

535SB SERVICE ANIMALS IN SCHOOLS AND PET VISITS (formerly known as policy 899)

I. PURPOSE

The purpose of this policy is to establish parameters for the use of service animals and pets by students, employees, and visitors within Crosslake Community School's (CCS) building and on school grounds.

II. GENERAL STATEMENT OF POLICY

CCS will comply with all state and federal laws, regulations and rules regarding the use of service animals by individuals disabled under appropriate circumstances.

Individuals with a disability shall be permitted to bring their service animals into school building or on school grounds in accordance with, and subject to, this policy.

III. DEFINITIONS

A. Service Animal

A "service animal" is a dog 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 the 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.

Service animals do not include wild animals, farm animals, rodents, and animals whether wild or domestic, trained or untrained. Service animals are working animals that perform valuable functions; they are not pets. The work or tasks performed by the 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, therapeutic benefits or companionship is not a service animal.

B. Handler

A "handler" is an individual with a disability who 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. Charter school personnel are not responsible for the care, supervision, or handling responsibilities of a service animal.

C. 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.

D. Trainer

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

IV. ACCESS TO PROGRAMS AND ACTIVITIES; PERMITTED INQUIRIES

- A. In general, handlers (i.e., individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of CCS 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 has the right: (a) to be present in the school building or on school grounds; (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 CCS.
- 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. The charter school 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 charter school.

[NOTE: The 2024 Minnesota legislature revised Minnesota Statutes, section 3631.19, as reflected in Paragraphs B. and C.]

- D. 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 wear proper identification.
- D. 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).
- E. The service animal must be housebroken.
- F. 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.
- G. CCS is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
- H. In the case of a student who is unable to care for and/or supervise their 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 their service animal, the employee or other individual's authorized representative is responsible for arranging for a service animal's care and supervision.
- I. 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 Director. Director will schedule a meeting with the student's special education team and/or Section 504 team. Also, the Director may require a meeting with and/or additional information from the staff member or parent/guardian requesting the use of a service animal, including, but not limited to, documentation/consultation from the staff member's or student's health care provider. CCS's employees seeking to be accompanied by a service animal are requested to submit the Approval Request Form to the Director.
- B. Students or employees seeking to bring a service animal onto school property 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.

They also may be subject to a plan which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the Director. The Director's approval of the use of a service animal on school property is subject to periodic review, revision, or revocation by the Crosslake Community School Board.

- 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. CCS may require a handler to remove a service animal from school property 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.
 - 5. The service animal is not housebroken.
- B. If the service animal is properly excluded, CCS 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. ALLERGIES; FEAR OF ANIMALS

If a student or employee notifies CCS that they are allergic to a service animal, CCS 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.

IX. 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 a service 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 CCS's programs and activities.

X. NON-SERVICE ANIMAL AS AN ACCOMMODATION FOR EMPLOYEES

The staff member, student, or parent/guardian is liable for any damage to the School or personal property and any injuries to individuals caused by their service animal.

If an employee seeks to bring an animal onto school property that is not a service animal, the request shall be referred to the Director. An 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 their position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

XI. 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 property and indemnify the CCS from any such damages
- 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.
- C. The staff member, student, or parent/guardian will be required to submit a certificate of liability insurance covering the service animal and identifying the CCS as an additional insured. The amount of required insurance coverage shall be determined by CCS.

XII. EXCEPTIONS

From time to time it may be appropriate for staff or students to bring a non-service animal to school. However, this will be decided by the Director on a case by case basis and should not be a regular everyday occurrence. The primary consideration is disruption to the learning environment.

Legal References: Section 504 of the Rehabilitation Act of 1973
28 C.F.R. § 35.104, 28 C.F.R. § 35.130(b)(7), and 28 C.F.R. § 35.136 (ADA Regulations)
20 U.S.C. § 1400 *et seq.* (Individuals with Disabilities Education Act)

Cross References: MSBA/MASA Policy 402 (Disability Nondiscrimination Policy)
MSBA/MASA Policy 521 (Student Disability Nondiscrimination)

Crosslake Community School, 35808 County Road 66, Crosslake, MN 56442

APPENDIX A, Policy 899

REQUEST APPROVAL FORM FOR USE OF A SERVICE ANIMAL

Student Name _____

Guardian Name _____

Date _____

Identify and describe the need for the service animal as it relates to the staff or the student's disability and describe the manner in which the service animal will meet the individual's particular need(s).

Type of Service Animal: Dog: _____ Other: _____

Name of Animal: _____

Letter from physician is attached: Yes _____ No: _____ Explain: _____

Documentation attached that the Service Animal is:

Properly trained and, if applicable, licensed	Yes _____	No: _____
Properly and currently vaccinated	Yes _____	No: _____
Under the control of a properly trained handler.	Yes _____	No: _____
Covered by adequate liability insurance	Yes _____	No: _____

Name of Handler: _____

Submit request to School Administrative Assistant
Annual Application Required

Office Use:

Date Received: _____ *Date of Scheduled Meeting:* _____

Crosslake Community School, 35808 County Road 66, Crosslake, MN 56442
APPENDIX B, Policy 899
SERVICE ANIMAL REGISTRATION/AGREEMENT

Student Name _____ Guardian Name _____ Date _____

Type of Service Animal: Dog: _____ Other: _____

Name of Animal: _____

Letter from physician is attached: Yes _____ No: _____ Explain: _____

Documentation attached that the Service Animal is:

Properly trained and, if applicable, licensed	Yes _____	No: _____
Properly and currently vaccinated	Yes _____	No: _____
Under the control of a properly trained handler.	Yes _____	No: _____
Covered by adequate liability insurance	Yes _____	No: _____

Name of Handler: _____

Transportation Plan: _____

See accompanying 504 _____ or IEP _____ for additional information regarding this agreement.

I have read and understand the School District's Service Animals Policy. I will abide by the terms of the Policy.

I understand that if my Service Animal is: out of control and/or the animal's handler does not effectively control the animal's behavior; not housebroken or the animal's presence or behavior fundamentally interferes in the functions of the School District; or, poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications, the School District has the discretion to exclude or remove my Service Animal from its property.

I agree to be responsible for any and all damage to School District property, personal property, and any injuries to individuals caused by my Service Animal. I agree to indemnify, defend and hold harmless Crosslake Community School from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my Service Animal.

OWNER/GUARDIAN _____ CROSSLAKE COMMUNITY SCHOOL _____

_____ Signature	_____ Signature
Date: _____	Date: _____

Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or whenever a different Service Animal will be used.