

The Policy Committee recommended changes in blue at its public work session on 1/11/24.

File: ACE

SERVICE ANIMALS IN SCHOOLS OR ON BOARD OF EDUCATION PROPERTY

I. Purpose

Policy ACE permits service animals in or on Board of Education property.

II. Background

Title II of the Americans with Disabilities Act recognizes the rights of individuals with disabilities to use qualifying service animals in public facilities. Public entities, such as school systems, must generally modify their policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

III. Definitions

Within the context of this policy, the following definitions apply:

- A. Disability: With respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.
- B. Individual with a Disability: ~~is~~ A person who has a disability, but does not include an individual who is currently engaging in the illegal use of drugs, when the public entity acts on the basis of such use.
 - 1. ~~A person with a physical or mental impairment that substantially limits one or more major life activities;~~
 - 2. ~~A person with a record of such an impairment; or~~
 - 3. ~~A person regarded as having such an impairment.~~
- C. Property: Any school or other facility including grounds owned, leased, or operated by the Board of Education, Board owned buses and contractor owned buses, and other Board vehicles, and the facility and/or grounds of any Board-sponsored activity involving students.
- D. Service Animal: ~~means a~~ Any dog, or under specific circumstances, a trained miniature horse, 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.

IV. ~~Administrative Regulation~~ Policy Statement/Procedures

- A. The Board of Education, in accordance with federal laws, ~~will~~ shall permit individuals with disabilities to be accompanied by service animals in or on the property of the Board. ~~its facilities, school buildings, in classrooms, and/or at school functions.~~
- B. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are not service animals because they do not actively respond to an individual's disability-related needs and therefore are prohibited by the Board of Education in or on its property.

- C. The Board of Education may ask an individual with a disability to remove a service animal from the Board's property if:
 - 1. The animal is out of control and the animal's handler does not take effective action to control it; or
 - 2. The animal is not housebroken.
- D. The Superintendent is authorized to promulgate [an administrative regulations](#) to implement this policy.

Legal Reference: Americans with Disabilities Act

Policy Adopted: October 1, 2013. [Revised:](#)
Board of Education of Washington County