

## Service Animals in Schools

The use of service animals in schools is permitted under Title II and III of the Americans with Disability Act (ADA). Title II defines a public entity as any state and local government. Title III Section 36.302(C) (1) refers to Modifications in policies, practices and procedures and states that "generally, a public accommodation shall modify policies, practices, or procedures to permit the use of a service animal by an individual with disabilities."

The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability, regardless of whether the animal has been licensed or certified by a state or local government. A service animal is not a pet.

In a final ruling issued by the Department of Justice (DOJ) on January 26, 1992, specific guidance was provided in the area of accommodations in public school:

"Public school systems must comply with the ADA in all of their services, programs, or activities, including those that are open to parents or to the public. For instance, public school systems must provide program accessibility to parents and guardians with disabilities to these programs, activities, or services, and appropriate auxiliary aids and services whenever necessary to ensure effective communication, as long as the provision of the auxiliary aids results neither in an undue burden nor in a fundamental alteration of the program."

Under certain conditions, as when a service animal barks or growls at other people, or otherwise acts out of control, or if its behavior poses a direct threat to the health or safety of others, the animal may be excluded from the premises. However, the disabled individual should be offered the opportunity to remain, without the service animal.

See "Commonly Asked Questions About Service Animals in Places of Business," available at <http://www.ada.gov/qasrvc.htm>. If there are further questions about service animals or other requirements of the ADA, call the U.S. Department of Justice's toll-free ADA Information Line at 800-514-0301 (voice) or 800-514-0383 (TDD).