

BP 0411 Service Animals

KPBSD Policy Manual

BP 0411

Philosophy-Goals-Objectives and Comprehensive Plans SERVICE ANIMALS

The Board is committed to providing quality education to all students and ensuring full access to ~~e~~District programs, services and facilities by individuals with disabilities, including those requiring the use of a service animal. The ~~e~~District will comply with all applicable federal and state laws concerning the use of service animals on ~~e~~District property, in classrooms, at school functions, and in connection with district services.

(cf. 0410 – *Nondiscrimination in District Programs and Activities*)
(cf. 1312.3 – *Public Complaints Concerning Discrimination*)
(cf. 4030 – *Nondiscrimination in Employment*)

Individuals with disabilities may be accompanied by a working service animal individually trained to do work or perform tasks for the benefit of the individual. The Superintendent or designee shall develop guidelines to implement this policy, including procedures for individuals to request the use of a service animal, proof of animal vaccination, and procedures for accommodating the use of the service animal when a student or staff member has a known allergy.

(cf. 1260 – *Visits to ~~the~~ Schools*)

It is the responsibility of the handler or the individual assisted by a service animal to ensure that the animal is identified as a service animal and to properly control and supervise the animal at all times while on ~~e~~District property. The ~~e~~District is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. The care and supervision of service animals for young children unable to care for or supervise the animal should be addressed on a case-by-case basis in the discretion of the building administrator.

Owners of service animals are liable for any harm or physical injury caused by the animal to other students, staff, or visitors. Owners of service animals may be required to pay for property damage caused by the animal to the same extent any individual would be charged for such damage.

(cf. 3531 – *Recovery for Property Loss or Damage*)
(cf. 6161.2 – *Damaged or Lost Instructional Materials*)

A school administrator may ask that an individual with a disability remove a service animal from a school building or school function if the animal is out of control and the animal's handler does not take effective action to control the animal, or if the animal is not housebroken. If the animal is properly excluded, the individual with a disability must will still be permitted to participate in the service, program, or activity without the service animal.

No individual shall intentionally interfere with the use or assistance of a service animal by harassing or obstructing the service animal or its user.

“Service animal” includes those animals as identified in applicable state and federal laws and regulations. Service animal does not include an animal whose primary work or task is to provide emotional support, well-being, comfort, or companionship.

All requests that an individual with a disability be accompanied by a service animal must be addressed, in writing, to the School Administrator, or designee. The request must contain documentation of required vaccinations. The request should be delivered to the School Administrator no later than ten (10) calendar days prior to the date on which the service animal is to be brought to the District building or District function.

Owners of service animals must provide proof of the following vaccinations: Bortadella; Distemper; Hepatitis (Adenovirus); Leptospirosis; Parainfluenza; Parvovirus; and Rabies (which may appear on the health certificate as DHLPPR or similar combination). All service animals must be spayed or neutered. All service animals must be treated for, and kept free of, fleas and ticks. All service animals must be kept clean and groomed in order to avoid shedding and dander.

The animal must be “required” for the individual with a disability, with documentation supporting the need for the service animal as an accommodation under the student’s individual education plan (IEP), or as developed under Section 504 of the Rehabilitation Act of 1973, as deemed necessary for the student to access the school program.

The animal must be “individually trained” to do work or a task for the individual with a disability.

Legal Reference:

UNITED STATES CODE

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

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

CODE OF FEDERAL REGULATIONS

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

28 C.F.R. Part 41, *Nondiscrimination on the Basis of Handicap in Federally Assisted Programs*

29 C.F.R. Part 1630, *Implementing the Equal Employment Provisions of the Americans with Disabilities Act*

ALASKA STATUTES

~~Title 18, Chapter 80~~ AS 18.80.200 - .295, *Discriminatory Practices Prohibited*

AS 11.76.130, *Interference With Rights of Physically or Mentally Challenged Person*

KENAI PENINSULA BOROUGH SCHOOL DISTRICT
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