



Administrative Regulation 7521 SERVICE ANIMALS

Responsible Office: Office of the General Counsel

PURPOSE

This administrative regulation shall establish the guidelines related to the use of service animals on the properties of and at the activities of the Washoe County School District ("District").

REGULATION

1. Service Animal Defined

- a. A service animal is a dog that is individually trained to do work or perform tasks for people with disabilities. The work or task a dog has been trained to provide must be directly related to the person's disability. Examples of such work or tasks include, but are not limited to, guiding people who are blind, alerting people who are deaf, and pulling a wheelchair.
 - i. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the Americans with Disabilities Act.
 - ii. A service animal may be required for certain students as part of a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Improvement Act (IDEA) and Section 504 of the Rehabilitation Act. Under IDEA, the need for a service animal must be addressed by the IEP (Individualized Educational Plan) Team and should be included in the IEP.
- b. Where reasonable, miniature horses that have been individually trained to do work or perform tasks for people with disabilities are permitted on District property as service animals.
- c. All other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this regulation.
- d. Therapy animal refers to an animal that provides emotional support or passive comfort. A therapy animal (also known as an emotional support animal or comfort animal) is not a service animal under this administrative regulation. Access for therapy animals is evaluated similar to any other request for accommodation and should be directed to the appropriate District office.

2. Proof of Disability – Allowable Questions

- a. The District shall not inquire about the nature or extent of the person's disability and shall not require proof of the animal's certification, licensure or training. When it is not obvious what service an animal provides, staff may only ask the following two questions:
 - i. Is the dog a service animal required because of a disability; and
 - ii. What work or task has the dog been trained to perform.

3. Request for Regular Use of Service Animal

a. Students

- i. The parent/guardian of the student shall submit written documentation of intent to bring a service animal to the school principal/site administrator. Such documentation should be received not later than 5 school days prior to the animal coming to school to allow the school adequate time to plan and prepare. Documentation should include information related to the service animal as stated in #2 above.

b. Staff

- i. A staff member wishing to request regular use of a service animal shall document such request as a request for an Americans with Disabilities accommodation through the Office of Human Resources' Risk Management Department.

4. General Rules for Use of Service Animals

- a. Persons with disabilities who are accompanied by service animals are subject to the same conditions and limitations that apply to persons who are not so disabled and accompanied.
- b. Service animals shall not be barred from District property because of unsubstantiated health, sanitation, or safety concerns and may go anywhere students are permitted, including classrooms, hallways, and cafeterias.
- c. All service dogs must be spayed or neutered by the service animal's handler; treated for, and kept free of, fleas and ticks; and kept clean and groomed by the service animal's handler to avoid shedding and dander.
- d. The owner of the service animal is liable for any harm or injury caused by the animal to other students, staff, visitors and/or property.

- e. All service animals must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe effective performance of work or task, in which case the service animal must be otherwise under the handler's control; i.e., voice control, hand signals or other effective means of control.
 - f. District staff are not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.
 - i. The District is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
 - ii. Students with service animals are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise the animal, the parent/guardian is responsible for providing care and supervision of the animal, unless otherwise addressed in the student's IEP. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.
5. Removal of Service Animal
- a. The District reserves the right to remove a service animal if any of the requirements set forth above are not met. The building administrator may also request that an individual with a disability or his/her parent/guardian remove a service animal from a District property or a school function if any one of the following circumstances occur:
 - i. The animal is out of control and the animal's handler does not take effective action to control it.
 - ii. The animal poses a direct threat to the health or safety of others.
 - iii. The animal is not house broken.
 - iv. The animal's presence would fundamentally alter the nature of the service, program, or activity.
 - b. If a service animal is excluded, the individual with the disability shall have the opportunity to continue to access the program, activity, event and/or facility without having the service animal on the premise.

6. Service Animal in Training

- a. A service animal in training shall be permitted the same access as service animals. An individual bringing a service animal in training on District property or to a District activity is responsible for complying with the provisions of this administrative regulation. Failure to do so may result in the animal being removed.

7. It is unlawful for a person to fraudulently misrepresent an animal as a service animal or service animal in training. (NRS 426.805)

DESIRED OUTCOMES

1. This regulation shall ensure that individuals with disabilities are able to participate in and benefit from District services, programs, and activities, and to ensure that the District does not discriminate against individuals on the basis of disability.

IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS

1. This regulation reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
 - a. Board Policy 9201, Bullying, Harassment and Discrimination Prohibited
 - b. Board Policy 9205, Safe and Respectful Learning Environment
 - c. Board Policy 4111.3, Harassment and Intimidation
 - d. Board Policy 5038, Student Health, Welfare and Rights
2. This regulation complies with Nevada Revised Statutes (NRS) and Nevada Administrative Code (NAC), to include:
 - a. Chapter 426, Persons with Disabilities
 - b. Chapter 613, Employment Practices
 - i. NRS 613.330 Unlawful employment practices: Discrimination on basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability or national origin; interference with aid or appliance for disability; refusal to permit service animal at place of employment.
 - c. Chapter 651, Public Accommodations
 - i. NRS 651.075 Rights, duties and liabilities of persons training or accompanied by service animal, service animal in training or police dog; unlawful acts; rights of place of accommodation; unmuzzled

animal may not be presumed dangerous; person subject to same conditions and limitations as others; remedies.

3. This regulation complies with federal laws and regulations, to include
 - a. Americans with Disabilities Act, Title II Regs as amended in 2010, 28 C.F.R. Part 35.

REVIEW AND REPORTING

1. This administrative regulation will be reviewed and revised in compliance with changes to the Americans with Disabilities Act and the District's policies with respect to harassment and discrimination.

REVISION HISTORY

Date	Revision	Modification
05/10/2011	1.0	Adopted
10/22/2013	2.0	Converted to Administrative Regulation format
3/15/2016	3.0	Revised to clarify request guidelines for students and staff
5/24/2017	4.0	Revised to include guidelines related to service animals in training