



## **1240.1: SERVICE ANIMALS**

## **I. Definition of a Service Animal.**

A. A service animal must be a dog or, in specific circumstances, a miniature horse, that is individually trained to do work or perform tasks for the benefit of a parent or visitor with a disability and is required for a parent or visitor with a disability. No other species of animal, whether wild or domestic, will be permitted in District facilities as a service animal.

B. Service animals do not include pets, farm animals, wild or exotic animals, or any animals whose function is to provide crime deterrent effects, emotional support, comfort, companionship, therapeutic benefits, or to promote emotional well-being.

## **II. Work or Tasks of a Service Animal.**

A. The work or tasks performed by the service animal must be directly related to the parent's or visitor's disability and required for the parent or visitor with a disability.

B. Examples of work or tasks that a service animal may perform to meet this definition include:

1. Navigation: assisting individuals who are blind or have low vision with navigation and other tasks,

2. Alerting: alerting individuals who are deaf or hard of hearing to the presence of people or sounds,

3. Protection: providing non-violent protection or rescue work;

4. Pulling: pulling a wheelchair,

5. Seizure: assisting an individual during a seizure,

6. Allergens: alerting individuals to the presence of allergens,

7. Retrieving: retrieving items such as medicine or the telephone,

8. Physical support: providing physical support and assistance with balance and stability to individuals with mobility disabilities, and

9. Interrupting behaviors: helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

C. Work or tasks that are excluded from meeting the definition are:

1. Guard dogs: the crime deterrent effects of an animal's presence, and
2. Companion dogs: the provision of emotional support, well-being, comfort, or companionship.

### **III. Presence of Service Animals.**

- A. A parent or visitor with a disability shall be permitted to be accompanied by his/her service animal in all areas where parents or visitors, members of the public, participants in services, program or activities, or invitees, as relevant, are allowed to go.
- B. A bona fide trainer of a service animal may also be accompanied by such animal in training.
- C. A parent or visitor with a service animal may not be required to pay an extra fee for the service animal to attend events for which a fee is charged.

### **IV. Removal of a Service Animal.**

- A. A District administrator may direct a parent or visitor with a disability to remove a service animal from a District facility, a school building, a classroom, or from a school function, if any one of the following circumstances occur:
  1. The service animal is out of control and the service animal's handler does not take effective action to control it,
  2. The service animal is not housebroken,
  3. The service animal's presence would fundamentally alter the nature of the service, program, or activity, or
  4. The presence of the service animal poses a direct threat to the health or safety of others.
- B. To determine whether a direct threat exists, an individualized assessment is to be made to ascertain:
  1. The nature, duration, and severity of the risk,
  2. The probability that the potential injury will actually occur, and
  3. Whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

## **V. Control of the Service Animal.**

1. The service animal must be under the control of its handler. In most cases the service animal must have a harness, leash, or other tether.
2. The service animal does not need to be on a harness, leash, or other tether, however, if the handler is unable because of a disability to use a harness, leash, or other tether. A harness, lease, or other tether is also not required if it would interfere with the service animal's safe, effective performance of work or tasks.
3. If either of the harness, leash, or other tether exceptions applies, the service animal must be under the handler's control via voice control, signals, or other effective means.

## **VI. Responsibility for Care and Supervision.**

1. The District is not responsible for the care and supervision of any service animal, and a parent or visitor with a service animal shall be solely responsible therefor.
2. A parent or visitor with a service animal shall maintain the service animal so that it will always be clean, well groomed, and not have an offensive odor.
3. A parent or visitor with the service animal shall be liable for any damage done to the premises or facilities or to any person by the service animal.

## **VII. Miniature Horses.**

- A. Requests to permit a miniature horse to accompany a parent or visitor with a disability on District premises shall be considered in accordance with 28 C.F.R. § 35.136(i).

## **VIII. Inquiries.**

- A. When addressing a service animal matter, District staff shall not ask about the nature or extent of the parent's or visitor's disability.
- B. District staff may not ask questions about the service animal's qualifications as a service animal when it is readily apparent that the animal is trained to do work or perform tasks for a parent or visitor with a disability. Examples include where the service animal is observed guiding a parent or visitor who is blind or has low vision, pulling a parent's or visitor's wheelchair, or providing assistance with stability or balance to a parent or visitor with an observable mobility disability.

C. When it is not readily apparent that the animal qualifies as a service animal, District staff may ask:

1. If the animal's presence is required because of a disability, and
2. What work or task the animal has been individually trained to perform.
3. Staff may not require documentation, such as proof that the service animal has been certified, trained, or licensed as a service animal.

#### **Date of Adoption**

February 6, 2012

#### **Date of Revision**

May 21, 2018

#### **Reaffirmed**

November 4, 2019

#### **Related Policies and Rules**

[1100.1: Community Relations](#)

[1240: Service Animals](#)

[4001: Non-Discrimination and Harassment](#)

[4001.2: Non-Discrimination and Harassment Complaint Procedure](#)

[4002: Service Animals](#)

[5010: Non-Discrimination and Harassment](#)

[5010.2: Discrimination and Harassment Complaint Procedure](#)

[5015: Service Animals](#)

[5015.1: Service Animals](#)

#### **Legal Reference**

Americans with Disabilities Act

28 C.F.R. §§ 35.104 and 35.136

Section 504 of the Rehabilitation Act

Neb. Rev. Stat. §§ 20-126 through 129