

MITCH Charter School
Student Use of Service Animal at School

1. Applicability

This policy applies to requests by a student or the student's family for use of a service animal to assist the student at school. This policy does not apply to the use of service animals by employees, parents or community members. In these situations, the Executive Director should be contacted.

2. Definitions

a. "Service animal":

- (1) A "service animal" as defined by the Americans with Disabilities Act (ADA) means any dog that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
- (2) The definition of "service animal" does not include other species of animals, whether wild or domestic, trained or untrained.
- (3) The "work" or "tasks" performed by a service animal must be directly related to the individual's disability.
- (4) Examples of work or tasks include, but are not limited to: assisting an individual who is blind or who has low vision with navigation; alerting an individual who is 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 impairments; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- (5) 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 of a "service animal" as defined by the ADA

3. Student Use of Service Animals at School

- a. The public charter school will respond to requests for student use of service animals at school on a case-by-case basis.
- b. The public charter school is not responsible for the care or supervision of the service animal.

- c. The service animal must be under the control of a handler at all times by means of a harness, leash or tether, unless either the handler is unable, because of a disability, to use a harness, leash or other tether or the use of harness, leash or tether would interfere with the service animal's safe, effective performance of work or tasks. If the latter, the service animal must be otherwise under the handler's control (e.g. voice control, signals or other effective means).
- d. The service animal may be excluded if the animal is not housebroken or if the animal is out of control and the animal's handler does not take effective action to control it.
- e. The public charter school will not require a parent to pay a surcharge or other fee for a student's use of a service animal. However, the public charter school has a policy that allows charging parents for destruction of school property by students and may charge the parents for any damage caused by the service animal.

4. Procedures for Student Use of Service Animals at School

a. Request

- (1) If a parent makes a request to a staff person for the use of a service animal by a disabled student, the staff person will forward the request to a public charter school administrator(s) responsible for special education and/or Section 504 compliance.
- (2) The administrator will gather relevant information and convene the student's Section 504 or Individualized Education Program (IEP) team, as appropriate, to consider the request.

b. Interactive meeting

- (1) When the public charter school receives a request for student use of a service animal at school, the public charter school will hold a meeting with the family to consider the request in light of all relevant information. The meeting will be held within a reasonable time following the request, typically within two weeks.
- (2) For students who are eligible under the Individuals with Disabilities Education Act (IDEA), the team will consist of the student's IEP team along with any other individuals with specialized knowledge regarding the student's disability and/or the training and capabilities of the service animal.
- (3) For students who are eligible under Section 504 only, the team will consist of the student's Section 504 team along with any other individuals with specialized knowledge regarding the student's disability and/or the training and capabilities of the service animal.
- (4) At the beginning of the meeting, the public charter school will determine whether the animal in question meets the definition of a service animal in Section 2 above.
 - (a) Public charter school staff may ask about what work or tasks the animal has been trained to perform for the student if this is not readily apparent by

observation.

- (b) The public charter school may not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, as a condition for approval.
- (5) If public charter school determines that the dog is a service animal, the meeting participants will then consider whether allowing the student's use of the service animal at school is required because:
- (a) The student's use of a service animal at school is a necessary for accommodation to provide a free appropriate public education (FAPE) to the student under the IDEA or Section 504, as applicable; or
 - (b) The use is a required or necessary accommodation under the ADA.
- (6) The public charter school will provide notice of the determination under the IDEA or Section 504, as applicable, and provide a copy of the notice of parent rights under the IDEA or Section 504, as applicable.
- (7) The public charter school will provide notice of the determination under the ADA, as applicable.

c. Service Animal Protocol

- (1) If the public charter school determines that the service animal is necessary to confer FAPE or as an accommodation under the ADA, the public charter school may develop a service animal protocol with parent and student input.
- (2) The service animal protocol may include the following:
 - (a) Transportation provisions, including whether and how the animal will be transported, any necessary orientation to students riding the transportation, how the animal will board and leave the vehicle, and any necessary evaluation procedures.
 - (b) Orientation to the school and classroom, including how the animal will become familiarized with the school, classroom, students and teachers, how teachers and students will learn proper interaction with the service animal; where the service animal will be directed to urinate/defecate and disposal procedures; and evacuation procedures.

d. Removal

- (1) A public charter school administrator may remove a student's service animal from school or a school function under the following circumstances:
 - (a) The animal is out of control and the handler does not take effective action to control it; or
 - (b) The animal is not housebroken;

- (2) The appropriateness of a removal will be determined consistent with how the public charter school addresses comparable situations that do not involve a service animal.
- (3) If the public charter school excludes a service animal on these bases, the public charter school will give the student with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises.

e. Handling Conflicting needs of Students or Teachers

- (1) If the public charter school is or becomes aware of another qualified disabled person whose disability is adversely affected by the service animal (e.g., an allergy or anxiety disorder), the public charter school will get necessary information from the parties and determine how best to address the needs of both disabled persons.
- (2) The public charter school will provide notice to all parties of the resolution of this situation, along with a copy of the public charter school's ADA-504 grievance procedure and any other applicable notices.

f. Handling Requests for use of Miniature Horse to Assist Student at School

Note: While miniature horses are not included in the definition of "service animals," the ADA also requires reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

- (1) In determining whether reasonable modifications in policies, practices or procedures can be made to allow a miniature horse into a specific facility, the public charter school will consider:
 - (a) The type, size and weight of the miniature horse and whether the facility can accommodate these features;
 - (b) Whether the handler has sufficient control of the miniature horse;
 - (c) Whether the miniature horse is housebroken; and
 - (d) Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
- (2) The other requirements that apply to service animals, shall also apply to miniature horses.

END OF POLICY

Legal Reference(s):

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[ORS 659A.400](#)

Americans with Disabilities Act of 1990, 104 Stat. 327, 42 U.S.C. § 12101 et seq. (2006); 28 CFR §§ 35.104, 35.136.
Americans with Disabilities Act Amendments Act of 2008.