilities Prohibited)  
                                 **Minn. Stat. § 609.226 (Harm Caused by Dog)**  
                                 **Minn. Stat. § 609.833 (Misrepresentation of Service Animal)**

<b>POLICY ADOPTED:</b>	May 16, 2022
<b>POLICY REVIEWED/REVISED:</b>	
<b>Monitoring Method:</b>	Administrative Review
<b>Monitoring Frequency:</b>	Every three years