

Poplar School District

NON-INSTRUCTIONAL OPERATIONS

8425

Service Animals

The District will permit the use of service animals by an individual with a disability according to federal regulations. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to:

- Assisting individuals who are blind or have low vision with navigation and other tasks;
- Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- Providing nonviolent protection or rescue work;
- Pulling a wheelchair;
- Assisting an individual during a seizure;
- Alerting individuals to the presence of allergens;
- Retrieving items such as medicine or the telephone;
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, wellbeing, comfort or companionship do not constitute work or tasks for the purposes of this definition.

- The animal is out of control and the animal's handler does not take effective action to control it; or
- The animal is not housebroken.

The District is not responsible for the care or supervision of the service animal.

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

Cross Reference:

Administrative Procedures

Legal Reference:

28 CFR 35.136
28 CFR 35.104
§ 49-4-203(2), MCA

Service Animals
Definitions
Definitions

Policy History:

Adopted on:

Revised on: 11 July 2016

**Poplar School District
Administrative Regulation**

NON-INSTRUCTIONAL OPERATIONS

AR 8425

Service Animals

The District shall permit the use of a service animal required because that individual has a disability and the service animal is individually trained to do work or perform tasks for the benefit of that individual. The service animal is permitted to accompany the individual with a disability to all public areas of District's property.

Service animals are dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this policy.

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship, *i.e.*, therapy animals, do not constitute work or tasks for the purposes of this definition.

Inquiries

If an administrator receives notice of the use of a service animal, the administrator may inquire if the service animal is required because of a disability and what work or task the animal has been trained to perform. The administrator may not inquire about the nature or extent of a person's disability or require documentation including proof that the animal has been certified, trained, or licensed as a service animal.

If it is readily apparent that an 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 a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability), the administrator may not make an inquiry into whether the service animal is required or into the work/tasks the animal has been trained to perform.

Control of Service Animal

The service animal must be under the control of its handler. Unless the handler is unable because of a disability or there would be interference with the service animal's safe, effective performance of work or tasks, the service animal must have a harness, leash, or other tether. In the event a harness, leash, or other tether cannot be used, the service animal must otherwise be under the handler's control (e.g., voice control, signals, or other effective means).

The individual with a disability or an individual designated by that individual must act as the handler. If an individual other than the individual with a disability will act as the handler, the individual with a disability must provide prior written notice to the administrator of the individual designated as the handler. Any individual designated as a handler of a service must abide by all District policies and procedures and may be subject to a background check. The District is not responsible for the care or supervision of the service animal. This includes feeding, exercising, and clean up. The individual with a disability is responsible for all damages to District property caused by the service animal.

Removal of a Service Animal

An administrator may remove or exclude a service animal from District property: (1) if the service animal is out of control and the animal's handler does not take effective action to control it, or (2) the animal has a demonstrated history of not being housebroken (must be regular and consistent, occasional or rare accidents will likely be insufficient to prove the animal is not housebroken).

An administrator may remove or exclude a service animal who poses a direct and immediate threat to the health or safety of others or the presence of the service animal would require a fundamental alteration to the service, program, or activity of the District. Prior to a decision to remove or exclude a service animal under these conditions, the administrator must consult the Superintendent and legal counsel.

If the service animal is removed or excluded from District property as a result of one of these reasons, the individual with a disability must be provided with the opportunity to participate in the service, program, or activity without the service animal.

Miniature Horses

The District may allow a miniature horse to act as a service animal individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether to allow the miniature horse to act as a service animal, the administrator should consider the following:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;

3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Accommodating Other Students and Staff Members

An administrator may not exclude a service animal for the benefit of an individual with a disability because of another student's or staff member's allergies or concerns. The administrator shall allow the accommodation of the service animal and accommodate the other individual's allergies or concerns in a manner that is minimally disruptive.

Revised: 26 September 2023