

Adopted: _____

ACGC Policy 799

Revised: _____

Orig. 2015

**799 SERVICE ANIMALS TO SCHOOL DISTRICT FACILITIES
AND AT SCHOOL SPONSERED ACTIVITIES**

I. PURPOSE

The purpose of this policy is to prohibit discrimination against individuals with disabilities who require the assistance of a service animals and to ensure compliance with applicable state and federal laws.

II. GENERAL POLICY STATEMENT

The School District will permit students and/or staff members with disabilities to be accompanied by a “service animal” in its school buildings, classrooms, and school sponsored activities and/or events, subject to the following definitions, exceptions, and requirements.

III. ADVANCE NOTICE OF SERVICE ANIMAL AT SCHOOL AND SCHOOL ACTIVITIES:

- A. In the interest of efficient administration, an individual with a disability intending to bring a service animal to school or a school sponsored activity is encouraged to provide notice to the district regarding the service animal as early as is practicable and prior to bringing the animal to school or the school activity.
- B. If the service animal is to accompany a student or employee on a permanent basis, the employee, student or his or her parent or guardian must submit a written request to obtain permission for a service animal to accompany an individual with a disability to work, school or a school sponsored activity. The written request must be delivered to the principal, at least ten business days prior to bringing the animal to work, school or the school activity.
 - 1. Such requests must contain documentation of the animal’s required immunizations as well as a letter from a licensed veterinarian who has examined the animal within the last 30 days which states that the animal is in good health and does not pose a direct threat to the health and safety of others.
 - 2. At the time of the request, applicants must also provide the School District assurance that the animal has been treated for and is free of fleas and ticks, is housebroken and is under the control of its handler.

IV. FACTORS WHICH SCHOOL DISTRICT MAY CONSIDER IN REVIEWING REQUEST:

- A. Only those service animals which are “required” by an individual with a disability, pursuant to a 504 plan, IEP, or accommodation plan are permitted to accompany the individual to work, school and/or school sponsored activities.
- B. In determining whether the animal qualifies as a service animal, the School District may not inquire into the nature or extent of the individual’s disability. Nor may it require documentation or proof that the animal has been certified, trained or licensed as a service animal.
- C. If such information is not really apparent, the School District *may* inquire:
 - 1. if the animal is required because of disability; and
 - 2. into the work or tasks the animal has been individually trained to perform for the handler.
- D. In regards to miniature horses, the School District will determine whether reasonable modifications in policies, practices or procedures can be made to permit the use of miniature horse as a service animal in a specific facility. Such determinations will be made on a case by case basis considering the following:
 - 1. the type, size, and weight of the miniature horse and whether the facility can accommodate these facilities;
 - 2. whether the handler has sufficient control of the miniature horse;
 - 3. whether the miniature horse is housebroken;
 - 4. whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

V. REQUIREMENTS AND RESPONSIBILITIES

- A. Each handler is responsible for ensuring that the service animal is harnessed, leashed or tethered so the handler can maintain control of the animal unless a) the handler is unable to use the harness, leash or tether because of the disability; or b) the use of such harness, leash or tether would interfere with the service animal’s, safe, effective performance of work or tasks.

1. Under the two exceptions, described above, where the service animal cannot be effectively harnessed, leashed or tethered, the service animal must be otherwise under the handler's control through voice control, signals, or other effective means.
- B. All service animals must be kept clean and groomed to avoid shedding and dander.
 - C. All service animals must be treated for and kept free of fleas and ticks.
 - D. A handler who is accompanied by a service animal 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.
 - E. Each handler shall be liable for any and all damage by the service animal.
 1. Nonetheless, at the time it grants request for the service animal, the School District must contact its insurer to inform it of the presence of the service animal on school premises and at school sponsored activities.
 - F. Individuals with disabilities who are accompanied by a service animal may not be charged extra fees, isolated from individuals without service animals, or treated less favorable than individuals without service animals.
 - G. If a student or employee notifies the District that he or she is allergic to a service animal that is accompanying a partner or trainer, the District will consider available options and attempt to accommodate both individuals. Generally, allergies and fear of animals are not valid reasons for prohibiting the presence of a service animal.

VI. CIRCUMSTANCES UNDER WHICH PERMISSION TO USE SERVICE ANIMAL MAY BE RESCINDED:

- A. The District may require a partner or trainer to remove a service animal from District property, a vehicle that is operated by or on behalf of the District, or a school sponsored event or activity if:
 1. the service animal is out of control and the animal's handler does not take effective action to control it;
 2. the service animal poses a direct threat to the health and safety of others.
 3. the animal is not housebroken;

4. the animal's presence would fundamentally alter the nature of the service, program or activity.
- B. If the service animal misbehaves or responds reasonably to a provocation or injury, the District must give the handler a reasonable opportunity to gain control of the animal. If the individual with a disability asserts that the animal was provoked or injured, or if the District otherwise has reason to suspect as much, the District will seek to determine whether provocation or injury occurred and what steps to take to prevent further provocation or injury.
 - C. In the event that a service animal needs to be removed, the partner or trainer may choose to remain on District property, in the vehicle operated by or on behalf of the District, or at the school sponsored event or activity (as applicable), unless the partner or trainer has violated a law or school regulation that would warrant the removal of the partner or trainer.

Ref: Minnesota Statutes 363A.09