



5015.1: 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 student with a disability and is required for the student 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 student's disability and required for the student 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: providing crime deterrent effects via the animal's presence, and

2. Companion dogs: the provision of emotional support, comfort, companionship, therapeutic benefits, or emotional well-being.

III. Presence of Service Animals.

A. A student with a service animal shall be permitted to be accompanied by his/her service animal in all areas where students are allowed to go.

B. A student 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 for students.

IV. Removal of a Service Animal.

A. A District administrator may direct a student with a service animal, the service animal's handler, or the student's parents 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, leash, 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 apply, the service animal must be under the handler's control via voice control, signals, or other effective means.

4. The District will provide reasonable accommodations of adult assistance to a student with a service animal when, due to the student's young age or significant disabilities, it is reasonably necessary

to assist the student in his/her use or control of the service animal, and such accommodations do not fundamentally alter the nature of the educational service, program, or activity.

VI. Responsibility for Care and Supervision.

1. The District is not responsible for the care and supervision of the service animal, including walking the service animal or responding to the service animal's need to relieve itself.

2. A student with a service animal shall provide documentation of ownership, veterinarian vaccinations and health status, proper pet licensure, and liability insurance coverage.

3. A student with a service animal shall be solely responsible to maintain and keep current such vaccinations, licensure, and liability insurance, and neither the school nor the District shall be liable in any manner for any costs or expenses associated with meeting these requirements.

4. A student with a service animal shall maintain the service animal so that it will always be clean, well groomed, and not have an offensive odor.

5. A student with a service animal shall be solely responsible for any and all costs and expenses associated with the ownership, training, boarding, veterinarian and health care, licensing, insurance coverage, and care and maintenance of the service animal, and neither the school nor the District shall be liable in any manner therefor.

6. A student with a 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 student 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 student'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 student with a disability. Examples include where the service animal is observed guiding a student who is blind or has low vision, pulling the student's wheelchair, or providing assistance with stability or balance to a student 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

July 6, 2015

Reaffirmed

June 1, 2020

Related Policies and Rules

[1100.4: Notice of Non-Discrimination](#)

[1240: Service Animals](#)

[1240.1: Service Animals](#)

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

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

[4002: Service Animals](#)

[4002.1: Service Animals](#)

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

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

[5015: 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