

SERVICE ANIMALS IN THE SCHOOLS

POLICY:

The Lake Stevens School District Board of Directors acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" as required by federal laws and Washington State's law against discrimination. This policy governs the presence of service animals in the schools and on school property, including school buses and at school activities.

A "service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental, or physical disability.

The parent/guardian of a student who believes the student needs to bring a service animal to school, or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or the Executive Director of Special Services, as appropriate, will determine whether or not to permit the service animal in school.

Cross References:

Policy No. 4005: Affirmative Action
Policy No. 5090: Student Nondiscrimination
Policy No. 6025: Animals as Part of the Instructional Program
Policy No. 6005.2: Education of Students with Disabilities
(Under Section 504 of the Rehabilitation Act of 1973) Eligible
Students

Legal References:

American Disabilities Act (ADA), Revised Title II Regulations, §35
Service Animals Section 504 of the Rehabilitation Act of 1973
RCW 49.60.040 Definitions
RCW 28A.642 Discrimination Prohibition
WAC 392-145-021(3) General Operating Requirements
WAC 392-172A-01155(3) Related Services

WAC 392-172A-01035 Child with a Disability or Student Eligible for Special
Education

WAC 392-190 Equal Educational Opportunity – Unlawful Discrimination
Prohibited

WAC 162-26 Public Accommodations, Disability Discrimination

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PROCEDURES:

A. Service Animal Uses

Service animals are animals that are individually trained to perform tasks for people with disabilities such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets.

Use of a service animal by a student with a disability will be allowed in school when it is determined that the student's disability requires such use in order to assist or accommodate access to the instructional program, school services, and/or school activities.

Use of a service animal by an employee with a disability will be allowed when such use is necessary as a reasonable accommodation to enable the employee to perform the essential functions of his/her job or to access benefits of employment provided to all employees in the same job classification.

The use of a service animal by an individual with a disability will not be conditioned on the payment of a fee, security deposit, or surcharge.

B. Requirements for Service Animal Access

Before a service animal will be permitted in school, on school property, or at school sponsored events, the student's parent or the employee must provide a description of the task(s) the service animal is expected to perform in assisting the person with a disability.

The District will provide access to a person with a disability who needs a service animal provided that the tasks performed by the service animal are directly related to the disability; the animal has been individually trained to perform a task; is housebroken; is free of disease and parasites; has a harness, leash, or tether so it cannot run free; and is under the control of the person with a disability.

A service animal must also be licensed and immunized in accordance with the laws, regulations, and ordinances of the city of Lake Stevens, the county of Snohomish, and the state of Washington.

C. Parents or Animal Handlers

Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal are required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

D. Removal or Exclusion of a Service Animal from School or School Property

The building principal or district administrator may request an individual with a disability to remove a service animal from school, a school-sponsored activity, or school property if the animal is out of control and the animal's handler does not take effective action to control the animal. Examples of the animal being out of control include, but are not limited to, the following:

1. The presence of the animal poses a direct threat to the health and/or safety of others;
2. The animal significantly disrupts or interferes with the instruction program, school activities, or student learning. However, annoyance on the part of the others is not an unreasonable risk to property or others to justify the removal of the service animal;
3. The presence of the animal would result in a fundamental alteration of any school program;
4. The individual in control of the animal fails to appropriately care for the animal, including feeding, exercising, taking him/her outside for performance of excretory functions, and cleaning up after the animal;
5. The animal fails to consistently perform the function(s) or service(s) to assist or accommodate the individual with the disability;
6. The animal is ill; or
7. The animal is not housebroken.

If the District excludes a service animal, it will provide the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

E. Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property.

The building administrator may revoke or exclude the service animals for the reasons set forth in paragraph "D" above.

F. Responsibility/Liability

1. Neither the District nor its employees are responsible for the cost, care, or supervision of the service animal. (See Policy No. 6005.1: Special Education and Related Services for Eligible Students and Policy No. 6005.2: Education of Students with Disabilities (Under Section 504 of the Rehabilitation Act of 1973).)
2. A service animal must be under the control of its handler. A service animal must also have a harness, leash, or other tether unless (a) the handler is unable to use a harness, leash, or other tether because of a disability or (b) the use of the harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
3. The owner /handler of the service animal is responsible for any and all damage caused by the service animal at school, on school premises, or at school activities.

G. Appeals

A parent or employee whose service animal has been excluded or removed may appeal the decision to the Superintendent or designee.