

SERVICE ANIMALS

The Board of Education does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal.

Definitions

For purposes of this policy, the following definitions apply:

- “Service animal” means a dog that is individually trained to do work or perform tasks for people with disabilities. Examples of such work or tasks include guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under state or federal law.
- “Assistance dog” means a dog that has been or is being trained as a service animal.
- “Trainer” means a person who is qualified to train dogs to serve as service animals.

Rights and Obligations of Persons with Service Animals and Assistance Dogs

In accordance with federal and state law, individuals with a disability may be accompanied by a service animal on district property and in district vehicles so long as the animal is under the control of its handler and housebroken. Likewise, a trainer may be accompanied by a service animal that the trainer is training on district property and in district vehicles.

When it is not obvious what service an animal provides, district employees may ask two questions: (1) if the service animal is required because of a disability, and (2) what work or task the service animal has been trained to perform. District employees may not ask about the person’s disability, require medical documentation related to the disability, ask for a special identification card or other training documentation for the service animal, or ask that the service animal demonstrate its ability to perform the work or task that it has been trained to perform.

The owner, trainer, or person having control of the service animal is responsible for its care and supervision and liable for any damage to persons, premises, or facilities caused by the service animal. Individuals will be asked to remove service animals from the premises if: (1) the animal is out of control and the handler does not take effective action to control it, or (2) the animal is not housebroken.

Finally, in accordance with federal law, an individual with a disability may be accompanied by a miniature horse that has been individually trained to do work or perform tasks for the benefit of the individual where reasonable. Such requests will be evaluated on a case-by-case basis in accordance with federal law.

Adopted October 2, 2013

Legal refs.: 20 U.S.C. § 1400 et seq., 34 C.F.R. part 300 (Individuals with Disabilities Education Act)
29 U.S.C. § 794, 34 C.F.R. part 104 (Section 504 of the Rehabilitation Act of 1973)
42 U.S.C. § 12101 et seq., 28 C.F.R. §§ 35.104, 35, 136 (Americans with Disabilities Act)
C.R.S. § 22-36-101 (public schools of choice)
C.R.S. § 24-34-803 (rights of persons with assistance dogs)

Cross ref.: AC, Nondiscrimination/Equal Opportunity