

SERVICE ANIMALSI. Purpose

This regulation provides guidelines related to the use of service animals on Clark County School District (District) properties and at activities sponsored by the District.

II. Definitions

- A. As defined by the Americans with Disabilities Act (ADA), a service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.
- B. In Nevada, a service animal has the meaning ascribed to it in federal law and also includes a miniature horse that has been trained to do work or perform tasks for the benefit of an individual with a disability.
- C. Under Nevada law, service animal includes a dog or a miniature horse that is being trained to do work or perform tasks for the benefit of an individual with a disability.
- D. Therefore, the applicable definition of a service animal is a dog or a miniature horse that is individually trained or is being trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability.

III. Proof of Disability and Permissible Questions

- A. District staff shall not inquire about the nature or extent of the individual's disability nor require proof of the service animal's certification, licensure, or training.
- B. When it is not obvious what service a service animal provides, staff may only ask two questions;
 - 1. Is the dog, miniature horse, or service animal in training a service animal required because of a disability?
 - 2. What work or tasks is the dog, miniature horse, or service animal trained or being trained to provide?

IV. Student Use of a Service Animal

- A. When the school is informed that a student will be accompanied by a service animal, the following shall occur:
1. The principal or principal designee must meet with the parent/guardian, student, and service animal no later than the next school day. School staff may ask the two permissible questions stated in III. B. 1–2.
 2. If the student has an Individualized Education Program (IEP) or Section 504 Plan, the parent/guardian will be provided the procedural safeguards.
 3. The principal or principal designee will review any additional relevant information that the parent/guardian chooses to share.
 4. In accordance with ADA, the feeding and elimination needs of the service animal are the responsibility of the handler. The handler is responsible for costs associated with the service animal. The team must design a management plan for the handler to implement that addresses the service animal's feeding and elimination needs. The plan should include considerations, such as student arrival/dismissal, passing periods, and designated areas in the cafeteria.
 5. The principal or principal designee will inform appropriate staff that the student will be at school with a service animal.
- B. Staff are not permitted to:
1. Request documentation for the service animal.
 2. Require the service animal to demonstrate the work or tasks the animal is trained or being trained to provide.
- C. The service animal must perform the work or tasks that are directly related to the individual's disability.
- D. The District and schools must make reasonable modifications in policies, practices, or procedures to allow service animals unless the modifications fundamentally alter the nature of the service, program, or activity.
- E. The principal or principal designee must remove a service animal from the school if the following occurs:

1. The handler does not maintain control of the service animal.
2. The service animal is not housebroken.
3. The service animal poses a direct threat to the health or safety of students, staff, or the community.

F. If an administrator asks that an animal be removed, the administrator must offer the individual with a disability the opportunity to participate in the District service, program, or activity without the animal being present.

V. Use of a Service Animal by an Employee

A. District employees may request to use a service animal as an accommodation. Since employers are required to consider such requests, any employee who makes such a request for an accommodation should be referred to the Office of Diversity and Affirmative Action/ADA and Title IX programs for the request to be properly assessed and considered in accordance with federal and state law.

B. The District is considered a place of public accommodation under both federal and state laws. Any employee accompanied by a service animal, including a dog, miniature horse, or service animal in training in Nevada, is permitted to be in all areas of a District building, bus, facility, etc., where other members of the public are permitted. When the handler's disability is not easily identifiable, an administrator is permitted to make a limited inquiry about the service animal and may ask the following two questions:

1. Is the dog, miniature horse, or service animal in training a service animal required because of a disability?
2. What work or tasks is the dog, miniature horse, or service animal in training trained or being trained to provide?

C. The handler of the animal should be able to affirm that the animal is a service animal or a service animal in training and articulate the work or tasks the animal is trained or being trained to provide.

D. The principal or principal designee must remove a service animal from the school if the following occurs:

1. The handler does not maintain control of the service animal.

2. The service animal is not housebroken.
 3. The service animal poses a direct threat to the health or safety of students, staff, or the community.
- E. If an administrator asks that an employee remove a service animal for any of the noted reasons outlined in section V. D. 1–3., that administrator must engage in the interactive process with the employee to identify alternative reasonable and effective workplace accommodations and/or they must refer that employee to the Human Resources Office of Diversity and Affirmative Action/ADA programs to explore alternative reasonable and effective workplace accommodations.
- VI. Use of a Service Animal by Members of the Community
- A. Administrators may not presume that a service animal is dangerous by reason of the fact that the animal is not muzzled. If an administrator asks that an animal be removed, the administrator must offer the individual with a disability the opportunity to participate in the District service, program, or activity without the animal being present.
 - B. The District is considered a place of public accommodation under both federal and state laws. Any member of the public accompanied by a service animal is permitted to be in all areas of District buildings, buses, facilities, etc. When the handler’s disability is not easily identifiable, an administrator is permitted to make a limited inquiry about the service animal and may ask the following two questions:
 1. Is the dog, miniature horse, or service animal in training a service animal required because of a disability?
 2. What work or tasks is the dog, miniature horse, or service animal in training trained or being trained to provide?
 - C. The handler of the animal should be able to affirm that the animal is a service animal and articulate the tasks the animal is trained or being trained to provide.
 - D. Handlers must maintain complete control of the animal at all times, and administrators must ask an individual with a disability to remove the animal if:
 1. The handler does not maintain control of the service animal.
 2. The service animal is not housebroken.

3. The service animal poses a direct threat to the health or safety of students, staff, or the community.

Legal References: Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12131 et. seq., NRS 426.097, NRS 426.099, and NRS 651.075.

Review Responsibility: Student Services Division and Office of Diversity and Affirmative Action/ADA and Title IX Programs
Office of the General Counsel

Adopted: