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Statement of.....

Policy and Responsibility

SUBJECT: Service Animals

It is the policy of Murray City School District to accommodate individuals with disabilities who require a service animal for equal access to services, programs or activities that are otherwise limited by the student's/employee's/patron's disability.

- I. **Authority and Purpose.** This policy and procedure are published in accordance with Title II of the Americans with Disabilities Act of 1990 and the Amendments Act of 2008 and its implementing regulations, and are derived from 28 CFR Section 35 and Utah Code Title 62A Chapter 5b, Sections 101 through 104.
- The District reserves the right to impose legitimate safety requirements necessary for the safe operation of its services, programs or activities.

II. Definitions

- A. "Service Animal" includes any dog or miniature horse that is trained, or is in training, 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.

A service animal performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:

1. assisting an individual who is blind or has low vision with navigation or other tasks;
2. alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
3. providing non-violent protection or rescue work;
4. pulling a wheelchair;
5. assisting an individual during a seizure;
6. alerting an individual to the presence of an allergen;
7. alerting an individual that a critical change in blood glucose has occurred;
8. retrieving an item for the individual;
9. providing physical support and assistance with balance and stability to an individual with a mobility disability; or
10. helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

Service animals are not pets. The work or task a service animal has been trained to provide must be directly related to a person's disability.

Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

The service animal must be:

1. Required because the individual has a disability; and
 2. Individually trained to do work or perform tasks for the benefit of the individual with a disability.
- B. “Emotional Support Animal” (ESA) - A domesticated animal that is individually necessary for the emotional support, well-being, comfort, or companionship of an individual with a disability. The tasks performed by an ESA must be directly related to the individual’s disability. Non-human primates are specifically excluded from this definition.
- C. “Disability” – As defined in 42 U.S.C. 12102 of the Americans with Disabilities Act, as may be amended in the future, and 28 CFR Section 36 of the Code of Federal Regulations, as may be amended in the future.
- D. “Direct Threat” – A significant risk to the health and safety of others that cannot be eliminated by a modification to policies, practices or procedures, or by the provision of auxiliary aids or services.

III. Policy

- a. Murray School District recognizes that students, employee, and/or patrons with disabilities may need a service animal at school to assist in performing tasks otherwise limited by the student’s/employee’s/patron’s disability.
- b. Persons with disabilities who use service animals shall not be isolated from those without disabilities and shall not be treated less favorably than others without disabilities.
- c. Individuals with disabilities shall be permitted to be accompanied by their service animals in all District facilities where members of the public, participants in services, programs or activities, or invitees are permitted.
- d. Students with disabilities shall be permitted to be accompanied by their service animals in all District facilities where students are permitted.
- e. Under the ADA and District Policy, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the individual’s disability prevents using these devices. In this case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- f. If a service animal is out of control and the handler does not take effective action to control it, or if the service animal is not housebroken, the District or school administration may ask that the service animal be removed from District property.
- g. The District may ask an individual with a disability to remove a service animal from its facilities if the animal poses a direct threat.
- h. The District will not deny access or refuse service to people using service animals on the basis that other individuals are allergic or have a fear of dogs. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, the District will make its best efforts to accommodate both needs by assigning them, if possible, to different locations within the room or different rooms in the facility.

- i. School staff are not required to provide care or food for a service animal or to walk a service animal, unless documentation exists specifically requiring such care or supervision by the District or its employees.
- j. Permitted service animals should be:
 - 1. Treated for, and kept free of, fleas and ticks;
 - 2. Kept clean and groomed to minimize shedding and dander;
 - 3. Spayed or neutered; and
 - 4. Housebroken.
- k. A service animal's owner may be required to provide documentation indicating the service animal has been licensed in the jurisdiction(s) in which the owner resides.
- l. Other than service animals as defined above, or approved service animals in training granted facility access by the District, personally owned animals are not permitted at District facilities without the written consent of a District representative.

IV. Procedures

- a. When a student, employee, or patron wishes to bring a service animal to school, he/she must fill out a Service Animal Request Form, ~~attached at the end of this Policy~~. In order to assist in ensuring the accommodation of an individual's service animal, it is encouraged that the Form is completed in advance of bringing a service animal to school.
- b. To determine if an animal is a service animal, District or school administrators may ask only the following two questions:
 - 1. Is this animal required because of a disability?
 - 2. What work or task has this animal been trained to perform?
- c. These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair).
- d. District or school administrators may not ask about the nature or extent of an individual's disability or require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest.
- e. If an individual seeks to bring a miniature horse as a service animal, the request will be reviewed on a case by case basis to determine if the District or school can accommodate the miniature horse. The following factors will be used to determine the accommodation:
 - 1. Whether the miniature horse is housebroken;
 - 2. Whether the miniature horse is under the owner's control;
 - 3. The type, size, and weight that can be accommodated by District facilities
 - 4. Whether the miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of schools.

V. Service Animals in Training

- a. As provided in Utah law, service animals in training shall be granted access to District facilities, buildings or areas that are accessible to any member of the public.
- b. Service animals in training are not allowed in facilities, buildings or areas that are not accessible to any member of the public (e.g., student areas, classrooms, locker rooms, school libraries, buses, etc.).

VI. Emotional Support Animals (ESA) in an Educational Setting

- a. Emotional Support Animals are not allowed in district facilities, programs, or activities.

VII. Service Animals in the Employment Setting

- a. The use of a service animal may be considered a request for accommodation under Title I of the Americans with Disabilities Act.
- b. Service animals are permitted in the employment setting in accordance with the guidance published by the US Department of Justice, for the mitigation of physical barriers or to ensure equal access to programs, buildings or facilities.
- c. If the use of a service animal is requested for reasons other than barrier removal or equal access to programs, buildings or facilities, the request should be supported by recent, reliable, objective medical documentation, and the employee and the LEA should engage in the ADA Interactive Process.

VIII. Unique Circumstances or Requests

- a. Unique circumstances requiring special consideration shall be reviewed by the District Risk Coordinator in consultation with other appropriate District Personnel (e.g. Section 504 Coordinator, ADA Coordinator, etc.).
- b. The District Risk Coordinator shall coordinate with State Risk Management prior to denying a service animal, a miniature horse, or a service animal in training access to any District facility service, program or activity.