



808 SERVICE ANIMALS

I. PURPOSE

The purpose of this policy is to establish procedures prohibiting discrimination against individuals with disabilities who require the assistance of service animals in the South Washington County Schools.

II. GENERAL STATEMENT OF POLICY

The South Washington County Schools prohibit discrimination against individuals based on disability, including individuals who require the assistance of a service animal. The District will comply with all state and federal laws, regulations and rules regarding the use of service animals by disabled individuals.

III. DEFINITIONS AND RESPONSIBILITIES

A. **Service Animal:** 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. Service animals do not include animals that function solely to provide emotional support, comfort, therapy, companionship, or to promote emotional well-being.

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

B. **Miniature Horses:** The South Washington County School District will 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. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school must consider the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

- C. **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.
- D. **Trainer:** A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.
- E. **Care and Supervision:** 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.
- F. **Control:** A service animal must be under the control of its handler.
- G. **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.

IV. PROCEDURES/REQUIREMENTS

- A. The use of service animals by individuals with a disability is subject to the following procedures and requirements:
- B. Service animal shall be under the control of its handler. A service animal shall 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).

- C. 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.

V. LIABILITY

The School District shall not assume or take custody or control of, or responsibility for, the care or feeding of any service animal. A handler who is accompanied by a service animal is liable for any damage to School District or personal property and any injuries to individuals caused by the service animal.

Legal References: ADA Title II Regulations § 35.136 (Service Animals)
Minn. Stat. § 256C.02 (Public Accommodations/Service Animals)

POLICY ADOPTED: February 15, 2018

POLICY REVIEWED:

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