



**SWEETWATER COUNTY
SCHOOL DISTRICT #1**

Agenda Item 13-a

Recommendation for the approval of Policy EBBAB (Service Animals on School District Property)

SERVICE ANIMALS ~~IN SCHOOLS~~ *ON SCHOOL DISTRICT PROPERTY*

I. General Statement

~~The basic principle of this policy is that any animal (pet or service animal) is personal property and cannot be brought onto school property without prior approval. If a child arrives at school with any animal and previous approval has not been obtained, then the legal parents/guardians will be immediately notified and requested to come to the school to retrieve the animal until it can be determined that the presence of the animal in school is in compliance with the law. The animal will remain with the child until the parent/guardian removes the animal from school property. The animal will not be "confiscated" and taken away from the child.~~

~~The District is dedicated to protecting the health and well being of our community. Some students are highly allergic to certain animals. Animals can also spread disease, or behave in dangerous or unpredictable ways that can cause injury to persons with whom they come into contact. The District is also dedicated to comply with all appropriate legislation addressing the disabilities of students attending our schools.~~

Sweetwater County School District Number One acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its facilities (*including but not limited to, District transportation, school buildings, in classrooms, work locations and administrative sites*) and at school functions, as required by the Title II of the Americans with Disability Act and the Wyoming statutes.

POLICY: In accordance with Title II, the District will modify its policies, practices, and procedures to permit the use of service animals by individuals with disabilities, subject to the following:

II. Definitions

~~"Hearing animal" means an animal trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.~~

~~"Service animal" means an animal trained to accompany its owner or handler for the purpose of carrying items, retrieving objects, pulling a wheelchair, alerting the owner or handler to medical conditions, or other such activities of service or support necessary to mitigate a disability.~~

~~"Three unit service animal team" means a team consisting of a trained service animal, a disabled person, and a person who is an adult and who has been trained to handle the service animal.~~

III. Service Animal Exception to "No Pet" Policy

~~Service animals are not "pets". We do not discriminate on the basis of disability. Persons with disabilities have the same right as the able-bodied to the use and enjoyment of our school. We strive to make reasonable accommodations for a disabled person's use of a service animal on school property. We have established the following procedures for evaluating whether and how a request to bring a service animal on school property can be implemented under the circumstances on a case-by-case basis.~~

A. “Service Animal”

A “service animal” is any dog or miniature horse that has been 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. 28 CFR § 35.104; 35 CFR § 35.136(i)(1); Wyo. Stat. § 35-13-205(a)(viii). Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

B. “Work” or “Task”

The work or tasks performed by a service animal must be directly related to the ~~handler's~~*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 nonviolent 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. 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.

C. “Assistance Animal” or “Emotional Support Animal”

An “assistance animal” means an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability. Wyo. Stat. § 35-13-205(a)(iv). An assistance animal – sometimes known as an “emotional support animal” – can be a cat, dog, or other type of companion animal. It does not need to be trained to perform a service; instead, the emotional or physical benefits the animal brings qualify it to be an assistance animal. Examples might include a cat that can detect and alert its companion of oncoming seizures, a dog that alleviates a person’s depression or anxiety, a cat that reduces a person’s stress-induced pain, and a bird that alerts its hard-of-hearing companion when someone rings the doorbell. Assistance animals and emotional support animals do not qualify as “service animals” as defined in the Title II regulations or Wyoming Statutes and are not covered by this Policy.

~~IV. Request Form~~

II. REQUESTS FOR SERVICE ANIMAL ACCOMMODATION

~~Before a service animal is approved for use in the District, a medical professional must have confirmed the student’s disability and the student’s IEP or building 504 team must~~

recommend the use of a service animal as the most appropriate accommodation for the student’s disability. In addition, ~~POLICY FILE: EBBAB-E~~ must be completed by the student or their legal parent/guardian and submitted to the IEP or 504 team with the medical profession request for a service animal.

The animal must be a "trained service animal".

A “trained service animal” can be called a:	A “trained service animal” is NOT called a:
hearing animal	skilled companion animal
guide animal	therapy animal
assistance animal	social animal
seizure alert animal	facility animal
mobility animal	agility animal
psychiatric service animal	police animal
autism service animal	search and rescue animal
	helping animal
	support animal

~~V. Other Requirements~~

~~The service animal must have a health certificate that evidences the animal is currently in good health, free from parasites, and has received all recommended vaccinations.~~

~~Guide animals for totally or partially blind persons and hearing animals for deaf or hearing impaired or otherwise disabled persons must wear a harness, backpack, or vest identifying the animal as a trained service animal.~~

~~The service animal and its primary handler must be certified for "public access."~~

A. Written Request

Before an individual with a disability may be accompanied by a "service animal" in ~~District facilities~~ *school district property (including but not limited to, District transportation, school buildings, in classrooms, work locations and administrative sites)* and at school functions, the service animal must be approved by the District. All requests for an individual with a disability to be accompanied by a service animal must be made on the District's request form (File EBBAB-E), must contain documentation of current vaccinations, and must be submitted to the Director of Human Resources at the Central Administration Building ("CAB"), 3550 Foothill Boulevard. Request forms may be obtained on the district website or from Human Resources.

B. Vaccinations

Owners of a service animal must provide annual proof that the animal is up to date on all of its required vaccinations. In order to provide the required proof, the animal's veterinarian must certify in writing, signed by him/her, that all vaccinations are current *in accordance with state and local laws.*

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D. Special Consideration for Students with IEP or 504 Plan

For students on an IEP or 504 plan, if a request is made to allow the student to have a service animal at school or at a school-sponsored function, the IEP or 504 Team will consider the request, and whether it can provide services and/or accommodations that would serve the stated purpose of the service animal. If the Team determines that it can ~~and proposes provide alternative accommodations and/or services~~ *services and/or accommodations*, then the request to allow a service animal may be denied. This determination will be made on a case by case basis.

1 If the service animal does not meet this requirement at any time, the service animal may be removed by the school district. All costs associated with such removal and boarding, if necessary, will be borne by the owner of the service animal. The service animal will not be permitted to return to school property or any school activity until *this requirement has been met and after* all costs associated with its removal have been paid.

~~Any purported service animal that is being brought into a school setting must have sufficient training to be certifiable for public access. Assistance Dogs International (ADI), Service Animal Registry of American (SARA), National Service Animal Registry (NSAR), or a similar organization can perform a standardized Public Access Test that results in the animal and its handler being awarded a certificate. Having "public access" is an important, objective measure of the animal's ability to behave appropriately in public and the handler's ability to handle the animal in public. If the handler cannot produce such a certificate, then either the animal must pass the Public Access Test or the handler must produce credible proof that the animal has~~

~~met Minimum Standards For Training Service Animals. Costs associated with the certification are the responsibility of the legal parent(s)/guardian(s).~~

~~Even if the service animal is certified for public access, it will be denied access to school property if at any time the Minimum Standards For Training Service Animals is not maintained. The requirements are as follows:~~

~~Animal is clean, well groomed and does not have an offensive odor;~~

~~Animal does not urinate or defecate in inappropriate locations;~~

~~Animal does not solicit attention, visit or annoy any member of the student body or school personnel;~~

~~Animal does not vocalize unnecessarily, i.e., barking, growling or whining;~~

~~Animal shows no aggression towards people or other animals;~~

~~Animal does not solicit or steal food or other items from the student body or school personnel;~~

~~Animal must not in any other way interfere with the educational process of any student.~~

~~Animal must not pose a health or safety threat to any student, personnel or other persons.~~

~~VI. Designated School Administrator Contact Person~~

~~Upon a recommendation from the building's IEP or 504 team, the Director of Human Resources/designee shall have the authority and responsibility of determining if the service animal meets the District's standards.~~

~~VII. Additional Recommendations~~

~~The Director of Human Resources/designee shall establish the following service animal rules for service animals allowed in schools of the District:~~

~~A rest place for the animal (such as a crate in a quiet place);~~

~~Rest times for the animal;~~

~~Emergency evacuation plan;~~

~~Fire drill plan/participation;~~

~~An alternate accommodation/plan in the event the animal's primary handler (if not the child) or the animal is not able to accompany the disabled child to school due to illness, injury or death.~~

~~An educational program addressing how the student body treats a service animal.~~

III. EXCLUSION OR REMOVAL

A. Exclusion

If admitting a service animal would fundamentally alter the nature of the goods, services, programs, or activities of the District, the animal may be excluded.

B. Removal

The District may ask an individual with a disability to remove a service animal from the premises if:

- 1. the animal is out of control and the handler does not take effective action to control it;**
- 2. the animal is not housebroken; or,**
- 3. the District determines that the presence of a service animal will pose a direct threat to the health and safety of others.**

C. Continued Participation

If a service animal is removed or excluded, the District will give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal.

IV. HEALTH AND SAFETY

The school district is responsible for providing a safe learning environment for all students, teachers and staff. If the presence of a service animal poses a health or safety risk to another member of the school community, as documented by a physician, the school will weigh the needs of all parties and

will put forth a plan to provide reasonable accommodations. The school district will assess each situation on a case by case basis and may exclude the service animal if the animal's presence poses a threat to the health, safety and/or well-being of anyone who will potentially come in contact with the service animal.

V. CARE AND SUPERVISION OF SERVICE ANIMALS; ANIMAL HANDLERS

The District is not responsible for the “care and supervision” of service animals. The animal’s handler is responsible for caring for and supervising the service animal, which includes, but is not limited to toileting, feeding, grooming, and veterinary care.

A. Handler Control

A service animal must be under the control of its handler. The service animal must have a harness, leash, or other tether, unless:

- a. The handler is unable, because of a disability, to use a harness, leash, or other tether; or
- b. The use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks.

In this case, the handler must use voice control, signals, or other effective means to control the service animal.

B. Third-Party Handler

Due to the need for a service animal’s handler to have unaccompanied access to school grounds for the care and maintenance of the service animal, if the animal’s handler is not the student or employee with a disability, the service animal’s handler must submit and pass a fingerprint Level II background screening by the District, at the handler’s expense.

The District has no obligation to provide a handler for a service animal. On a case-by-case basis, and where necessary to reasonably accommodate the student, the District may provide some assistance to a student-handler as the student cares for and supervises the service animal.

C. Grooming & Veterinary Care

All service animals must be treated for, and kept free of, fleas and ticks². All service animals must be kept clean and groomed to ~~avoid~~ reduce shedding and dander³.

VI. SPECIAL CONSIDERATION FOR MINIATURE HORSES

In determining whether modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific 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 a specific facility compromises legitimate safety requirements that are necessary for safe operation.

VII. PARENTS AND OTHER VISITORS

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities that are open to the public. When an individual with a disability seeks to bring a service animal into a District facility, the District is entitled to ask the individual if the animal is required because of a disability and what work or task the animal has been trained to perform. The District will not ask for documentation that the animal has been properly trained, but the individual bringing the animal into a District facility will be held accountable for the animal's behavior.

~~Requests to bring a service animal into a District facility shall be made on Request Form EBBAB-E. The District expects all visitors and parents to submit Request Form EBBAB-E before bringing a service animal onto District facilities or to District events, however, exceptions for advance request will be made where advance request was impossible or impractical. Wyo. Stat. § 35-13-203.~~

2 See Footnote 1.

3 See Footnote 1.

VIII. MISREPRESENTATION OF A SERVICE ANIMAL

Any person who knowingly and intentionally misrepresents that an animal is a service animal may be guilty of a misdemeanor and may be fined criminal penalties up to seven hundred fifty dollars (\$750.00). Wyo. Stat. § 35-13-203.

IX. NO DISTRICT RESPONSIBILITY

Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property. ~~The student's parent or legal guardian will be required to sign a waiver of liability prior to the service animal coming to the school or to the school sponsored activity.~~

X. APPEALS

Individuals whose service animal has been excluded or removed may appeal the decision to the Superintendent. If dissatisfied with the Superintendent's decision, the individual may appeal to the Board of Trustees.

Adopted 10/11/2010

School District #1, Sweetwater County, Wyoming