



Tri-Valley School District 49-6



Policy INH: Service Animals

SERVICE ANIMAL, POLICY

The Tri-Valley School District has established the following procedures for the evaluation of any request to bring a service animal into the school district, either as a member of the public, as a staff member or as a student.

Definition of a service animal

The Americans with Disabilities Act of 2010, under 28 CFR 35. 104, define a service animal as follows:

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed must be directly related to the handler's disability. 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 not violent protections 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. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, and companionship do not constitute work or tasks for the purposes of this definition.

A miniature horse may be permitted for use as a service animal if the animal has been individually trained to do work or perform tasks for the individuals benefit. The district will consider the type, size and weight of the miniature horse and whether the facility can accommodate these features. The district will also consider whether the handler has sufficient control of the horse and if the animal is housebroken. Finally, the district will also consider whether the presence of a miniature horse compromises legitimate safety requirements that are necessary for safe operations.

Reference: 28 CFR 34. 136(i)(2).

Admission of service animals to public events

Individuals with disabilities may be accompanied by their service animal while on district property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities not open to the general public. School district staff may inquire of the owner or handler of the animal whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform. Staff may not ask questions about an individual's disability. The district shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.

Procedures for admission of service animal into the school building

Prior to the admission of any service animal to be present in the school building on a regular basis, the parent of the student or employee requesting the presence of a service animal must provide written notification of the intent to bring a service animal into the school. The notification must include the following information:

- 1) Whether the animal is required because of a disability
- 2) A description of the specific disability related work or task(s) the animal is trained to perform for the individual in school, and
- 3) Documentation of appropriate and current vaccinations, a statement of good health and the absence of any parasites from a licensed veterinarian, as well as any required municipal licensure.

No service animal may be brought into any district building by a staff member or student without prior approval.

Responsibility and care of service animal

The Tri-Valley School District is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animals need to relieve itself. The owner or handler of a service animal shall be solely responsible for:

- 1) Supervision and care of the animal, including any feeding, exercising, clean up and stain removal. In the case of a young child or a student with disabilities who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the animal.
- 2) Control of the animal at all times through the use of harness, leash, tether or by other effective means.

Liability

The staff member owning the service animal or student/parent owner is liable for any damage to school district or personal property and any injuries to individuals caused by their service animal. The staff member or student/parent who uses a service animal on school district property will hold the school district harmless, and indemnify the school district from any such damages. See Appendix A for registration of a service animal.

Exclusion of service animal

A service animal may be denied access to school property if any of the following occur:

- 1) The animal is not housebroken.
- 2) The animal is not under the control of its handler. The service animal must have a harness, leash or other tether, unless 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 use of work or tasks. In this case, the handler must use voice control, signal or other effective means to control the service animal.
- 3) The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
- 4) The inclusion of the animal represents a fundamental alteration to the learning environment.

If a service animal is excluded, the individual with a disability will still be given an equal opportunity to participate in district services, programs or activities with appropriate accommodations, modifications, and supports but without the presence of the service animal on the premises.

Appeal process

Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision to the school board. The appeal must be in writing and provide specific and detailed information regarding the basis of the appeal.

Appendix A - Service Animal Registration Form

Owner

Student (if applicable)

Type of Service Animal: _____ **Name of Animal:**

I have read and understand the Tri-Valley School District Service Animal Policy. I will abide by the terms of the policy.

I understand my service animal may be excluded from district property if any of the following occur:

1) The animal is not housebroken.

2) The animal is not under the control of its handler. The service animal must have a harness, leash or other tether, unless 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 use of work or tasks. In this case, the handler must use voice control, signal or other effective means to control the service animal.

3) The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

4) The inclusion of the animal represents a fundamental alteration to the learning environment. I understand I am responsible for any and all damage to school district property, personal property, and any injuries caused by my service animal. I agree to indemnify, defend and hold harmless the Flandreau School District from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connections with, any activity of or damage caused by my service animal.

OWNER

TRI-VALLEY SCHOOL DISTRICT

Signature of owner

Signature of District Representative

Date: _____

Date: _____

First reading: 11/11/19

Adopted: 12/9/19