



Service Animals

Statement of Policy

Lakeview Academy, in accordance with Utah State and Federal laws, prohibits discrimination against individuals with disabilities. As established and defined by The Americans with Disabilities Act (ADA) and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals, referring to dogs or miniature horses, on District property, to school events and functions, and in connection with transportation services.

Board Approvals

- Board Approved:

Procedures

1. SERVICE ANIMALS

1. Due to the District's need to accommodate a variety of disabilities and conditions (which may include the competing needs of children and/or staff with animal allergies or fears), all requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the ADA/Section 504 Coordinator at Lakeview Academy, 527 W 400 N, Saratoga Springs, UT, 84045, at least 20 school days prior to bringing the service animal to a school site, school function, or workplace and must include:
 1. The individual's name, school site, and a detailed description of the work or task(s) the service animal will perform for the individual;
 2. An affirmation that the animal is required because of disability;
 3. Annual proof of required vaccinations;
 4. Annual proof of insurance. (see section 1.9)



2. Written approval will be sent via U.S. mail by the Human Resource Department. With a copy sent to the school or worksite.
3. Until approval is received, the service animal will not be permitted at the school, school function, or worksite.
4. To avoid confusion about whether an animal is a permitted service animal, a person accompanied by a service animal while on school property or at school functions is requested and strongly encouraged to exhibit one of the following:
 1. The animal's laminated identification card;
 2. The animal's service vest; or
 3. Another form of identification sufficient to put others on notice that the animal is a service animal.
5. Management of Service Animals
 1. A service animal shall be under the control of its handler.
 2. 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 other tether, or the use of a harness, leash, or 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).
6. Care of and Responsibility for Service Animals
 1. Permitted service animals must be:
 1. treated for, and kept free of, fleas and ticks;
 2. kept clean and groomed to minimize shedding and dander;
 3. spayed or neutered; and
 4. housebroken
 2. The District, including school and classroom staff, is not responsible for the care, handling, or supervision of a service animal. The District or individual school is not responsible to provide a staff member to walk the service animal or to provide any care or assistance to the animal.



3. The owner or handler of the service animal shall be solely responsible for:
 1. supervision and care of the service animal, including feeding, exercising bathroom breaks, clean-up; and
 2. restraint of the service animal at all times.

7. Removal or Exclusion of Service Animal

1. The District may deny a request for use of a service animal, or ask an individual with a disability to remove a service animal from a District facility or vehicle, District grounds, or District function if:
 1. the service animal is out of control and the service animal's handler does not take effective action to control it;
 2. the presence of the service animal will require a fundamental alteration of the program or will significantly disrupt or interfere with the education process;
 3. the handler fails to submit proof of current vaccinations and proof of insurance when the service animal is to be used regularly during the school/work day or at school/work events.
2. If the service animal has been excluded or prohibited from the premises, the District will continue to give the individual with a disability the opportunity to participate in the District services, programs, or activities without having the service animal on the premises.

8. Conflicting Disabilities

1. Individuals with disabilities that are adversely impacted by service animals should contact their school administrator or department director/supervisor. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. (Certain individuals with animal dander or saliva allergies or fear of dogs may qualify as individuals with disabilities.) The school administrator or department director/supervisor shall strive to facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of the disabled individuals involved.



However, the school administration or department director/supervisor may exclude the service animal if it poses a direct threat to the health or safety of others.

9. Liability and Insurance

1. The owner or the handler of a service animal is liable for any and all damages to property or injuries to persons caused by the service animal. The owner or the handler of a service animal must also indemnify, defend and hold harmless the District from and against any and all claims, actions, suits, judgments, and demands brought by any party arising on account of, or in connection with, any activity or damage or injury caused by the service animal. The service animal's owner must provide the District with annual proof of insurance. A copy of annual proof of insurance will be kept on file at the District with the written service animal request.

2. GRIEVANCE

1. A student with a service animal, who believes the District has discriminated against him or her on the basis of a disability, may file a grievance as provided in Lakeview Academy Grievance Policy.

DEFINITIONS

“Disability” means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

“Direct threat” means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provisions of auxiliary aids or services as provided 28 CFR 35.139.

REFERENCES

29 U.S.C. 794 – Section 504 of the Rehabilitation Act

42 U.S.C. 12101 et seq. –Americans with Disabilities Act

28 C.F.R. Title 28 Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services



Rules & Regulations

1. DEFINITION OF SERVICE ANIMAL

1. A “service animal” means a dog or miniature horse that is individually trained to do or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
2. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
3. The type of disability one must have in order to use a service animal is not limited, but there must be a direct link between the task a dog has been trained to provide and to the person’s disability.
 1. Examples of such tasks include:
 1. Guiding people who are blind;
 2. Alerting people who are deaf;
 3. Pulling a wheelchair;
 4. Alerting and protecting a person who is having a seizure;
 5. Fetching dropped items
4. Service animals are working animals, not pets. Dogs whose sole function is to provide comfort or emotional support, companionship, or crime deterrent do not qualify as service animals under the ADA’s revised regulations.
5. In accordance with the revised regulations, individuals with disabilities may be accompanied by miniature horses, to the extent necessary to avoid discrimination on the basis of disability unless allowing this accommodation would require the District to fundamentally alter its services, programs, or activities or is otherwise determined by the District to be unreasonable. In evaluating “reasonableness,” the District shall consider these four assessment factors:
 1. the type, size, and weight of the miniature horse and whether the facility can accommodate these features;



2. whether the handler has sufficient control of the miniature horse;
3. whether the miniature horse is housebroken; and
4. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safety.