



## 2000 - Operations

### 110 - Service Animal Policy

#### 1. Access to Services, Programs, and Activities

- 1.1. Providence Hall Charter School (PHCS) has the goal of providing equal access to all services, activities, and programs it offers. Students, employees, or members of the public will not be denied access to services, programs or activities due to their legitimate use of a service animal.
- 1.2. PHCS protocols for addressing the needs of those utilizing service animals are derived from 28 CFR Section 35, Utah Code Title 62A, Chapter 5b, and applicable published guidance from the U.S. Department of Justice.
- 1.3. PHCS may impose legitimate safety requirements necessary for the safe operation of its services, programs, or activities. Those requirements must be based upon actual risks, not on mere speculation, stereotypes, or generalizations about people with disabilities.

#### 2. Definitions

- 2.1. **Direct Threat** - A significant risk to the health and safety of others that cannot be eliminated by a modification to policies, practices or procedures, or by the provision of auxiliary aids or services.
- 2.2. **Disability** - As defined in 42 U.S.C. 12102 of the Americans with Disabilities Act, as may be amended in the future, and 28 CFR Section 36 of the Code of Federal Regulations, as may be amended in the future.
- 2.3. **Emotional Support Animal (ESA)** - A domesticated animal that is individually necessary for the emotional support, well-being, comfort, or companionship of an individual with a disability. The tasks performed by an ESA must be directly related to the individual's disability. Non-human primates are specifically excluded from this definition.
- 2.4. **Service Animal** - Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. Other species of animals, whether Model Service Animal Policy Revised 10/11/16 3 wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of this definition.

#### 3. General Provisions

- 3.1. Other than service animals as defined above, or approved service animals in training granted facility access by PHCS, personally owned animals are not permitted at PHCS facilities without the written consent of a PHCS District Administrator.
- 3.2. PHCS will reasonably modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
- 3.3. Individuals with disabilities shall be permitted to be accompanied by their service animals in all PHCS facilities where members of the public, participants in services, programs or activities, or invitees are permitted.
- 3.4. Students with disabilities shall be permitted to be accompanied by their service animals in all PHCS facilities where students are permitted.



- 3.5. PHCS may ask an individual with a disability to remove a service animal from its facilities if the animal is out of control and the animal's handler does not take effective action to control it.
- 3.6. PHCS may ask an individual with a disability to remove a service animal from its facilities if the animal is not housebroken.
- 3.7. A service animal shall 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 leash, harness, or other tether would interfere with the animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
- 3.8. PHCS may ask an individual with a disability to remove a service animal from its facilities if the animal poses a direct threat.
- 3.9. Neither PHCS nor any of its employees are responsible for the care or supervision of a service animal, unless documentation exists specifically requiring such care or supervision by PHCS or its employees.
- 3.10. If the need for a service animal is not readily apparent, the animal's owner may be required to affirm that the animal is required because of a disability. Additionally, the animal's owner may be required to articulate what work or task the animal has been trained to perform.
- 3.11. A service animal's owner may be required to provide documentation indicating the service animal has been licensed in the jurisdiction(s) in which the owner resides.
4. **Miniature Horses**
  - 4.1. PHCS shall make reasonable modification in its policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
  - 4.2. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, PHCS may consider:
    - 4.2.1. the type, size, and weight of the miniature horse and whether the facility can accommodate these features;
    - 4.2.2. whether the handler has sufficient control of the miniature horse;
    - 4.2.3. whether the miniature horse is housebroken; and
    - 4.2.4. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
  - 4.3. All the General Provisions listed in section 3.0. above shall apply to miniature horses.
5. **Service Animals in Training**
  - 5.1. As provided in Utah law, service animals in training shall be granted access to PHCS facilities, buildings or areas that are accessible to any member of the public.
  - 5.2. PHCS may establish reasonable procedures and guidelines governing the presence of service animals in training in its facilities, programs, and services.
  - 5.3. PHCS may decide whether it will allow service animals in training in any of its facilities, buildings or areas that are not accessible to any member of the public (e.g., student areas, classrooms, locker rooms, school libraries, buses, etc.)
6. **Emotional Support Animals (ESA) in an Education Setting**
  - 6.1. In an educational setting the use of an ESA (sometimes referred to as a "comfort animal") may be considered a request for a reasonable modification of PHCS policies, practices, or procedures under Title II of the Americans with Disabilities Act (ADA).



- 6.2. PHCS, while not required, may choose to allow ESAs in its facilities, programs, or activities.
- 6.3. Only domesticated animals may be considered as an ESA.
- 6.4. A formal request must be made for the use of an ESA and must be supported by recent, reliable, objective medical documentation.
- 6.5. Documentation regarding an ESA may be required to address legitimate safety requirements necessary for the safe operations of PHCS' programs, services, or activities.
- 6.6. All the General Provisions listed in section III above shall apply to ESAs.
7. **Service Animals and ESAs in in the Employment Setting**
  - 7.1. In the employment setting the use of a service animal or ESA may be considered a request for accommodation under Title I of the Americans with Disabilities Act.
  - 7.2. If the use of a service animal or ESA in the employment setting is to mitigate physical barriers or to ensure equal access to programs, buildings, or facilities, the service animal or ESA should be permitted in accordance with the guidance for service animals published by the US Department of Justice.
  - 7.3. If the use of a service animal or ESA is requested for reasons other than barrier removal or equal access to programs, buildings, or facilities, the request should be supported by recent, reliable, objective medical documentation, and the employee and PHCS should engage in the ADA interactive process.
8. **Unique Circumstance or Requests**
  - 8.1. Circumstances or requests requiring special consideration shall be reviewed by PHCS Risk Coordinator in consultation with other appropriate PHCS personnel (e.g., Section 504 Coordinator, ADA Coordinator, etc.).
  - 8.2. The PHCS Risk Coordinator shall coordinate with State Risk Management prior to denying a service animal, a miniature horse, a service animal in training, or an ESA access to any PHCS facility, service, program, or activity.



## Service Animal Agreement Form

1. All animals must be treated for, and kept free of, fleas and ticks and other pests.
2. All animals must be kept clean to avoid shedding and dander.
3. The owner/handler of the animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property. (Civil Code 54.2).
4. All 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 animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler's control.
5. The owner/handler of the service animal is responsible for the care and conduct of the service animal at all times. Providence Hall Charter School (PHCS) not responsible for the care or supervision of the service animal, such as walking the animal or responding to the animal's need to relieve itself.
6. The owner/handler of the service animal must always carry equipment sufficient to clean up the animal's waste, immediately remove the waste, and be responsible for the proper disposal of the animal's waste.
7. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the PHCS administration or designee. 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 service animal, the student's parents/guardians are responsible for providing care and supervision of the animal.
8. If the request is for a service dog, the person making the request must provide annual proof of vaccinations.

### Removal of a Service Animal

1. PHCS administration or designee may ask any individual who brings a service animal to school property and/or facility and/or school function to remove the service animal if any one of the following circumstances occurs:
  - a. The animal is out of control and the animal's handler does not take effective action to control it.
  - b. The animal is not housebroken.
  - c. The animal's presence would pose a "direct threat." A "direct threat" is defined as a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.
2. When an individual's service animal is removed, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present. (Education Code 39839; Civil Code 54.2; 28).

**I have read and agree to the terms above.**

\_\_\_\_\_  
Printed Parent/Guardian, Public, Staff Member Name

\_\_\_\_\_  
On behalf of Printed Student Name

\_\_\_\_\_  
Signature of Parent/Guardian, Public, Staff Member Name

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

Approved

Date \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
Printed PHCS Administrator Name

\_\_\_\_\_  
Signature of PHCS Administrator