



## SECTION IV: STUDENTS

**POLICY 4285**

### SERVICE ANIMALS

#### Purpose

The purpose of this policy is to establish procedures for the use of service animals in the District, including school buildings, school vehicles and other school property.

#### Policy

The District acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a service animal in its facilities and programs and intends to comply with all state and federal laws, rules and regulations regarding the use of service animals by District employees, students and visitors with disabilities.

The district does **not** allow the following types of animals in its facilities and programs unless specifically authorized by the district's board of education or designee:

1. "Emotional support animal" meaning an animal selected to reside with an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability.
2. "Therapy animal" meaning a personal pet who is certified to make therapeutic visits with a trained volunteer to places including, but not limited to, nursing facilities, schools and hospitals to bring therapeutic benefit, comfort and cheer to others.

#### Definitions

"Service animal" is defined by the Americans with Disabilities Act (ADA) as any dog or miniature horse 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. The work or tasks performed by a service animal must be directly related to the individual's disability. Service animal is limited to the animals defined under the ADA and do not include any other species of animal, wild or domestic, trained or untrained. Service animal does not include an animal used or relied upon for crime deterrence, emotional support, well-being, comfort, or companionship.

"Employee" is defined as a person who is employed by the District on a part or full-time basis, with or without compensation, and elected or appointed members of the District's board of education.

"Student" means a child who is currently enrolled at the District, and includes the parents and guardians of a child who is (a) under the age of 18, or (b) otherwise unable to manage their own affairs.

"Visitor" means an individual other than an employee or student who is present in areas of district property that have been made available by the district to the general public and/or specified members of the public, including, but not limited to family members of students/employees and individuals attending a public event held on school district property.

#### Procedures/Requirements for Employees and Students



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The use of service animals by employees and students with disabilities is subject to the following procedures and requirements:

- A. Should an employee intend to use a service animal; they will submit a notification of the intent to use this service animal to the District's Human Resources Department. Should a student intend to use a service animal, they will submit a notification of this intent to the District's Instructional Services Department. The notification will identify whether the service animal is required because of the person's disability, and, if so, identify and describe the manner in which the service animal will meet the individual's particular need(s).
- B. Notifications for the use of service animals on District property by an employee or student will, whenever possible, be made at least one week prior to the proposed use of the service animal.
- C. As part of the District's consideration of the use of a service animal, the District may require certification of proper vaccinations verified by a veterinarian.
- D. The District's review of use of a service animal may include consideration of a student's IEP or Section 504 records. The District may also request a meeting with the employee or student.
- E. The use of a service animal on District property may be subject to a plan that 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 District. The District's approval of the use of a service animal on District property is subject to periodic review, revision, or revocation by District administration.
- F. It is the responsibility of the employee or student who uses a service animal pursuant to this policy to serve as the handler or arrange for a third party handler to provide proper handling of the service animal. Any cost incurred to handle the service animal will be the responsibility of the employee or student who uses the service animal.
- G. Service animals will be allowed in District vehicles when:
  - 1. The inclusion of the service animal is documented as required on District transportation forms; and
  - 2. The service animal is under the control of the handler at all times, including entering and exiting the vehicle.

#### Procedures/Requirements for Visitors

The use of service animals by visitors with disabilities is subject to the following procedures and requirements:



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- A. When a visitor seeks to bring a service animal onto school property, staff may ask the visitor to provide the following information in order to confirm that the animal qualifies as a service animal under this policy:
1. Whether the visitor's animal is a service animal required because of a disability.
  2. The work or task the visitor's animal has been trained to perform.

Staff shall not question visitors regarding their use of a service animal except as set forth above. Staff shall not inquire as to the nature of the visitor's disability, request documentation regarding a visitor's service animal, or request that the service animal demonstrate the work/task it has been trained to perform.

- B. Except as provided in this policy, visitors with disabilities shall be permitted to be accompanied by their service animals in all areas of school facilities where similarly situated non-disabled visitors are permitted to be present.
- C. Visitors shall not be allowed to bring a service animal into an area of school property where the presence of the service animal would pose a risk to the health or safety of others.
- D. When a visitor requires accommodations to be made to district policies, practices or procedure to allow a service animal to accompany the visitor on school property, the visitor must, whenever possible, provide prior written notice to the building principal no later than one (1) week before the service animal will be present on district property.

#### Control and Supervision of Service Animals

- A. The owner/handler of a service animal must be in full control of the animal at all times.
- B. Service animals must always be on a leash or other form of restraint mechanism, unless impracticable or unfeasible due to the disability of the employee, student or visitor.
- C. The responsibility for the care and supervision of the service animal rests solely on the employee, student, or visitor. The District is not responsible for providing any staff member to walk the service animal or provide any other care or assistance to the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.



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- D. Pursuant to federal law, the District retains discretion to exclude or remove a service animal from District property and/or transportation if:
1. The service animal is out of control and/or the service animal's handler does not effectively control the service animal's behavior;
  2. The service animal is not housebroken;
  3. The service animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; or,
  4. Permitting the service animal would fundamentally alter the nature of the service, program, or activity.

#### Miniature Horses

- A. The district will make reasonable modifications in policies, practices, or procedures to accommodate a miniature horse that qualifies as a service animal under this policy and the ADA, but doing so may not be possible in all circumstances.
- B. In determining whether it is feasible to allow a student, employee or visitor to be accompanied by a miniature horse that qualifies as a service animal in a specific district facility, the district will consider:
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 the specific facility compromises legitimate safety requirements that are necessary for safe operation.

#### Liability

An employee, student or visitor accompanied by a service animal will be responsible for any damage to District or personal property and any injuries to individuals caused by the service animal. Individuals who use a service animal on District property will hold the District harmless and indemnify the District from any such damages.

#### Appeals and Grievances

Any person dissatisfied with a decision concerning a service animal can file a grievance, using the District's grievance procedures.

#### Requirements for Service Animals

**Vaccination:** Service animals must be immunized against diseases common to that type of animal. [Okla. Admin. Code 310:599-3-9.1] All vaccinations must be current. Dogs must wear a rabies vaccination tag.



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**Licensing:** All service dogs must be licensed as may be required by state and/or local law.

**Identification:** It is recommended, but not required, that service animals have proper identification.

**Owner ID and Other Tags:** Dogs may be required to wear a current dog license and rabies-vaccination tag, unless the dog is permanently and uniquely identified with a microchip implant or tattoo.

**Collar:** A service dog used by a person who is deaf or hard-of-hearing must wear an orange identifying collar. [Okla. Stat. tit. 7, § 19.1(C)]

**Cleanup Rule:** The handler of the service animal, whether it be the employee, student or a third party, must clean up after the animal defecates or urinates, as well as follow any municipal ordinance applicable thereto.

**Grooming:** All service animals must be treated for, and kept free of, fleas and ticks. All service animals must be kept clean and groomed to avoid shedding and dander.

**Reference:** 28 C.F.R. Part 36; OKLA. STAT. Tit. 4, § 801 (2019)

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