

1 **Charlo School District**

2  
3 **NONINSTRUCTIONAL OPERATIONS**

8425

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6 Service Animals

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8 For the purposes of this policy, state law defines a service animal as a dog or any other animal  
9 that is individually trained to do work or perform tasks for the benefit of an individual with a  
10 disability. Federal law definition of a disability includes a physical, sensory, psychiatric,  
11 intellectual, or other mental disability.

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13 The District shall permit the use of a miniature horse by an individual with a disability,  
14 according to the assessments factors as outlined in Policy 8425P, if the miniature horse has been  
15 individually trained to do work or perform tasks for the benefit of the individual with a disability.

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17 The Charlo School District will permit the use of service animals by an individual with a  
18 disability according to state and federal regulations. The School District will honor requests for  
19 service animals in accordance with the applicable Section 504 or Special Education policy  
20 adopted by the Board of Trustees. The work or tasks performed by a service animal must be  
21 directly related to the handler's disability.

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23 Examples of work or tasks performed by the service animal to accommodate an identified  
24 disability include, but are not limited to, assisting individuals who are blind or have low vision  
25 with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the  
26 presence of people or sounds, providing nonviolent protection or rescue work, pulling a  
27 wheelchair, assisting an individual during a seizure, alerting individuals to the presence of  
28 allergens, retrieving items such as medicine or the telephone, providing physical support and  
29 assistance with balance and stability to individuals with mobility disabilities, and helping persons  
30 with psychiatric and neurological disabilities by preventing or interrupting impulsive or  
31 destructive behaviors.

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33 The crime deterrent effects of an animal's presence and the provision of emotional support, well-  
34 being, comfort, or companionship do not constitute work or tasks for the purposes of this  
35 definition.

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

- 39     • The animal is out of control and the animal's handler does not take effective action to  
40         control it; or  
41     • The animal is not housebroken

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43 The District is not responsible for the care or supervision of the service animal.  
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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.

Cross Reference:	Policy 8425P	Procedure for allowance of service animals
	Policy 2161	Special Education
	Policy 2162	Section 504 of the Rehabilitation Act of 1973

Legal Reference:	28 CFR 35.136	Service Animals
	28 CFR 35.104	Definitions
	49-4-203(2), MCA	Definitions

Policy History:

Adopted on: 10/01/15

Reviewed on:

Revised on: 07/16/19

# Charlo School District

## NONINSTRUCTIONAL OPERATIONS

8425P

### Service Animal Allowance Procedure

The School District will honor requests for service animals by students or staff in accordance with the applicable Section 504 or Special Education policy adopted by the Board of Trustees.

The following procedures have been developed which will help guide the administration when a request for the use of a service animal has been presented by an individual with a disability.

Inquiries: The administration shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. The administration may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The administration shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, the administration 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 an individual with a disability ( e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Exclusions: The administration may ask the individual to remove the service animal from the premises if the animal is out of control and the handler does not take effective action to control it, or if the animal is not housebroken. If the administration properly excludes the service animal, it shall give the individual the opportunity to participate in the service, program, or activity without having the service animal on the premises.

Surcharges: The administration shall not ask or require the individual to pay a surcharge, even if people who are accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. If the District normally charges individuals for the damage they cause, the individual may be charged for damage caused by his or her service animal.

Miniature horses assessment factors: In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the District shall consider:

- The type, size, and weight of the miniature horse
- Whether the miniature horse is housebroken, and
- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

### Policy History:

Promulgated on:

Reviewed on:

Revised on: 07/16/19