

1400 Service Animals On School Property

Campbell County School District No. 1 ("CCSD") acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35, subject to the following:

A service animal must be a dog, or in specific circumstances a miniature horse, trained to perform "work or tasks" for the benefit of an individual with a disability. The work or task must be directly related to the handler's disability, and no other species of animal, whether wild or domestic, trained or untrained, will be permitted in schools as a "service animal". An animal whose sole function is to provide comfort or emotional support does not qualify as a service animal under the ADA.

In general, handlers defined as individuals with disabilities, or trainers defined as a person affiliated with a recognized training program for service animals, 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; attend or participate in school-sponsored events and activities; and be transported in vehicles operated by or on behalf of the school district.

When an individual with a disability brings a service animal to school district property, school district employees shall not ask about the nature or extent of a person's disability. If the disability is not readily apparent, the school district employee may ask the following:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

An individual with a disability will not be required to provide documents proving the animal has been certified, trained, or licensed as a service animal; however, proof of current vaccinations and immunizations must be provided.

All service animals must be in compliance with applicable municipal ordinance, county, state and/or federal laws, and the handler must be able to demonstrate the service animal is in compliance with public health and local animal control requirements.

A Service Animals in Campbell County School District Facilities form documenting handler and service animal information is available at CCSD facilities. Completed forms will be kept on file at the facility.

Owner/Handler Responsibilities: Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property. A service animal must be under the control of its handler at all times. It must have a harness, leash or other tether unless the handler is unable to use a harness, leash or other tether due to a disability, or the use of these items would interfere with the service animal's safe, effective performance of work or tasks. However, the service animal must then be under the handler's control by other effective means such as voice control or signals.

Individuals with disabilities who are assisted by service animals are responsible for providing for the care and supervision of the service animal, including but not limited to feeding, watering, cleaning and toileting as well as providing all needed supplies and equipment. The school district will not assume these responsibilities. In cases where a student is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the service animal.

Removal of a Service Animal: A school administrator may ask an individual with a disability or his/her parents to remove a service animal from a school building, a classroom, school transportation, or from a school function if any one of the following circumstances occurs:

- The service animal is out of control and the handler does not take effective action to control it.
- The service animal is not housebroken.
- The service animal's presence would "fundamentally alter" the nature of the service, program, or activity.
- The handler fails to provide proof of current vaccinations and immunizations of the service animal.

If the service animal is properly excluded, the school district shall give the individual with the 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 warranting the removal of the individual.

Special Provisions/Miniature Horses: In assessing whether a miniature horse may be permitted to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, the following factors will be considered:

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

- Whether the miniature horse's presence is contrary to any other provision of this policy.

Service animals for employees: Use of a service animal by a school district employee who is a qualified individual with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position or to access the benefits of employment in a manner comparable to those similarly given to non-disabled employees.

Allergies and fear of animals: If a student or employee notifies the school district he/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 the animal is generally not a valid reason for prohibiting the presence of a service animal.

ADOPTION DATE: October 22, 2019 (Replaced Policy 6120, Service Animals in Schools which was adopted October 25, 2011)

LEGAL REFERENCES: ADA Regulations, 28 CFR 35 (as amended, 2010)

CROSS REFERENCES:

ADMINISTRATIVE REGULATION: