

SERVICE ANIMALS ON SCHOOL DISTRICT PROPERTY

I. General Statement

Sweetwater County School District Number One acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its facilities (including but not limited to, District transportation, school buildings, in classrooms, work locations and administrative sites) and at school functions, as required by the Title II of the Americans with Disability Act and the Wyoming statutes.

POLICY: In accordance with Title II, the District will modify its policies, practices, and procedures to permit the use of service animals by individuals with disabilities, subject to the following:

II. Definitions

A. "Service Animal"

A "service animal" is any dog or miniature horse that 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. 28 CFR § 35.104; 35 CFR § 35.136(i)(1); Wyo. Stat. § 35-13-205(a)(viii). Other species of animals, whether wild or domestic, trained or untrained, are not service animals.

B. "Work" or "Task"

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 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, well-being, comfort, or companionship do not constitute work or tasks.

C. "Assistance Animal" or "Emotional Support Animal"

An "assistance animal" means an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability. Wyo. Stat. § 35-13-205(a)(iv). An assistance animal – sometimes known as an "emotional support animal" – can be a cat, dog, or other type of companion animal. It does not need to be trained to perform a service; instead, the emotional or physical benefits the animal brings qualify it to be an assistance animal. Examples might include a cat that can detect and alert its companion of oncoming seizures, a dog that alleviates a person's depression or anxiety, a cat that reduces a person's stress-induced pain, and a bird that alerts its hard-of-hearing companion when someone rings the doorbell. Assistance animals and emotional support animals do not qualify as "service animals" as defined in the Title II regulations or Wyoming Statutes and are not covered by this Policy.

III. REQUESTS FOR SERVICE ANIMAL ACCOMMODATION

A. Written Request

Before an individual with a disability may be accompanied by a "service animal" on school district property (including but not limited to, District transportation, school buildings, in classrooms, work locations and administrative sites) and at school functions, the service animal must be approved by the District. All requests for an individual with a disability to be accompanied by a service animal must be made on the District's request form (File EBBAB-E), must contain documentation of current vaccinations, and must be submitted to the Director of Human Resources at the Central Administration Building ("CAB"), 3550 Foothill Boulevard. Request forms may be obtained on the district website or from Human Resources.

B. Vaccinations

Owners of a service animal must provide annual proof that the animal is up to date on all of its required vaccinations. In order to provide the required proof, the animal's veterinarian must certify in writing, signed by him/her, that all vaccinations are current in accordance with state and local laws.¹

D. Special Consideration for Students with IEP or 504 Plan

For students on an IEP or 504 plan, if a request is made to allow the student to have a service animal at school or at a school-sponsored function, the IEP or 504 Team will consider the request, and whether it can provide services and/or accommodations that would serve the stated purpose of the service animal. If the Team determines an alternative service and /or accommodation can be provided, then the request to allow a service animal may be denied. This determination will be made on a case by case basis.

1. If the service animal does not meet this requirement at any time, the service animal may be removed by the school district. All costs associated with such removal and boarding, if necessary, will be borne by the owner of the service animal. The service animal will not be permitted to return to school property or any school activity until this requirement has been met and after all costs associated with its removal have been paid.

IV. EXCLUSION OR REMOVAL

A. Exclusion

If admitting a service animal would fundamentally alter the nature of the goods, services, programs, or activities of the District, the animal may be excluded.

B. Removal

The District may ask an individual with a disability to remove a service animal from the premises if:

1. the animal is out of control and the handler does not take effective action to control it;
2. the animal is not housebroken; or,
3. the District determines that the presence of a service animal will pose a direct threat to the health and safety of others.

C. Continued Participation

If a service animal is removed or excluded, the District will give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal.

V. HEALTH AND SAFETY

The school district is responsible for providing a safe learning environment for all students, teachers and staff. If the presence of a service animal poses a health or safety risk to another member of the school community, as documented by a physician, the school will weigh the needs of all parties and will put forth a plan to provide reasonable accommodations. The school district will assess each situation on a case by case basis and may exclude the service animal if the animal's presence poses a threat to the health, safety and/or well-being of anyone who will potentially come in contact with the service animal.

VI. CARE AND SUPERVISION OF SERVICE ANIMALS; ANIMAL HANDLERS

The District is not responsible for the “care and supervision” of service animals. The animal’s handler is responsible for caring for and supervising the service animal, which includes, but is not limited to toileting, feeding, grooming, and veterinary care.

A. Handler Control

A service animal must be under the control of its handler. The service animal must have a harness, leash, or other tether, unless:

- a. The handler is unable, because of a disability, to use a harness, leash, or other tether; or
- b. The use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks.

In this case, the handler must use voice control, signals, or other effective means to control the service animal.

B. Third-Party Handler

Due to the need for a service animal's handler to have unaccompanied access to school grounds for the care and maintenance of the service animal, if the animal's handler is not the student or employee with a disability, the service animal's handler must submit and pass a fingerprint Level II background screening by the District, at the handler's expense.

The District has no obligation to provide a handler for a service animal. On a case-by-case basis, and where necessary to reasonably accommodate the student, the District may provide some assistance to a student-handler as the student cares for and supervises the service animal.

C. Grooming & Veterinary Care

All service animals must be treated for, and kept free of, fleas and ticks². All service animals must be kept clean and groomed to reduce shedding and dander³.

VI. SPECIAL CONSIDERATION FOR MINIATURE HORSES

In determining whether modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, 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 in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

VII. PARENTS AND OTHER VISITORS

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities that are open to the public. When an individual with a disability seeks to bring a service animal into a District facility, the District is entitled to ask the individual if the animal is required because of a disability and what work or task the animal has been trained to perform. The District will not ask for documentation that the animal has been properly trained, but the individual bringing the animal into a District facility will be held accountable for the animal's behavior:

Wyo. Stat. § 35-13-203.

² See Footnote 1.

³ See Footnote 1.

VIII. MISREPRESENTATION OF A SERVICE ANIMAL

Any person who knowingly and intentionally misrepresents that an animal is a service animal may be guilty of a misdemeanor and may be fined criminal penalties up to seven hundred fifty dollars (\$750.00). Wyo. Stat. § 35-13-203.

IX. NO DISTRICT RESPONSIBILITY

Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

X. APPEALS

Individuals whose service animal has been excluded or removed may appeal the decision to the Superintendent. If dissatisfied with the Superintendent's decision, the individual may appeal to the Board of Trustees.

Adopted 10/11/2010

Revised: 12/11/2017