

The Vanguard School

POLICY: Vanguard JLIF – Service Animals

POLICY ADOPTED: 5-25-21

The Vanguard School will comply with Colorado law and federal regulations concerning the rights of persons with service animals and will permit service animals on school premises and on school transportation in accordance with 28 CFR § 35.136, and related regulations implementing the Americans with Disabilities Act, C.R.S. §§ 24-34-803, 804, C.R.S. § 40-9-109, and this policy.

The term "service animal" is defined as a dog that has been trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the student's disability. Examples of work or tasks include, but are not limited to:

- Assisting individuals who are blind or have low vision with navigation and other tasks.
- Assisting and/or alerting individuals who are hearing impaired.
- Providing nonviolent protection or rescue work.
- Pulling a wheelchair.
- Assisting an individual during a seizure.
- Alerting individuals to the presence of allergens.
- Retrieving items such as medicine or the telephone.
- Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

If the work/task the service animal provides is not obvious, before a service animal will be accepted in the school facility or vehicle or, on school grounds or functions, the building principal could ask the service dog's handler or the referring physician two questions, to determine whether the animal qualifies as a service animal:

- Is the animal required because of a disability; and
- The type of work or task(s) the animal has been trained to perform.

A school representative may not ask these questions about a service animal if it is clear that the service animal is trained to do work or perform tasks for an individual with a disability, e.g., a dog is seen guiding a blind person or pulling a person's wheelchair.

The service animal handler/owner is required to participate in meetings requested by the building principal to help create a strategy for the visit with the service animal or the full-time admission to school.

Other species of animals apart from dogs, whether wild or domestic, trained or untrained, are not defined as service animals and will not be permitted in the school.

Service animals do not include animals used for emotional support, well-being, comfort, or companionship. This does not constitute work or tasks. A "therapy animal" is not a service animal for the purpose of this policy.

The school shall make reasonable accommodations so that its facilities, vehicles, grounds, and functions are accessible for an individual with a disability who is accompanied by a service animal. However, accommodations will not be made to the extent that the accommodation imposes an "undue hardship" on the school or poses a physical threat/danger to others.

Before a service animal will be allowed onto school property or to be present at a school function, the following requirements must be satisfied:

- A student or person who wants to be accompanied by his/her service animal must make a prior written request of the school's Executive Director at least 15 business days prior to bringing the service animal to school or a school function.
- The service animal must be in good health and immunized against diseases common to that type of animal. The owner or handler of the animal must submit to the school, each school year, documentation from a licensed veterinarian including a health certificate and proof of the animal's current vaccinations and immunizations. No service animal shall be admitted to any school building or facility, school transportation vehicles, field trips, or school sponsored activities without proof of current vaccinations and immunizations.
- School personnel will permit the use of a service animal in the school building, on school transportation vehicles, on field trips and at school sponsored activities. The service animal will be permitted access to all areas of the school the student is attending, where members of the public, other students, other participants in the school's services, programs or activities, or invitees, as relevant, are allowed to go.
- Staff members and families of the school must be informed that a service animal will be authorized on site prior to the first attendance to guarantee that there are no individuals who suffer from acute allergic reactions to dogs.

Control, Care, and Supervision of the Service Animal

- The school is never responsible for the control, care, or supervision of a service animal, including but not limited to walking the animal or responding to the animal's need to relieve itself. The school is never responsible for providing any staff member or other person to walk the service animal or to provide any other care or supervision or assistance regarding the service animal.
- The handler is exclusively responsible for the control, care, and supervision of the service animal. Supervision and care include meeting the health needs of the animal, feeding and watering, exercising, grooming, animal cleanliness, clean-up and waste disposal.
- Service animals may be walked and exercised only in designated areas on school grounds. An area will be designated by the school for this purpose. The principal or his designee (in coordination with the teachers) will determine the time and manner for this activity to take place, in order to not interfere with the educational program.
- Service animals must be housebroken. Animal waste shall be bagged and disposed of in a garbage bin outside of school buildings.
- The handler must treat the service animal for and keep it free of fleas, ticks, and other harmful bugs.
- The handler shall never leave his/her service animal unattended.

Liability and Responsibility

The handler of the service animal is liable and solely responsible for any harm or damage to school property or injury to persons caused by the service animal. The handler must provide proof of current liability insurance which covers the service animal in an amount no less than one million dollars.

Exclusion of Service Animal

Vanguard may exclude a service animal from its facilities and grounds if:

- The animal is out of control and the animal's handler does not take effective action to control it (e.g., physically roaming or pulling, barking, biting, overall disruption of the learning environment)
- The animal is not housebroken
- The animal poses a direct threat to the health and safety of others
- The presence of the animal would require a fundamental alteration to the service, program, or activity of the school.

If students or staff members with animal dander allergies or other disability-related reactions claim that the presence of the service animal constitutes a direct threat to their

health or safety, the school will evaluate such claims in accordance with the provisions of 28 CFR § 35.139.

If, in the judgment of the building principal or authorized designee, the training and/or capability of any service animal has been misrepresented, or if the service animal is out of control in the school setting, the matter shall be immediately reported to local law enforcement, and the permission granted pursuant to this policy may be immediately revoked. The parent or guardian of the student having custody and control of the service animal will be required to remove the service animal from school premises immediately.

Under Colorado law, a person commits intentional misrepresentation of a service animal if the person intentionally misrepresents an animal in his or her possession as his or her service animal or service animal-in-training for the purpose of obtaining any of the rights or privileges set forth in section 24-34-803, CRS, for individuals with disabilities with service animals, and the person knows that the animal in question is not a service animal or service animal-in-training. Violation of this law is a misdemeanor punishable by fines and/or community service.

If a service animal is excluded from school for any reason set forth in this policy, the school shall remain under the general obligation to ensure that the student is not denied or limited access to its education program or activities pursuant to 28 CFR § 35.130 and 34 CFR § 104.

When a student will be accompanied by a service animal at school on a regular basis, such student's parent or guardian, as well as the dog's owner and any other person who will have custody and control of the dog, will be provided a copy of this policy and copies of applicable statutes and regulations.

In accordance with state law, a trainer of a service animal may be accompanied by a service animal that the trainer is in the process of training in school facilities and vehicles, on school grounds, and at school functions. A service animal in training is subject to all requirements for service animals as set forth in this policy.