

## **SERVICE ANIMALS IN SCHOOLS**

The Aberdeen School District Board of Directors acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” as required by federal laws and Washington State’s law against discrimination. This policy governs the presence of service animals in the schools, on school property, including school buses and at school activities.

A “service animal” means an animal that is trained for the purpose of assisting or accommodating a disabled person’s sensory, mental or physical disability.

The parent/guardian of a student who believes the student needs to bring a service animal to school or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 coordinator or director of special services, as appropriate, will determine whether or not to permit the service animal in school.

Cross Reference:	Policy 2029	Animals as Part of the Instructional Program
	Policy 2161	Education of Students with Disabilities
	Policy 2162	Education of Students with Disabilities
		Under Section 504
	Policy 3210	Nondiscrimination
	Policy 5010	Nondiscrimination and Affirmative Action

Legal References:		American Disabilities Act (ADA), Revised
		Title II Regulations, §35 Service animals
		Section 504 of the Rehabilitation Act of
		1973
	RCW 49.60.040	Definitions
	RCW 28A.642	Discrimination Prohibition
	WAC 392-145-021(3)	General Operating Requirements
	WAC 392-172A-01155 (3)	Related Services
	WAC 392-172A-01035	Child with a Disability or Student eligible
		for Special Education
	WAC 392-190	Equal Educational Opportunity – unlawful
		discrimination prohibited
	WAC 162-26	Public accommodations, disability
		discrimination

Adopted: 04/17/15

## **Service Animals in Schools**

### **A. Service Animal Uses**

Service animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure or performing other special tasks. Service animals are working animals, not pets.

Use of a service animal by a student with a disability will be allowed in school when it is determined that the student's disability requires such use in order to assist or accommodate access to the instructional program, school services and/or school activities. The use of a service animal should be documented in the student's 504 Plan or Individual Education Plan (IEP).

Use of a service animal by an employee with a disability will be allowed when such use is necessary as a reasonable accommodation to enable the employee to perform the essential functions of their job or to access benefits of employment provided to all employees in the same job classification.

The use of a service animal by an individual with a disability will not be conditioned on the payment of a fee, security deposit or surcharge.

### **B. Requirements for Service Animal Access**

Before a service animal will be permitted in school, on school property or at school sponsored events, the student's parent or the employee must provide a description of the task(s) the service animal is expected to perform in assisting the person with a disability.

The district will provide access to a person with a disability who needs a service animal provided that the tasks performed by the service animal are directly related to the disability; and the animal has been individually trained to perform a task, is housebroken; is free of disease and parasites, has a harness, leash or tether so it cannot run free and is under the control of the person with a disability.

A service animal must also be licensed and immunized in accordance with the laws, regulations and ordinances of the city of Aberdeen, the county, and the state of Washington.

### **C. Parents or Animal Handlers**

Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal are required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

### **D. Removal or Exclusion of a Service Animal from School or School Property**

The building principal or district administrator may request an individual with a disability to remove a service animal from school, a school sponsored activity or school property if the animal is out of control and the animal's handler does not take effective action to control the animal. Examples of the animal being out of control include, but are not limited to the following:

1. The presence of the animal poses a direct threat to the health and/or safety of others;

2. The animal significantly disrupts or interferes with the instruction program, school activities or student learning. However, annoyance on the part of the others is not an unreasonable risk to property or others to justify the removal of the service animal;
3. The presence of the animal would result in a fundamental alteration of any school program;
4. The individual in control of the animal fails to appropriately care for the animal, including feeding, exercising, taking outside for performance of excretory functions and cleaning up after the animal;
5. The animal fails to consistently perform the function(s)/service(s) to assist or accommodate the individual with the disability;
6. The animal is ill; or
7. The animal is not housebroken.

If the district excludes a service animal, it will provide the individual with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises.

#### E. Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property.

The building administrator may revoke or exclude the service animals for the reasons set forth in paragraph “D” above.

#### F. Responsibility/Liability

1. Neither the district, nor its employees, are responsible for the cost, care or supervision of the service animal. (*See Policies 2161, Education of Students with Disabilities, and 2162, Education of Students with Disabilities Under Section 504, for responsibility for related services.*)
2. A service animal must be under the control of its handler. A service animal must also 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 the 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).
3. The owner/handler of the service animal is responsible for any and all damage caused by the service animal at school, on school premises or at school activities.

#### G. Appeals

A parent or employee whose service animal has been excluded or removed may appeal the decision to the superintendent. If dissatisfied with the superintendent’s decision, the parent or employee may appeal to the board.

H. Resources.

1. District Contact

Emily Hetland, Human Resources Director  
216 North G St.  
Aberdeen, WA 98520  
360.538.2004

2. State Contacts

Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

Office of Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600