



Book	Administrative Regulations
Section	0000 PHILOSOPHY-GOALS-OBJECTIVES-COMPREHENSIVE PLANS
Title	Service Animals
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### **Policy**

Persons with disabilities have the same rights as those without disabilities to the use and enjoyment of Kenai Peninsula Borough school facilities. As required by federal law, an individual with a disability is permitted to be accompanied by his/her service animal on school property, subject to the conditions of these guidelines. The Kenai Peninsula Borough School District acknowledges its responsibility under the Americans with Disabilities Act (ADA) to allow students and/or adults with disabilities to be accompanied by a "service animal" in District buildings, including classrooms. As used in this policy disability means a physical or mental impairment that substantially limits one or more major life activities.

### **No Pets Allowed in School**

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. For these reasons, pets are not allowed in the schools or school facilities. If a child arrives at school with an animal and previous approval has not been obtained, then the parent/guardian will be immediately notified and requested to come to the school to retrieve the animal until it is proven that the animal is in compliance with the law. The animal will remain with the student until the parent/guardian removes the animal from school property. The animal will not be "confiscated" and taken away.

### **Service Animal Exception**

Service animals are not pets. The Kenai Peninsula Borough School District does not discriminate on the basis of disability. The District strives to make reasonable accommodations for a disabled person's use of a service animal on school property; however, the District may request information to substantiate that the service animal is actually providing a service to the person with the disability-related condition as opposed to being a companion animal. The procedures set out herein have been established 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.

### **Definitions**

- "ADA" the American with Disabilities Act
- "Emotional Support" these animals do not qualify as service animals under the ADA. An emotional support animal is an animal that provides comfort just by being with a person. Because they have not been trained to perform a specific job or task, they do NOT qualify as a service animal under the ADA.
- "Hearing Dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.
- "Mobility Impaired" means one who is unable to move about without the aid of crutches, a wheelchair or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise or perform any related function.
- "Perform Tasks" under the ADA, the dog must be trained to take a specific action when needed to assist the person with a disability. For example, a person with diabetes may have a dog that is trained to alert him or her when his/her blood sugar reaches high or low levels. A person with depression may have a dog that is trained to remind them to take their medication. Or, a person who has epilepsy may have a dog that is trained to detect the onset of a seizure and then help the person remain safe during the seizure.
- "Service Animal" under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.
- "Trained Animal" The ADA regulations clarify that service animals that are not trained to perform tasks that mitigate the effect of a disability, including animals that are purely for emotional support, are not service animals; therefore, these

animals will not be allowed in the District.

### **Trained Miniature Horse**

Miniature horses can be trained as service animals (generally 24-34 inches in height and weighing between 70-100 pounds); however, additional assessment factors will be taken into account in determining whether to allow a trained miniature horse into the school setting. The District must give consideration to the following:

- The type, size and weight of the horse and whether the facility can accommodate those features;
- Whether the handler has sufficient control of the horse;
- Whether the horse is housebroken; and Whether the horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

### **Service Animal in Training**

The District recognizes that a service animal may need additional training in the school setting in order to become familiar with the student's surroundings; however, the handler must be an experienced trainer/or supervised by an experienced trainer (certified by an accredited school for guide dogs or legally blind). The animal must be at least six months of age. The handler must wear a jacket identifying the organization to which they belong. The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

### **Request for Service Animal**

A request for an individual with a disability to be accompanied by a service animal in school or at a school-related function must be made in writing to the Director of Special Education ("Director") and delivered at least ten (10) calendar days prior to bringing the service animal to school or a school function. When a service animal accompanies a student as an Individualized Education Program (IEP) or 504 Plan accommodation or related service, the request may be reviewed annually through the IEP or 504 Plan renewal process. When a service animal accompanies a school employee, this request may be updated during the employee's annual review.

- a. As part of the process of reviewing the request, the Director may ask for the following:
  - i. Whether the animal is required due to a disability; and
  - ii. What work or task the animal has been trained to perform.
- b. The student, parent or guardian may not be asked about the nature or extent of his/her disability, nor is the student, parent or guardian required to provide documentation that the animal is certified, trained, or licensed as a service animal.

### **Requirements for Service Animals on School Property**

- a. **Health Certificate:** The service animal must be in good health. The owner or handler of the animal must provide the Director a copy of the animal's health certificate, issued by a licensed veterinarian. This document shall be updated annually. Additionally, the service animal must:
  - Be free from fleas and ticks
  - Be Housebroken
  - Be clean and groomed in order to reduce shedding and dander
- a. **Vaccinations:** Service animals must be immunized annually against diseases common to that type of animal, and the Director shall be provided proof of the immunization documentation. Proof shall be provided for the following vaccinations: Bordetella, Distemper, Hepatitis (Adenovirus), Leptospirosis, Parainfluenza, Parvovirus, and Rabies.
- b. **Identifiers:** The following identifiers are recommended but not required for the service animal:
  - A harness; or
  - a blaze orange leash/tether; or
  - a vest identifying the animal as a service animal.
- d. **Care and Control:** The owner or handler of the service animal must be able to care and supervise the animal, including walking the animal or responding to the animal's need to relieve itself. If the person with a service animal is unable to care for or supervise the service animal, they must provide a responsible person to care and supervise the animal. **Exception:** The District may decide that it is a "reasonable modification" under the ADA for a school official to assist or monitor a person when using his or her service animal at school, such as by assisting the student in tethering and untethering the service animal, by giving commands to the animal, or by escorting the animal.

### **Additional Considerations Pertaining to the Animal**

The following considerations will be reviewed within five (5) calendar days of receipt of a request to approve a service animal.

- A rest place for the service animal when not working (gym, lunch and recess);

- Emergency evacuation plan including fire, earthquake drills
- An alternate accommodation/plan in the event the service animal's primary handler is not able to accompany the disabled person to school due to illness, injury or death;
- Training for staff and students to educate others on how to behave appropriately around the service animal;
- Bathroom needs of the animal

#### **Additional Considerations for School Age Peers and Staff**

- Medical needs of other children or staff (would require verification from medical doctor or nurse practitioner that a child or staff member is allergic to the animal);
- Fear of animals (would require verification from medical doctor, nurse practitioner, psychologist or psychiatrist that a child/staff member has a fear of animal);
- Impede the learning of others, student(s) so distracted by the animal that they could not learn

In accordance with the Americans with Disabilities Act, allergies and fear of dogs or horses are not valid reasons for denying access to people using service animals. When a person who is allergic to a service animal and a person who uses a service animal must spend time in the same room or facility, they should both be accommodated by assigning them, if possible, to different locations within the room or to different rooms in the facility.

#### **Damages; Fees**

The owner or handler of the service animal is responsible for any damage to school property or injury to personnel, students, or others caused by the service animal.

The owner or handles of a service animal shall not be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged. This does not preclude a fee being charged to the individual(s) attending the event with the animal.

#### **District Not Responsible**

The District is not responsible for the care or supervision of the service animal. The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. If the person is unable to handle the service animal him/herself, a handler must be provided or else the service animal will not be allowed in or on school grounds. If the handler happens to be absent for any reason, the service animal cannot attend that day either.

#### **Access**

Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of a public entities facility where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go.

The District will give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises if the District has excluded the service animal in accordance with this policy and applicable law.

#### **Removal of Service Animal from School Property**

The District can require the removal of the service animal if the animal is out of control and the animal's handler does not take effective action to control it, the animal is not housebroken, or the presence of the animal poses a direct threat to the health or safety of others. Factors that may be considered under this element are that the service animal does or is not:

- Clean, well-groomed and/or has an offensive odor;
- Urinates or defecates in inappropriate locations;
- Solicits attention, visits or annoys other students or school personnel;
- Vocalizes unnecessarily, i.e., barking, growling, or whining;
- Shows aggression towards people or other animals;
- Solicits or steals food or other items from the students or school personnel;
- Interferes with the educational program of any student.

#### **Appeal**

If the request to bring a service animal in or onto school property is denied, an appeal of the denial may be filed, in writing, to the Superintendent's office. The appeal must be filed within ten (10) calendar days of the denial. The appeal must include the following information:

- a. The name, address, and contact number of the person filing the appeal;
- b. The decision being appealed; and
- c. The basis for the appeal