

## SERVICE ANIMAL POLICY

The Corning-Painted Post Area School District (the “District”) complies with the American with Disabilities Act Amendments Act (ADA Amendments Act) in allowing the use of Service Animals for students, staff and visitors. The District is committed to allowing Service Animals as necessary to provide individuals with disabilities an equal opportunity to access the programs, services, and physical facilities of the District. This policy explains the specific requirements applicable to an individual’s use of a Service Animal on District property. The District reserves the right to amend this policy as circumstances require.

### I. Definitions

**A. Service Animal:** Under the ADA Amendments Act, a Service Animal is any “dog [or miniature horse, when applicable] 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 ADA Amendments Act excludes from this definition any animal that is not a dog or miniature horse. The work or task performed by the animal must be directly related to the individual’s disability. Animals whose primary function is to provide crime deterrence and/or emotional support, comfort, or companionship are not considered to be Service Animals under the ADA Amendments Act.

The District generally allows Service Animals on District property and in District facilities when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. The District may make two inquiries to determine whether an animal qualifies as a Service Animal, which includes:

1. Whether the animal is required because of a disability, and;
2. What work or task the animal has been trained to perform.

The District cannot require documentation regarding the animal’s certification or training.

In circumstances where an individual seeks services relating to a service animal or seeks modification of the District’s policies, practices, or procedures or seeks modification of the District’s facilities, including but not limited to where an individual seeks to have a service animal or services relating to a service animal included in an individualized education program (IEP), the District—including where appropriate members of the CSE—shall not be limited to the two inquiries listed above and may make any inquiry reasonably directed to determining what services the District should provide to the individual, determining what accommodations the District should make, or any other inquiry appropriate to address the individual’s request for services or accommodation.

**B. Pet:** A pet is an animal that is kept for ordinary use and companionship. It is not a Service or Assistance Animal. Pets are not permitted on District property.

**C. Handler:** The “Handler” is the individual who is responsible for caring for and supervising the service animal, which includes toileting, feeding, grooming, and veterinary care. The District is not obligated to supervise or otherwise care for a service animal. In situations in which the individual with a disability is unable to act as the service animal’s Handler, the individual with the disability must provide a Handler for the service animal on District property.

### II. Access

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District’s facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

**SERVICE ANIMAL POLICY, Con't.****III. Modifications to Policies, Practices, and Procedures**

Generally, the District shall modify its policies, practices, and procedures to permit the use of a service animal by an individual with a disability. The District will not modify its policies, practices, and procedures to permit the use of a service animal where making modifications would fundamentally alter the nature of the service, program, or activity. The District will not modify its policies, practices, and procedures in any way that results in the District assuming any responsibility for the care or supervision of a service animal.

**IV. Requests for Service Animals**

A parent or guardian must make a written request for a student to be accompanied to school or a school function by a Service Animal at least 10 business days prior to the Service Animal accompanying the student. Such requests must be made to the District's Director of Pupil Personnel Services.

**V. Responsibilities of Handlers**

A Service Animal's Handler is solely responsible for the custody and care of the Service Animal and must meet the following requirements:

**A. General Responsibilities**

1. The District requires that a service animal be under the control of its Handler at all times. The District requires that a service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or the tether, or the use of a 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 otherwise be under the Handler's control (e.g., voice control, signals, or other effective means).
2. If an individual with disabilities cannot, for any reason, provide needed care or supervision of his or her service animal, the District requires that the animal be accompanied by a Handler who is capable of providing the needed care and supervision of the service animal.
3. The Handler must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The District has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The District reserves the right to request documentation showing that the animal has been licensed.
4. The Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. The Handler must always carry sufficient equipment to clean up the animal's waste.
5. The Handler agrees to abide by all equally applicable District policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the District.
6. The District's personnel shall **not** be required to provide care or food for any Service Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm.

**SERVICE ANIMAL POLICY, Con't.****VI. Removal of Service Animal**

The District may exclude the Service Animal from the District if:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The animal's presence results in a fundamental alteration of a District program, service, or activity;
3. The animal is not house-broken;
4. The Handler does not comply with the Handler's responsibilities set forth above; or
5. The animal or its presence creates an unmanageable disturbance or interference with the District's operations.

The District will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause. Any removal of the animal will be done in accordance with District policy.

**VII. No Surcharges**

The District shall not ask or require an individual with a disability to pay a surcharge, even in circumstances where persons accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

In circumstances where the District would normally charge individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

**VIII. Disputes**

Any person who disputes any decision or action by any employee or agent of the District relating to a service animal may contest that decision by submitting a written complaint to the Director of Pupil Personnel Services (PPS). Any such complaint must be filed within thirty (30) days of the decision or action complained of. The Director of PPS shall investigate any such complaint, using means that he or she deems appropriate under the circumstances, and respond to such a complaint in writing within thirty (30) days unless a longer time is warranted for thorough investigation. If a longer time for response is warranted, the Director of PPS shall state in writing the extended time period required. Any person dissatisfied by a decision of the Director of PPS may make a written appeal to the Superintendent of Schools within thirty (30) days of when the Director of PPS transmits his or her written response by email or by U.S. Mail. The Superintendent shall render a decision affirming or reversing the determination of the Director of PPS within thirty (30) days, or the Superintendent may refer the challenge to a neutral adjudicator.

Any dispute related to the use of a service animal pursuant to a Student's IEP must comply with the impartial due process procedures as required by federal and state special education law and Board Policy 7670: Impartial Due Process Hearings/Selection of Impartial Hearing Officers. Parents may challenge a CSE's recommendations through a request for a special education impartial hearing. Parents who disagree with the District's CSE recommendations may also request special education mediation.

**IX. Reporting and Record Keeping**

The District will maintain a copy of any complaint under this policy presented to the Director of Pupil Personnel Services (PPS) for a period of six years after final resolution of such dispute.

**SERVICE ANIMAL POLICY, Con't.**

**X. Contacts**

Any person with questions about access for individuals with service animals, seeking to bring a service animal onto District property or to a District program, or seeking accommodation related to a service animal may contact the applicable building principal or the Director of Pupil Personnel Services (PPS).

Any other inquiries or disputes regarding access to District programs or facilities for an individual with a service animal, or any other issue controlled by this Policy, should be addressed to the Director of Pupil Personnel Services (PPS).

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