

Hawthorn Academy
Policy: Service Animal Policy
Adopted: June 15, 2022

Purpose

Hawthorn Academy (the "School") adopts this policy to ensure that individuals with disabilities are able to participate in and benefit from School services, programs, and activities, and to ensure that the School does not discriminate against individuals on the basis of disability. As provided by the Americans with Disabilities Act Amendments Act (the "Act") and its accompanying regulations, and as provided in Utah Code § 62A-5b-101 *et. seq.*, individuals with disabilities will be permitted to bring their service animals on School property in accordance with this policy.

Policy

Individuals with disabilities, including students, employees, and visitors, will be permitted to be accompanied by their service animal in School facilities and vehicles, on School grounds, and at School functions in accordance with applicable law and this policy. Pets and other animals, except as allowed in accordance with other School policy or procedure, are restricted from the School. The School's Lead Director is responsible for the administration of this policy.

Definition of Service Animal

"Service animal" includes any dog that:

(a) is trained, or is in training, 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;

(b) performs work or tasks, or is in training to perform work or tasks, that are directly related to the individual's disability, including:

- (i) assisting an individual who is blind or has low vision with navigation or other tasks;
- (ii) alerting an individual who is deaf or hard of hearing to the presence of people or sounds;
- (iii) providing non-violent protection or rescue work;
- (iv) pulling a wheelchair;
- (v) assisting an individual during a seizure;
- (vi) alerting an individual to the presence of an allergen;
- (vii) retrieving an item for the individual;
- (viii) providing physical support and assistance with balance and stability to an individual with a mobility disability; or
- (ix) helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

"Service animal" does not include:

- (a) an animal other than a dog, whether wild or domestic, trained or untrained; or
- (b) an animal used solely to provide:
 - (i) a crime deterrent;
 - (ii) emotional support;
 - (iii) well-being;
 - (iv) comfort; or
 - (v) companionship.

Guidelines and Procedures

Due to the School's need to accommodate a variety of disabilities and conditions, the Lead Director should be notified when an individual with a disability desires to be accompanied by a service animal on School property or during a School function.

In response to this notification, the Lead Director will request (a) an affirmation that the animal is required because of disability and (b) a description of the work or tasks that the service animal has been trained to provide for the person with the disability. Notwithstanding the foregoing, the Lead Director should not make the above requests if it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability (e.g., the service animal is observed by the Lead Director or other School personnel 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).

The Lead Director will also request proof that the service animal complies with applicable animal control and public health requirements for licensure and/or vaccinations required by the municipality in which the individual with a disability resides.

Control and Management

A service animal must be under the control of its handler at all times while on School property or at a School function.

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).

Care and Supervision

Service animals must be housebroken.

The School, including classroom staff, is not responsible for the care or supervision of a service animal. The School is not responsible for providing a staff member to walk the service animal or to provide any care or assistance to the animal unless otherwise required by law.

The owner or handler of the service animal shall be solely responsible for:

- (a) supervision and care of the service animal, including feeding, exercising, clean-up, stain removal, and veterinary care; and
- (b) restraint of the service animal at all times.

Liability

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.

Removal or Exclusion of Service Animal

The School may deny a request for use of a service animal or ask an individual with a disability to remove a service animal from School property, a School vehicle, or a School function if:

- (a) the service animal is not housebroken;
- (b) the service animal is out of control and the service animal's handler does not take effective action to control it;
- (c) the presence of the service animal will require a fundamental alteration of the program or will significantly disrupt or interfere with the education process; or
- (d) the handler fails to submit proof of current licensing and/or vaccinations when the service animal is to be used regularly at the School.

If the service animal is properly removed or prohibited, the School will continue to give the individual with a disability the opportunity to participate in the School services, programs, or activities without having the service animal on the premises.

Conflicting Disabilities

Individuals with disabilities that are adversely impacted by service animals should contact the Lead Director. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. The Lead Director will strive to facilitate a process to resolve the situation in a manner that considers the conflicting needs and reasonable accommodations of the disabled individuals involved.

However, the Lead Director may exclude the service animal if it poses a direct threat to the health or safety of others.