

## **INSTRUCTION**

### Service Animals in Schools

#### **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 their 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 written 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 the animal has been individually trained to perform a task, is housebroken; is visually healthy, is free of disease and parasites, and has a harness, leash or tether so it cannot run free. At all times, the service animal must be able to function 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 Port Townsend, Jefferson 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 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 immediately 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. (Note: 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 or activity;
4. The individual in control of the animal fails to appropriately care for the animal, including providing food and water, 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 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 Policies 2161, Special Education and Related Services for Eligible Students, and 2162, 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 at all times. 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*); and
3. The owner/handler of the service animal is responsible for any and all damage or other injury caused by the service animal at school, on school premises or at school (or district) activities.

#### **G. Appeals**

A parent or employee whose service animal has been excluded or removed may appeal the decision to the superintendent. If dissatisfied with the superintendent's decision, the parent or employee may appeal to the board.

#### **H. Resources**

1. District Contacts for Port Townsend School District 50
  - A. Amy Khile, District Title IX Coordinator  
360-379-4603
  - B. Scott R. Wilson, Title IX Building Coordinator  
360-379-4520
  - C. Patrick Kane, Director for Special Services and 504 Accommodations  
360-379-4267
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 98174  
206.607.1600

**DATE: 4/4/16**

**Port Townsend School District No. 50**