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INSTRUCTION

Service Animals in Schools

A. Service Animal Uses

As defined in [Policy 2030](#), Service animals are ~~animals~~ any dog or miniature horse that ~~are~~ is individually trained to do work or perform tasks for ~~people~~ the benefit of an individual with ~~a disabilities~~ disability ~~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.

Examples of work or tasks include, but are not limited to the following:

- 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 an individual 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 do not constitute work or tasks.

It is a civil infraction to misrepresent an animal as a service animal.

Use of a service animal by a student with a disability will be allowed in schools when it is determined that the student's disability requires such use 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 their job or to access benefits of employment provided to all employees in the same job classification.

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Use of a service animal by a parent/guardian or other individual with a disability will be allowed in schools and on district property. The service animal will be permitted to accompany the individual with a disability to all areas of a facility where members of the public are normally allowed to go, unless its presence or behavior creates a fundamental program alteration or direct threat to safety, e.g. student schedules, space. An individual with a service animal may not be segregated from others. ~~If a building principal or district administrator is not certain that an animal is a service animal, he or she may ask the person who has the animal if it is a service animal required because of a disability. A building principal or district administrator cannot require any proof of a person's disability or identification or certification of the service animal's status.~~

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.

The principal shall not ask about the nature or extent of a person's disability but may make two (2) inquiries to determine whether an animal qualifies as a service animal. The principal may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The principal shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. The principal may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

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/guardian 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, and that 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 the disability.

A service animal must also be licensed and immunized in accordance with the laws, regulations, and ordinances of the city, the county, 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 their service animal are required to submit to a sex offender registry and criminal background check. In addition, Pparents 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 instructional 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 outside for performance of excretory functions and cleaning up after the animal;
5. The animal fails to consistently perform the function(s)/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 animal 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 Policies [2210](#), Special Education and Related Services for Eligible Students, and [2211](#), Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973, for responsibility for related services.*)
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 either the handler is unable because of a disability to use a harness, leash or other tether, or 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*).

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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. This responsibility includes cleaning any areas of the school or school premises where the service animal has performed its excretory functions.

G. Appeals

A parent or employee whose service animal has been excluded or removed may appeal the decision to the superintendent or designee in accordance with [WAC 392-190-065](#), ~~Compliance—Complaint procedure—School district or public charter school~~. If dissatisfied with the superintendent's or designee's decision, the parent or employee may appeal to the board in accordance with [WAC 392-190-070](#), ~~Compliance—Appeal procedure—School district or public charter school~~.

H. Resources

1. Everett Public Schools Contact
General Counsel
425-385-4123
2. Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360-725-6162
3. Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360-753-6770
4. Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 8174
206-607-1600

Cross Reference: [Board Policy 2030](#)

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Adopted: May 2012

Updated: March 2017

PROPOSED: February 2019