

Article IX.A.1.y. Service Animals

A. Purpose

The Board of Education adopts this policy to ensure that individuals with disabilities are able to participate in and benefit from District services, programs, and activities, and to ensure that the District does not discriminate against individuals on the basis of disability. As established and defined by the Americans with Disabilities Act and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals on District property in accordance with this policy.

B. Policy

Individuals with disabilities including students, employees, and visitors, will be permitted to be accompanied by their service animal in District facilities and vehicles, on District grounds, and at District functions, subject to the provisions of this policy. By contrast, pets and other animals, except as allowed for pre-approved educational purposes, are restricted from District property. The Director of Educational Equity is responsible for the administration of this policy, including the formulation of guidelines and procedures as necessary. School administrators and department directors/supervisors are responsible for ensuring compliance with this policy in schools, departments, or offices.

C. Definition of Service Animals

1. A service animal means a dog that is individually trained to do or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.
2. Other species of animals, except under subsection C.5. below, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
3. The work or task performed by a service animal must be directly related to the individual'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 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.
4. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

5. In accordance with 28 CFR § 35.136, individuals with disabilities may be accompanied by miniature horses to the extent necessary to avoid discrimination on the basis of disability unless allowing this accommodation would require the District to fundamentally alter its services, programs, or activities or is otherwise determined by the District to be unreasonable. In evaluating reasonableness, the District shall consider:
  - a. the type, size, and weight of the miniature horse and whether the facility can accommodate these features;
  - b. whether the handler has sufficient control of the miniature horse;
  - c. whether the miniature horse is housebroken; and
  - d. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
6. The service animal must be:
  - a. required because the individual has a disability; and
  - b. individually trained to do work or perform tasks for the benefit of the individual with a disability.

D. Guidelines and Procedures

1. Students and Employees. To facilitate the District's need to accommodate a variety of disabilities and conditions (which may include the competing needs of children and/or staff with animal allergies or fears), all students or employees with a disability requesting to be accompanied by a service animal shall provide advance notice of the request to the Director of Educational Equity at Granite School District, 2500 South State Street, Salt Lake City, Utah, 84115. The Director of Educational Equity shall make the proper notifications to schools or worksites of any requests.

Where practicable, the request should be submitted in writing at least 10 business days prior to bringing the service animal to a school site, school function, or workplace. Failure to provide advance notice may result in exclusion of the service animal from the school or worksite for up to 10 work days so that the request can be considered and necessary planning completed.

The request must include:

- a. the individual's name, school or work site, and a description of the school or work functions at which the service animal is requested to be used;

- b. an affirmation that the animal is required because of disability;
  - c. a description of the work or tasks that the service animal has been trained to provide for the person with the disability; and
  - d. proof of licensure and other mandatory vaccinations pursuant to applicable animal control ordinances.
2. Visitors and Patrons. Parents, visitors, volunteers, and members of the public visiting or attending functions at school facilities are asked to provide the building administrator advance notice of the fact that the individual will be accompanied by a service animal. Parents, visitors, and volunteers are also asked to provide service animal identification that includes proof of licensure and other mandatory vaccinations. Subject to section H, below, no member of the public shall be denied access to a school facility on the basis of being accompanied by a service animal.
3. To avoid confusion about whether an animal is a service animal, a person accompanied by a service animal while on school property or at school functions is strongly encouraged to exhibit one of the following:
- a. the animal's laminated identification card;
  - b. the animal's service vest; and/or
  - c. another form of identification sufficient to put others on notice that the animal is a service animal.

E. Management of Service Animals

- 1. A service animal shall be under the control of its handler.
- 2. 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 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).

F. Care of and Responsibility for Service Animals

- 1. Service animals must be housebroken.
- 2. The District, including school and classroom staff, are not responsible for the care or supervision of a service animal. The District or individual school is not responsible for providing a staff member to walk the service animal or to provide

any care or assistance to the animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the parents and guardians are responsible for providing care and supervision of the animal.

3. The owner or handler of the service animal shall be solely responsible for:
  - a. supervision and care of the service animal, including but not limited to feeding, exercising, clean-up, and stain removal; and
  - b. restraint of the service animal at all times.
4. Where a child is unable to act as handler for the animal, any handler who accompanies the child and animal, and who has unsupervised access to children or school facilities will be required to comply with all District policies and undergo a criminal background check.

#### G. Liability

The owner or the handler of a service animal may be liable for damage to property or injuries to persons caused by the service animal. Owners and handlers of service animals are assumed to have read this policy and understand this assumption of risk when they bring service animals onto school property.

#### H. Removal or Exclusion of Service Animal

1. The District may deny a request for use of a service animal, or ask an individual with a disability to remove a service animal from a District facility or vehicle, District grounds, or District function if:
  - a. the service animal is out of control and the service animal's handler does not take effective action to control it;
  - b. the presence of the service animal will require a fundamental alteration of the program, disrupt or interfere with the education process, or pose a direct threat to the health or safety of others; or
  - c. the handler fails to submit proof of current licensure and/or vaccinations when the service animal is to be used regularly during the school/work day or at school/work events.
2. If the service animal is properly removed or prohibited from the premises, the District will continue to give the individual with a disability the opportunity to participate in the District services, programs, or activities without having the service animal on the premises.

#### I. Conflicting Disabilities

Individuals with disabilities that are adversely impacted by service animals should contact their school administrator or department director/supervisor. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. (Certain individuals with animal dander allergies or fear of dogs may qualify as individuals with disabilities.) The school administrator or department director/supervisor shall strive to facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of the disabled individuals involved. However, the school administration or department director/supervisor may exclude the service animal if it poses a direct threat to the health or safety of others.

J. Complaint Procedures

1. A student with a disability, who believes the District denied him or her a Free and Appropriate Public Education (FAPE) under Section 504 of the ADA by excluding his or her service animal, may file a complaint in writing to the District 504 Coordinator for student issues according to the procedures in District policy 11IR-101 Section 504 Students with Accommodations, within ten (10) school days from the date the service animal was excluded.
2. A student with a disability, who believes the District denied him or her a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act by excluding the service animal, may file a complaint in writing to the District Director of Special Education within ten (10) school days from the date the service animal was excluded and/or may file a state complaint with, or request a due process hearing from the Utah State Office of Education (USOE).
3. A student with a disability not receiving services under a 504 Accommodation or an IEP, who believes the District has discriminated against him or her by excluding his or her service animal, may file a complaint to the District Compliance Officer according to the procedures in District policy 11IR-100 Nondiscrimination Policy and Complaint Procedures, within ten (10) work days from the date the service animal was excluded.
4. An employee with a disability, who believes the District discriminated against him or her by excluding his or her service animal, may file a complaint in writing to the District Benefits Office for employment issues according to the procedures in District policy 11IR-102 Provision for Reasonable Accommodation to Individuals with Disabilities, within ten (10) work days from the date the service animal was excluded.
5. A parent, patron, visitor, or volunteer with a disability, who believes the District discriminated against him or her by excluding his or her service animal, may file a complaint in writing to the District Policy and Legal Services Office within ten (10) school days from the date the service animal was excluded.

## DEFINITIONS

Disability: means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

Direct threat: means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services as provided in 28 CFR 35.139.

Service animal: see section 3 of the policy.

## REFERENCES

29 U.S.C. 794 - Section 504 of the Rehabilitation Act

42 U.S.C. 12101 et seq. - Americans with Disabilities Act

28 C.F.R Title 28 Part 35 - Nondiscrimination on the Basis of Disability in State and Local Government Services

## FORMS

Request to be Accompanied by a Service Animal: available on the Educational Equity website