

REQUESTS FOR SERVICE ANIMALS

All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the superintendent or designee and must contain documentation of proof of vaccinations and treatment for fleas and ticks as may be required by state or local law. This written request must be delivered to the superintendent's office at least ten (10) days prior to bringing the service animal to school or to a school function. Requests for service animals must be renewed annually at the start of each school year and must be accompanied by updated verification of vaccination.

Before bringing a service animal into the educational environment, the student, parent/guardian, or employee and the building principal or designee will meet to consider and establish a plan to address the following issues:

1. A rest place for the service animal, if necessary.
2. Opportunities for the service animal to go outside to relieve itself, the designated areas where the service animal may relieve itself, and clean up after the service animal.
3. Rest times for the service animal, if necessary.
4. Water and feeding breaks, as appropriate.
5. Emergency evacuation plan, fire drill and other disaster plan participation.
6. The impact the service animal will have on other students or employees in the same building. However, allergies to or fear of a service animal alone will not constitute reasons to deny service animal access to school facilities. The parties affected will strive to accommodate the needs of all affected parties.

Service animal plans are not considered contracts between the district and the student/parent or employee but are rather a guide for the parties. Service animal plans are not considered an accommodation under Section 504 of the Rehabilitation Act or a service or accommodation under a student's Individualized Education Plan (IEP).

In a situation where a request is made for access by a service animal to a building that is already allowing another trained service animal access, the building principal or designee reserves the right to make or change assignments to rooms or programs based on the needs of the building, student body or the staff. Should the building principal determine that the number of service animals seeking access to the building creates an undue hardship on the educational or work environment that fundamentally alters the nature of the services performed, or poses a direct threat to the safety of the student, employee or others, the building principal reserves the right to

deny a new request for access by another student or employee. Any such denials will be referred to the superintendent or designee to explore options to address the request for access.

Students seeking access for service animals in training will be allowed access provided that school instruction time may not be used by the student for active training purposes. The building principal may make limited exceptions to this restriction on a case-by-case basis.

Employees seeking access for service animals in training will be allowed access provided that the presence of the service animal does not interfere with the employee's or others' ability to perform their job functions.

STAFF INQUIRIES

When reviewing requests for service animal access to school facilities, staff will not inquire about the nature or extent of an individual's disability. Staff may not make inquiries about a service animal when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling an individual's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). If a student requesting service animal access has not been previously identified by the district as an individual with a disability who may require appropriate plans, services or accommodations under the IDEA or Section 504 of the Rehabilitation Act, district staff may ask the parent/guardian for documentation of a disability for purposes of the district's child find obligations under the IDEA or Section 504.

When it is not readily apparent to staff what service the animal provides, staff may make the following two (2) inquiries to determine whether an animal qualifies as a service animal:

1. Staff may ask if the animal is required because of a disability; and
2. Staff may ask what work or task has the animal been trained to perform.

Staff may not require documentation regarding a service animal, such as proof that the animal has been certified, trained, or licensed as a service animal, but may ask for proof of vaccination and whether the service animal has been treated for fleas and ticks in accordance with applicable state and local law. Staff may not ask that the animal demonstrate its ability to perform the work or task.

The district will not charge surcharges for a service animal, provided, however, if the district's normal policy is to charge individuals for the damage they cause, the district reserves the right to charge an individual with a disability for the damage caused by his/her service animal.

HANDLER RESPONSIBILITIES

1. The handler must be in full control of the service animal at all times. Service animals must have a harness, leash, or tether unless these devices interfere with the service animal's safe, effective performance or the individual's disability prevents the use of

these devices, in which case the individual must maintain control of the animal through voice, signal, or other effective controls.

2. The handler must care for and supervise the service animal at all times, which generally means as follows:
 - a. The district is not responsible for providing a staff member to walk the service animal, respond to the animal's need to relieve itself, or to provide any other care or assistance to the animal.
 - b. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parent/guardian is responsible for providing care and supervision of the animal.

The district recognizes that in certain circumstances the handler may need assistance in providing care and supervision for his/her service animal (for example, leading a service animal outside to relieve itself). In such circumstances, the district will consider a request for a reasonable accommodation on an individualized basis. The district is not obligated to approve a requested accommodation that would fundamentally alter the nature of the district's services, programs or activities, or which would pose a direct threat to the health or safety of students, staff or others.

MINIATURE HORSES

A miniature horse will be permitted as a service animal where reasonable. Staff may make the same inquiry and ask the same questions when it is not apparent what services a miniature horse provides, as set forth in the "Staff Inquiries" section of this procedure.

The following four assessment factors will be used in determining whether a miniature horse can be reasonably accommodated in school buildings, in classrooms, or at school functions:

1. The miniature horse is housebroken.
2. The handler has sufficient control of the miniature horse.
3. The facility can accommodate the miniature horse's type, size, and weight.
4. The miniature horse's presence will not compromise legitimate safety requirements necessary for the safe operation of the facility.

EXCLUSION OF SERVICE ANIMALS

A school administrator may exclude a service animal or ask an individual with a disability to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:

1. The service animal is out of control and the handler does not take effective action to control it.
2. The service animal is not housebroken.
3. The service animal is not clean, well-groomed, has an offensive odor, or is otherwise not in good health.
4. The service animal shows aggression towards people or other animals.
5. The service animal's presence would fundamentally alter the nature of the service, program, or activity.
6. The service animal presents a direct threat to the health and safety of students, staff, or other individuals. In determining whether a service animal poses a direct threat, the district will make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: (i) the nature, duration, and severity of the risk; (ii) the probability that the potential injury will actually occur; and (iii) whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services would mitigate the risk.

If a service animal is excluded, the individual with a disability will be given the opportunity to participate in the service, program, or activity without having the service animal on the premises and/or may be offered other alternatives to the service animal that are effective in performing the functions required with respect to the individual's disability.

RESPONSIBILITY FOR SERVICE ANIMAL

The district does not assume responsibility for the care or conduct of service animals that have been given access to school property or facilities, or school-sponsored events. The student, employee or visitor with the service animal will remain liable for any damages to facilities, equipment or other persons caused by the service animal.

APPEAL OF DENIAL OF REQUEST OR WITHDRAWAL OF APPROVAL FOR SERVICE ANIMAL

In the event the building principal or designee has denied a request for approval of a service animal or has withdrawn approval, the student/parent, employee or designee may appeal such decision to the superintendent or designee. Pending the resolution of the appeal, the service animal will not be allowed on school property or at school-sponsored events. The superintendent or designee will render a decision within ten (10) working days of the date of receipt of the appeal. The decision of the superintendent or designee is final.



LEGAL REFERENCE:

Idaho Code §§56-701 *et seq.* – Rights of Individuals with Disabilities
28 C.F.R Part 35 – Americans with Disabilities Act Regulations

ADOPTED: November 15, 2022

AMENDED: