

Marion County Board of Education

Monitoring: Review: Annually, in July	Descriptor Term: Service Animals in District Facilities	Descriptor Code: 6.5001	Issued Date: 11/14/22
		Rescinds: 6.5001	Issued: 11/14/22

1 In accordance with the provisions of the Americans with Disabilities Act, service dogs¹ (hereinafter
2 referred to as service animals) are permitted for use by individuals with disabilities on district property
3 and in district facilities provided the individuals and their animals meet the requirements and
4 responsibilities covered in this policy.

5 When an individual with a disability seeks to bring a service animal into a district facility, the district is
6 entitled to ask the individual if the animal is required because of a disability and what work or task the
7 animal has been trained to perform.² The district is not entitled to ask for documentation that the animal
8 has been properly trained, but the individual bringing the animal into a district facility will be held
9 accountable for the animal's behavior.

10 Any service animal brought into a district facility must be trained to take a specific action when needed
11 to assist the person with a disability. Service animal means any dog that is individually trained to do
12 work or perform tasks for the benefit of an individual with a disability, including a physical, sensory,
13 psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic,
14 trained or untrained, are not service animals for the purposes of this definition. The work or tasks
15 performed by a service animal must be directly related to the individual's disability. Examples of work
16 or tasks include, but are not limited to, assisting individuals who are blind or have low vision with
17 navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people
18 or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual
19 during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or
20 the telephone, providing physical support and assistance with balance and stability to individuals with
21 mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or
22 interrupting impulsive or destructive behaviors.

23 The crime deterrent effects of an animal's presence and the provision of emotional support, well-being,
24 comfort, or companionship do not constitute work or tasks for the purposes of this policy.

25 Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of
26 a public entity's facilities where members of the public, participants in services, programs or activities,
27 or invitees, as relevant, are allowed to go.

28 A service animal shall be under the control of its handler. A service animal shall have a harness, leash,
29 or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other
30 tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe,
31 effective performance of work or tasks, in which case the service animal must be otherwise under the
32 handler's control by means of voice control, signals, or other effective means.

- 1 A service animal will be removed from the premises if:
- 2 (1) The animal is out of control and the animal's handler does not take effective action to control it; or
- 3 (2) The animal is not housebroken.
- 4 (3) The animal's presence would fundamentally alter the nature of the service, program or activity.³
- 5 If the district excludes a service animal due to the reasons listed above, the district shall give the
- 6 individual with a disability the opportunity to participate in the service, program, or activity without
- 7 having the service animal on the premises.
- 8 The District and its staff are not responsible for the care or supervision of a service animal brought onto
- 9 district property or into district facilities by an individual with a disability.
- 10 The District shall not ask or require an individual with a disability to pay a surcharge, even if people
- 11 accompanied by pets are required to pay fees, or to comply with other requirements generally not
- 12 applicable to people without pets.

Legal References

1. 28 CFR § 35.104
2. 28 CFR § 35.136
3. 28 CFR § 35.130