

## SERVICE ANIMALS IN PROGRAMS

### **Service Animal Uses**

Service animals are any dog or 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. The work or tasks performed by the service animal must be directly related to the individual's disability.

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 programs when it is determined that the student's disability requires such use in order to assist or accommodate access to the instructional program, program services, and/or program 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 his/her 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.

The program administrator will not ask about the nature or extent of a person's disability, but may make two inquires to determine whether an animal qualifies as a service animal. The program administrator may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The program administrator will 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 program administrator 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.

### **Requirements for Service Animal Access**

Before a service animal will be permitted on program property or at program-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 NWESD 189 will provide access to a person with a disability who needs a service animal provided that 1) 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 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 a 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.

### **Parents or Animal Handlers**

Parents or animal handlers who will be present 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 program employees and volunteers.

### **Removal or Exclusion of a Service Animal from Program or Program Property**

The program administrator may request an individual with a disability to remove a service animal from a program, a program-sponsored activity or program 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 instruction program, program 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 instructional 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.
- 7) The animal is not housebroken.

If the NWESD 189 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.

### **Service Animals at Program-Sponsored Events**

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held on program property. The program administrator may revoke or exclude the service animals for the reasons set forth in the paragraph above.

### **Responsibility/Liability**

Neither the NWESD 189, nor its employees, are responsible for the cost, care or supervision of the service animal. (See Policies 2161, Education of Students with Disabilities, and 2162, Education of Students with Disabilities under Section 504, for responsibility for related services.)

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).

The owner/handler of the service animal is responsible for any and all damage caused by the service animal at the program, on program premises or at program activities.

### **Appeals**

A parent/guardian 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/guardian or employee may appeal to the Board.

## **Comfort Animals**

Comfort animals (also referred to as emotional support animals) provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities. Comfort animals are not considered service animals under federal or state law. A parent or guardian may request a comfort animal using Form 2030-F1. Comfort animals have a more rigorous process for approval.

## **Resources**

NWESD 189 Contact:

David Forsythe, Assistant Superintendent for Operations  
Northwest Educational Service District 189  
1601 R Avenue  
Anacortes, WA 98221  
360.299.4021

State Contacts:

Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
360.753.6770

Office of Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

Presented to Board: 08/26/15  
Revised: 09/27/18  
Revised: 10/24/18  
Revised: 01/23/19