

INSTRUCTIONAL SERVICES

Policy 6145 **(Regulation 6145)**

Curriculum Services

Service Animals in Schools

This policy governs the presence of service animals in the District's buildings, on school property (including school buses), and at school activities. The Board of Education adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from District programs, activities and services, and to ensure that the District does not discriminate on the basis of disability.

Students and/or adults with disabilities may be accompanied by a service animal as defined by federal and Missouri law on school property, in school buildings, and at school functions as permitted by law and subject to the conditions of this Policy.

Service Animals

Under federal law, a "service animal" means "any dog that is 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 definition (See, however, provisions on miniature horses below). The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Under Missouri law, the term "service dog" is defined as a dog that is being or has been 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. Service dogs include but are not limited to: guide dogs, hearing dogs, medical alert or response dogs, mobility dogs, and mental health service dogs or psychiatric service dogs. Under Missouri law, "mental health service dog" or "psychiatric service dog" is defined as: a dog individually trained for its owner who is diagnosed with a psychiatric disability, medical condition or developmental disability recognized in the most recently published Diagnostic and Statistical Manual of Mental Disorders (DSM) to perform tasks that mitigate or assist with difficulties directly related to the owner's psychiatric disability, medical condition, or developmental disability." An emotional support dog, whose purpose is to provide comfort or companionship does not meet the definition of a service dog under Missouri or federal law.

The District will permit the use of a miniature horse as a service animal if: (1) the miniature horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability.

In determining whether to permit the use of a miniature horse as a service animal, the District will consider: (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 compromises legitimate safety requirements that are necessary for the safe operation of the facility. All additional requirements outlined in this Policy which apply to service animals, shall apply to miniature horses.

If an individual with a disability requests to use a service animal in a District building, on District property, in a District vehicle or at a District function, the District will not ask about the nature or extent of the person's disability. However, the District may make the following inquiries to determine whether an animal qualifies as a service animal: (1) whether the animal is required because of a disability; and (2) what work or task the animal has been trained to perform. The District may not make these inquiries when it is readily apparent that an animal is trained to work or perform tasks for an individual with a disability.

The District will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Misrepresentation of Service Dogs

In accordance with Missouri law, a person knowingly misrepresenting a dog as a service dog for the purpose of receiving accommodations of the Americans with Disabilities Act will be guilty of a class C misdemeanor and shall be civilly liable for damages resulting from such misrepresentation.

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Service Animals in Schools

Guidelines for Use of A Service Animal on School Property or At School Functions

Service animals will be permitted on District property and at District events in accordance with the law.

*Requests by students and employees to be accompanied by a service animal at school should be submitted in writing to their building principal. These requests must be renewed annually.

Students: Use of an animal other than a service animal by a qualified student with a disability will be permitted in school when it is determined that the student's disability requires such use in order to have equal access to the instructional program, school services and/or school activities or when the student's IEP or 504 team determines that the student requires the use of the animal to receive a free appropriate public education. All other requirements of this Policy apply.

Employees: Use of an animal other than a service animal by a qualified employee with a disability will be permitted when such use is necessary to enable the employee to perform the essential functions of his/her job or to enjoy benefits of employment comparable to those similarly situated non-disabled employees. All other requirements of this Policy apply.

Parents and Patrons at School or School Events:

Individuals with disabilities may be accompanied by their service animals while on District property for events or activities that are open to the general public. All requirements of this Policy apply.

Control: A service animal must be under the control of its handler at all times. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a 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 through voice, signals or other effective means.

Supervision and Care of Service Animals: 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. The District is not responsible for the care or supervision of a service animal. The District shall not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school or a school function under this Policy.

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

Removal of Service Animals from School Property

District administrators may ask an individual with a disability to remove a service animal from District buildings, property, vehicles or activities if:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health and safety of others;
4. The student, employee or handler fails to appropriately care for the animal, including feeding, exercising, taking outside for performance of excretory functions, and cleaning up;
5. The presence of the animal substantially disrupts or interferes with the educational process, school activities or the instruction program; or
6. The presence of the animal would require a fundamental alteration to any school program.

If the District excludes a service animal based on the factors detailed herein or any other legal basis, the District 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.

Emotional Support/Professional Therapy Dogs

An animal that is used to provide comfort, emotional support, or other therapeutic service does not meet the definition of a Service Animal or Service Dog which is permitted for use by students, employees, and patrons of the District consistent with this Policy. However, the District may employ the use of such dogs to work with staff to provide certain types of support for its students at the discretion of District administration and counselors for their intended purpose.

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