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**Animals on School Premises**  
**Policy Series: 4000 Curriculum, Instruction, and Assessment**  
**Policy No. 4030**

**Service Animals in Schools**

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The Provo City School District Board of Education acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” as required by federal and state laws. This policy governs the presence of service animals in the schools, on school property, including school buses and at school activities.

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A “service animal” means an animal that is trained and certified for the purpose of assisting or accommodating a disabled person’s sensory, mental or physical disability. For purposes of this policy, a “service animal includes any dog that has been individually trained to do the work or perform tasks for the benefit of an individual with a disability”. The service dog must be wearing an up-to-date rabies tag on its collar.

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Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Service animals are not pets. There are several kinds of service animals that assist individuals with disabilities. Examples include, but are not limited to, animals that:

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- assist individuals who are blind or have severe sight impairments as “seeing eye dogs” or “guide dogs;”

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- alert individuals with hearing impairments to sounds;

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- pull wheelchairs or carry and pick up items for individuals with mobility impairments;

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- assist individuals with mobility impairments with balance.

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The parent/guardian of a student who believes the student needs to bring a service animal to school must submit a written request to the building principal. The building principal, in consultation with the Section 504 coordinator for students or the Director of Special Education, will determine whether or not to permit the service animal in school.

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An employee who needs to bring a service animal to school must submit a written request to the Executive Director of Human Resources, who will determine whether or not to permit the service animal in school.

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41 ~~The Board directs the superintendent to develop procedures to implement this policy and to~~  
42 ~~establish regulations for service animals on school grounds and at school events.~~

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#### 44 **Animals Permitted Only Pursuant to this Policy**

45 Privately owned animals are only permitted on school premises with written consent  
46 from the principal or superintendent or designee except as specified by this policy.

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#### 48 **Definitions**

49 The following definitions apply in this policy:

50 “Service animal” means a dog that is individually trained to do work or perform tasks for  
51 the benefit of a person with a disability. The work or tasks performed by the service  
52 animal must be directly related to the person’s disability and do not include providing  
53 emotional support, well-being, comfort, or companionship.

54 “Disability” is defined or determined according to the Americans With Disabilities Act  
55 (“ADA”), the Individuals With Disabilities Education Act (“IDEA”), and Section 504 of the  
56 Rehabilitation Act (“Section 504”), together with implementing regulations.

57 “Direct threat” means a significant risk to the health or safety of others that cannot be  
58 eliminated by a modification of policies, practices, or procedures or by the provision of  
59 auxiliary aids or services.

60 “Emotional support animal” means a domesticated animal other than a non-human  
61 primate that is individually necessary for the emotional support, well-being, comfort, or  
62 companionship of an individual with a disability.

#### 63 **General Standards Regarding Animals Serving Individuals With Disabilities**

64 The district is committed to providing equal access for individuals with disabilities to its  
65 programs, services, and activities, including access for service animals assisting those  
66 individuals, as required by applicable laws and regulations.

67 While the District may establish safety requirements as needed for safe operation of its  
68 services, programs, or activities, such requirements must be based on actual risks and  
69 may not be based on speculation, stereotypes, or generalizations about people with  
70 disabilities.

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#### 72 **Service Animals**

73 The use of service animals by individuals with disabilities shall be allowed on all  
74 portions of school premises where the individual would be permitted as a member of the  
75 public, an employee, or student, as applicable, subject to the following:

- 76 1. The individual may be required to remove the animal from the premises if:
  - 77 a. The animal is out of control and the animal's handler does not take effective  
78 action to control it; or
  - 79 b. The animal is not properly housebroken.
- 80 2. The school is not responsible for the care or supervision of the animal.
- 81 3. The animal must be under the handler's control through a harness, leash, tether,  
82 voice control, signals, or other effective means of control.
- 83 4. Except where the animal's training and function are immediately apparent, the  
84 school may ask:
  - 85 a. whether the animal is required because of a disability; and
  - 86 b. what work or task the animal has been trained to perform.
- 87 5. The school may not ask about the nature or extent of the individual's disability  
88 and may not require documentation establishing that the animal is trained as a  
89 service animal.
- 90 6. The school shall not impose a fee or charge regarding the presence of a service  
91 animal on school premises, although charges may be imposed for damage  
92 caused by the animal if charges are otherwise imposed for damage to school  
93 property.

#### 94 95 **Service Animals in Training**

96 An individual who does not have a disability may be accompanied by a dog in training to  
97 become a service animal, subject to the requirements and standards relating to service  
98 animals outlined in this policy.

99 An individual accompanied by a dog in training is liable for any loss or damage the dog  
100 causes to school premises.

#### 101 102 **Miniature Horses**

103 The District shall make reasonable modifications to policies, practices, or procedures to  
104 permit the use of a miniature horse by an individual with a disability if the horse has  
105 been individually trained to do work or perform tasks for the individual with a disability.

106 In determining whether policies, practices, or procedures can reasonably be modified to  
107 permit the use of a miniature horse, the District shall consider:

- 108 1. The type, size, and weight of the miniature horse and whether the school can  
109 accommodate these features;  
110 2. Whether the handler has sufficient control of the horse;  
111 3. Whether the horse is housebroken; and  
112 4. Whether the horse's presence compromises legitimate safety requirements  
113 necessary for safe school operation.

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115 **Emotional Support Animals**

116 The use of an emotional support animal or comfort animal is considered a request for  
117 reasonable accommodation under the ADA or Section 504.

118 Such a request must be supported by recent, reliable, objective medical documentation.

119 Additional documentation may be required to address legitimate safety requirements  
120 necessary for safe operation of the school's programs, services, or activities.

121 Only domesticated animals will be considered as emotional support animals.

122 The use of emotional support animals on school premises is subject to the requirements  
123 and standards relating to service animals outlined in this policy except for the limitation  
124 on inquiries.

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126 **Evaluation Prior to Denial**

127 Before denying access to an animal asserted to be a service animal, service animal in  
128 training, miniature horse, or emotional support animal, District staff shall consult with the  
129 District Risk Coordinator, State Risk Management, and as needed with District legal  
130 counsel.

131 If consultation is not possible before a decision is required, District staff shall make the  
132 access determination based on this policy and shall thereafter consult.

133 Questions regarding application of this policy should be directed to the District Risk  
134 Coordinator, District personnel responsible for disability law compliance, and District  
135 legal counsel as needed.

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137 **Legal References:**

138 [28 CFR § 35.104](#)

139 [28 CFR § 35.136](#)

140 [Utah Code § 26B-6-803](#)

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142 **Approved by Board of Education:** September 9, 2014

143 Revised:

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