



We have the legal right of way.

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## **SPECIAL EDUCATION:** Service Dogs in School

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A teenager with social phobia and separation anxiety disorder. A young child with type 1 diabetes. A child born with cerebral palsy who uses a wheelchair. What do these children have in common? They all have service dogs that accompany them to school. Service dogs provide assistance to students with a variety of disabilities including sight, hearing, and physical disabilities, such as autism, seizures, traumatic brain injury, and post-traumatic stress disorder.

### **What is a service animal?**

The Americans with Disabilities Act (ADA), which requires schools be accessible to individuals with disabilities, defines the term service animal as: any dog that is individually 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.

### **What does a service animal do?**

The work or tasks performed by a service dog may be different depending on the need of the student with a disability, but the work must be directly related to the disability. For example, a teenager with social phobia and separation anxiety disorder can use a service dog as a transitional support so he or she can go to school. A young student with diabetes can benefit from having a service dog by being alerted by the dog if his or her blood sugar levels are too low. A service dog can assist a student with cerebral palsy by opening doors, picking up objects and otherwise assisting the student in the school environment.

### **Are there laws about using a service animal in school?**

The American with Disabilities Act (ADA) may require a school district to modify its policies, practices or procedures to permit the use of a service animal by a student with a disability.

The Individuals with Disabilities Education Improvement Act (IDEA) and Section

504 of the Rehabilitation Act may require school districts to allow a child to bring a service dog to school as a part of a Free Appropriate Public Education (FAPE).

Section 504 of the Rehabilitation Act prohibits disability discrimination in schools. The Office for Civil Rights, responsible for school district compliance with Section 504, has determined that a school district violates Section 504 when it does not allow the use of service animals and this effectively denies a student with disabilities the equal opportunity to participate in or benefit from an educational program.

### **How do I know if a service animal is necessary for a FAPE?**

A Free Appropriate Public Education (FAPE) provides special education and supportive services that allow a child with a disability to benefit from his or her education. For some children with disabilities, a service dog is an integral part of FAPE. Determining whether a service dog is necessary for a FAPE requires an individualized assessment by the child's education team. Issues that should be considered by the education team include:

- The types of tasks the dog is trained to provide to the student and the extent to which these tasks can be fulfilled by other means.
- The dog's impact on the student's ability to function successfully and independently.
- The dog's impact on the student's behavior, including the student's ability to behave appropriately and develop and maintain positive social relationships.
- How much separation from the dog during the school day would effect the student's independent living skills.

### **Can a school district ask if a student needs a service dog?**

With most service dogs, it is apparent they have been specially trained, but in some cases it may not be clear a dog has been individually trained. A school district may ask if the dog is required because of a disability and what work or task the dog has been individually trained to perform. However, a district cannot require documentation, such as proof that the dog has been certified, trained, or licensed as a service animal.

### **What are a student's responsibilities?**

A service dog must be individually trained to do work or perform tasks for the benefit of the person with a disability. The care and supervision of a service dog is the responsibility of the student, such as:

- A service dog must be under the control of its handler, the student with a disability, via voice control, signals, or other effective means.
- A dog must have a harness, leash or other tether, unless either the student is unable because of a disability to use one or the use of a harness, leash, or other tether would interfere with the dog's safe, effective performance of work or tasks.

- The student is responsible for feeding the dog or taking care of its toileting needs. The school district and the student should develop a plan that allows the student the time necessary to care for the dog and a designated location for the dog's toileting needs.

### **What if a student has difficulty controlling a service dog?**

Some students with disabilities may have difficulty controlling a service dog because of their disability or young age. A dog's trainer can be valuable in developing a plan to help the student handle a dog. A plan can include assistance from school personnel. For example, a student aide can help transfer a service dog's leash from a student's wheelchair to a stationary object during recess so the student can play on the playground while the dog rests on the sidelines. A very young child might need reminders from school staff to control the dog until he or she is comfortable handling the dog in the school setting.

### **What do I do if the school is concerned about a service dog?**

Students who want to bring a service dog to school should notify the school district prior to receiving the dog so the school district and student have time to meet, discuss any concerns and develop a plan. If the school has concerns, such as allergies, safety issues and disruption to the school environment, it is best to set up a meeting with the school district representatives to discuss the issues.

There are situations, though, where a school's concerns can cause a decision that does not allow a dog is in school. For example, in the unlikely event that a service dog is disruptive, the school district may ask the student to remove the dog from school. However, prior to removing the dog the school staff and student should meet to discuss ways to eliminate the disruption.

Another example is that a school district may deny a request to bring a service dog to school if the dog is a significant risk to the health or safety of others (direct threat) that cannot be eliminated by a modification of policies, practices or procedures, or by the provision of auxiliary aids or services. Again, prior to denying a service dog access to the school environment, the school staff and student should meet to determine if the threat can be eliminated.

### **How do I make the transition of a service dog into a school setting easier for everyone?**

Planning and discussion prior to bringing a service dog to school will help smooth the transition of a dog into a school setting that has never dealt with the issue before. A plan should be developed that includes how school staff and other students will be educated about the service dog, how the student will be accommodated in order to care for the dog and how any issues about the dog will be resolved. Careful planning can make the introduction of a service dog into the school setting a positive experience for the entire school environment.