

Adopted: 2009  
Reviewed:



## **602 SERVICE ANIMALS**

### **I. PURPOSE**

To ensure compliance with the 1990 Federal Americans with Disabilities Act (ADA) and Minnesota State law regarding the presence of service or assistance animals in public facilities.

To more clearly define various types of service/assistance animals and provide guidelines to Spero Academy employees.

To protect Spero Academy students, staff, and property from injury within school facilities with the exception of animals invited to participate in programs sponsored by Fraser Academy.

### **II. GENERAL STATEMENT OF POLICY**

It is the policy of Spero Academy to prohibit all animals from entering school facilities, with exception of service animals, service animal trainees, and animals features in programs sponsored by the school.

### **III. DEFINITIONS**

Service animals are animals that are individually trained to perform tasks for people with disabilities – such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, or performing other special tasks. Service animals are working animals, not pets. If they meet this definition, animals are considered service animal under the ADA regardless of whether they have been licensed or certified by a state or local government. (U.S. Department of Justice, Civil Rights Division, Disability Rights Section, ADA Business Brief: Service Animals, April 2002)

The terminology used to label the specific types of work dogs perform for people with disabilities has not been standardized. Dogs trained to help a person walk might be referred to as a mobility dog, a walker dog, or a support dog. Some animals are cross-trained to perform more than one category of work, such as a guide/mobility dog. Many individuals prefer to identify their service animals generically to avoid disclosing the nature of their disability. While most service animals are dogs, other service animals include cats, monkeys, birds, and miniature horses.

“Assistance animals” is a newer term being proposed to replace the term “service animals.” It is similar to a service animals, but instead of limiting the animal to

assisting one person with a disability, an assistance animal works either with a specific person with a disability or a group of people with disabilities under the guidance of a trainer or owner.

Companion animals are pets and may be excluded from school facilities

Social/therapy animals usually service animals that did not complete training and have become the pet of a person with a disability. Other therapy animals are the personal pets of their handlers and work with their handlers to provide services to others, such as patients in nursing homes. Therapy animals might or might not meet the definition of service animals, but service animals are not pets. Pets are not allowed in the school. Federal laws do not legally define therapy animals, but some states have laws defining therapy animals. Federal laws also have no provisions for people to be accompanied by therapy animals in places of public accommodation that have “no pets” policies.

#### **IV. MINNESOTA STATE STATUTES**

According to Minnesota state law, “it is unfair discriminatory practice for an owner, operator, or manager of a hotel, restaurant, public conveyance, or other public place to prohibit a blind or deaf person or a person with a physical or sensory disability from taking a service animal into the public place or conveyance if the service animal can be properly identified as being from a recognized program which trains service animals to aid blind or deaf persons or persons with physical or sensory disabilities, and if the animal is properly harnessed or leashed so that the blind or deaf person or a person with physical or sensory disability may maintain control of the animal. (MN Statutes 363A.19, 2003 supplement)

Every totally or partially blind, physically handicapped, or deaf person, or any person training a dog to be a service dog shall have the right to be accompanied in any of the places listed in section 363.03, subdivision 10. The person shall be liable for any damage to the premises or facilities by such a dog. The service dog must be capable of being properly identified as from a recognized school for seeing eye, hearing ear, service, or guide dogs. (MN Statutes, 256.02, 2002).

#### **V. GUIDELINES**

Under the Americans with Disabilities Act (ADA), organizations that serve the public, like Spero Academy, must allow people with disabilities to bring their service animals into all areas of the facility where customers are normally allowed to go.

The ADA provides greater protection for individuals with disabilities and so it takes priority over local and state laws and regulations.

Spero Academy employees may ask if an animal is a service or assistance animal required because of a disability, or ask what task the animal has been trained to

perform. Employees cannot generally require documentation such as a special ID cards or proof of certification for the animal or ask about the specific nature of the person's disability.

People with disabilities who use service animals cannot be isolated from other patrons or employees or be treated less favorably than other patrons or employees.

A person with a disability cannot be asked to remove his or her service animal from the premises unless:

- A. The animal is out of control and the animal's owner does not take effective action to control it, or;
- B. The animal poses a direct threat to the health or safety of others. Allergies or fear of animals are generally not valid reasons for denying access to school facilities or refusing school service to people with service animals. Any service animals that displays vicious behavior towards customers may be excluded. Employees may not make assumptions, however, about how a particular animals is likely to behave based on past experiences with other animals. Each animal must be considered individually. In these cases, the school should offer to give the person with the disability the option to obtain materials and services without having the animal on the premises.

The school is not required to provide care or food for a service animal or provide a special location for it to relieve itself.

The only persons permitted to bring assistance animals or assistance animal trainees into school facilities are persons who require the assistance of such an animal and assistance animal trainers. All assistance animals or assistance animal trainees must remain under a responsible person's control and on a leash at all times.

## **VI. LIABILITY**

Violators of the ADA can be required to pay money damages and penalties.

If the school normally charges patrons for damage they have caused, a student with a disability may be charged for damage caused by his or her service animal.

A person utilizing a service animal or a service animal trainer may be liable for all injury and damage caused by his or her animal while within school facilities.

## **VII. SERVICE ANIMAL ETIQUETTE**

School employees may legally ask a person with an animal the following questions:

- A. Are you disabled?
- B. Is this a service animal?

Employees may not ask what kind of disability the person has nor request proof that the animal is certified:

- A. Are you blind in both eyes?
- B. Do you have a letter from a doctor to prove you're disabled?

Do not touch the service animal or the person it assists without permission. This applies to both employees and students of all ages. The service animal may or may not be wearing a vest with printing on it, such as "I am working. Please do not pet me."

Do not make noises at a service animal; it may distract the animal from doing its job. The behavior of children near an animal may be unpredictable, so staff should be on alert.

Do not feed a service animal; it may disrupt his/her schedule.

Do not be offended if the person does not feel like discussing the assistance the service animal provides; not everyone wants to be a "show and tell" exhibit.

## **VIII. ADDITIONAL RESOURCES**

ADA Information Line: 800-514-0301  
ADA Business Connection  
<http://www.ada.gov>

Crawford, Jacqueline J. and Karen A. Pomerinke. *Therapy Pets: The Animal-Human Healing Partnership*. Amherst, N.Y.: Prometheus Books, 2003, pp. 168-69.

Minnesota Disability Law Center, Suite 528, Board of Trade Building, Duluth, MN 55802. Telephone: 218-722-5625

### ***Legal References:***

*Minn. Stat. § 125A.55 Accommodating Students with Disabilities*  
*Minn. Stat. § 363A Human Rights*  
*42 U.S.C. § 12131 - ADA*  
*PL 101-336 Americans with Disabilities Act*

### ***Cross References:***

