

## **Service Animals in Schools**

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

Service animals are animals that are individually trained to perform tasks for people with disabilities, as specified by the federal Americans with Disabilities Act (ADA) and Washington Law Against Discrimination (WLAD), Chapter 49.60 RCW. Examples of functions performed by service animals include 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. An animal whose sole function is to provide comfort, emotional support or companionship does not qualify as a service animal.

Use of a service animal by a student with a disability will be allowed in school as required by the ADA/WLAD and Section 504 of the Rehabilitation Act of 1973.

Use of a service animal by an employee with a disability will be allowed (1) in portions of District property open to the public, or (2) when such use is necessary as a reasonable accommodation under the ADA and/or WLAD to enable the employee to perform the essential functions of his or her job or to access benefits of employment provided to all employees in the same job classification.

Use of service animals by any person with a disability will be allowed in places of public accommodation in areas open to the general public, such as stadiums and auditoriums.

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

In order to be allowed access to District facilities, the District requires that a service animal is housebroken; 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 Longview, Cowlitz County, and the State of Washington. The School Principal or a District Administrator will request proof of license and immunization at least annually.

### **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 a District administrator may request an individual with a disability to remove a service animal from school, a school-sponsored activity or District 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 any person;
2. The animal materially disrupts or interferes with the instructional 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 a 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 it outside for performance of excretory functions and cleaning up after the animal;
5. The animal is ill; or
6. 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 District-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 District property.

A building or District administrator may revoke or exclude such a service animal for the reasons set forth in Section D, above.

**F. Responsibility/Liability.**

1. Neither the District, nor its employees, are responsible for the cost, care or supervision of a service animal except as required by law. (*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 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 and 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 District premises or at school activities. This responsibility includes cleaning any areas of the school or District premises where the

service animal performed its excretory functions. In addition, the owner of any dog used as a service animal that bites any person will be liable for damages as suffered by the person bitten in accordance with state law, RCW 16.08.040.

### **G. Allergic Reactions**

An allergy is not a valid reason to deny access or refuse service to a person using a service animal. When a person who is allergic to an animal and a student or employee who uses a service animal must spend time in the same room or building, they both should be accommodated by assigning them, if possible, to different locations in the room or different rooms in the building. The District will work with the parents of affected students and with affected employees to develop appropriate accommodations for the service animal and the person with allergies.

### **H. Considerations when a Student has a Service Animal**

When the District approves use of a service animal by a student at school, the building principal or designee will take the following steps:

- Notify appropriate staff that a service animal will be on campus.
- Provide a process for staff, students and parents to inform administrators of any animal allergies that may require accommodation.
- Educate students and staff on proper behavior around a service animal.
- Plan for transportation of the service animal, including on the bus and field trips.
- Develop an emergency evacuation plan to include the service animal.

### **I. Appeals.**

A person whose service animal has been excluded or removed may appeal the decision to the superintendent or designee in writing. The superintendent or designee will respond in writing within five (5) business days, stating whether the animal will be allowed and the rationale for that decision. If dissatisfied with the decision of the superintendent or designee, the person may use the procedure outlined in Policy 4220 and Procedure 4220P. Nothing in this procedure will prohibit a person who believes that he or she may have been subjected to disability discrimination to utilize the District's Section 504 grievance procedures, found in Procedure 3210P (students) and Procedure 5010P (employees), and/or to pursue a complaint with the federal Office for Civil Rights.

### **J. Resources.**

1. District Contact  
Director of Human Resources
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 for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

Adoption Date: August 28, 2017

Longview School District