

Wabasha-Kellogg Public Schools Policy

909 SERVICE ANIMALS

I. STATEMENT OF POLICY

Service animals are permitted to accompany a person with disabilities on school property and school buses consistent with the American's with Disabilities Act (ADA) as amended, and Minnesota Law. A person who is training a dog to be a service dog shall also be permitted to have the dog on school property pursuant to Minnesota law. This policy does not supplant any other requirements from other law applicable to persons with disabilities including the determination of a reasonable accommodation under section 504 of the Rehabilitation Act.

II. DEFINITIONS

“Service animal” is defined for the purposes of this policy as a dog trained to do work or perform a specific task(s) for a person with disabilities.

“Handler” is the person responsible for controlling the animal which may include the person with the disability or another person.

“Owner” is the person with a disability who owns the service animal.

III. RESPONSIBILITY OF THE OWNER & HANDLER

- A. The handler or owner must properly harness or leash the service animal unless her disability prevents harnessing or leashing and must maintain control of the animal.
- B. The handler or owner shall be liable for any damage done to property or persons by the dog.
- C. The handler or owner is responsible for the humane care and treatment of the service animal.
- D. The handler or owner may be asked to remove the service animal if it poses a significant health or safety risk.

IV. ACTIONS TAKEN BY THE SCHOOL

- A. The School District may make the limited inquiries permissible under the ADA to confirm the animal is a “service animal” except when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability.

Adopted: 4/19/17

Revised:

Reviewed:

- B. The School District may require a “service animal” be removed from the premises if:
 - 1. The animal is out of control and the animal’s handler does not take effective control over it; or
 - 2. The animal is not housebroken

- C. Exclusion of a service animal does not allow exclusion of the person with a disability from the premises when the person is without the service animal

Legal References: ADA 42 U.S.C. §1210 *et seq.* (American’s with Disabilities Act)
28 C.F.R. 35.104 (Definitions)
28 C.F.R. 35.136 (Service Animals)
Minn. Stat. §§256C.01-.03 (Minnesota White Cane Law)
Minn. Stat. §363A.19 (Disability Discrimination Prohibition Statute)

Cross References: