

SERVICE ANIMALS IN SCHOOLS

An Individual with a disability may be accompanied by a service animal at any MNPS school site, school activity, or other MNPS activity consistent with the provisions of this policy, related procedures, the Americans with Disability Act, and any other applicable state and federal laws. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of MNPS facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go.

Definition

The Americans with Disabilities Act (ADA) defines service animals as dogs or miniature horses (range in height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds) that are individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA.

Requests for the Use of Service Animals in School by District Students & Employees

All requests for the use of a service animal by a MNPS student or employee shall be made in writing to the principal/administrator on a form created by the District. The form shall be available upon request from the principal/administrator of each school. The completed request including any required documentation must be delivered to the principal/administrator at least 10 business days prior to bringing the service animal to the school or work.

Principals/Administrators will send a copy of the completed request and documentation to the ADA Coordinator and Student Health Director, and if applicable, the Exceptional Education Director, and/or the 504 Coordinator. Upon receipt of the completed form, principals should convene during the 10 day window the appropriate team (Support team, 504 Team, or IEP team) to review the request and, if appropriate, develop a **Service Animal Plan**. The use of a service animal is a right under the ADA that is not dependent upon the decision of the Support Team, 504 or IEP team. When a 504 or IEP team convenes to review the request and, if appropriate, develop the **Service Animal Plan**, the team should also determine if the service animal is needed for FAPE.

General Requirements

The service animal must be *required* for the individual with a disability, and it must be *individually trained* to perform work or complete a task(s) related to the disability of the individual. The service animal must have completed its training prior to its use within MNPS, or is a “dog guide in training” under Tennessee law and meets the legal requirements of such designation. The animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted as a service animal.

All service animals must be:

- Housebroken,
- Spayed or neutered (dogs only),
- Treated for, and kept free of fleas, ticks and other parasites, and
- Kept clean and groomed to avoid shedding and dander.

Students and employees with service animals and/or owners:

- Must provide a health certificate from a licensed veterinarian prior to making use of the service animal at school or work. The health certificate must be provided on an annual basis thereafter.
- Must provide annually for a service dog, proof of a negative result from a fecal test for intestinal parasites and annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
- Must provide annually for a service miniature horse proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encelphelomyelitis, Rhinopneumonitis, Influenza, and Strangles.
- Are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

Special Provisions/Miniature Horses

Requests to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions, will be handled on a case-by-case basis, considering the following factors:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
- Whether the handler has sufficient control of the miniature horse.
- Whether the miniature horse is housebroken.
- Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Control, Care and Supervision of a Service Animal

An individual with a disability making use of a service animal must keep the animal under control by use of a harness, leash, or other tether. If the individual is unable to do so because of his/hert~~heir~~ disability, or if doing so would interfere with the animal’s safe and

effective performance of work or tasks, the individual must keep the animal otherwise under control by some method or means.

Students and employees with service animals are expected to care for and supervise their animals. MNPS is not responsible for the care or supervision of a service animal, including, but not limited to, walking the animal or responding to the animal's need to relieve itself. MNPS is not responsible for providing a staff member to walk the service animal or provide any other care or assistance to the animal.

In the case of a student who is unable to care for or supervise the service animal, the parent is responsible for providing care and supervision of the service animal. In such case, the parent should contact the school principal/administration to make arrangements for the care and supervision. Issues related to the care and supervision of service animals, including requests for reasonable modifications of this or other MNPS policies, will be addressed on a case-by-case basis at the discretion of the building administrator.

Removal of a Service Animal

A school administrator may ask an individual with a disability or his/her parents to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:

- The animal is out of control and the animal's handler does not take effective action to control it.
- The animal is not housebroken.
- The animal's presence would fundamentally alter the nature of the service, program, or activity.

References/Authority

ADA Regulations, 28 CFR part 35 (as amended, 2010)
T.C.A. § 62-7-112