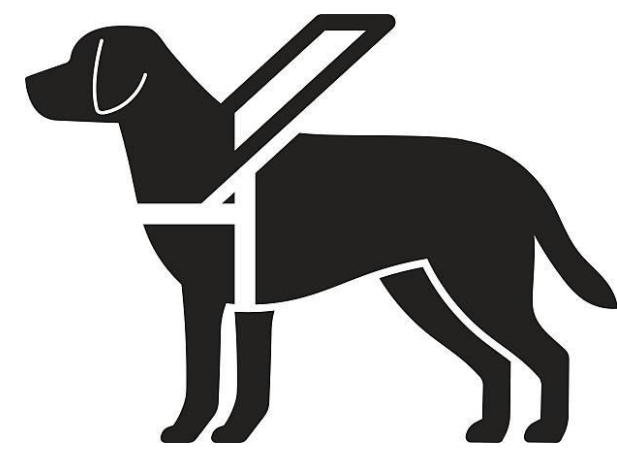


# Service Animals in PK-12 Settings: Recommendations for Practitioners

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## ABSTRACT

Animals employed for service to individuals with and without disabilities is on the rise (National Service Animal Registry, 2017). From 2011-2017 service animal registrations rose more than 400%. There is an increasing need for PK-12 leaders to address the issue of service animals on their campuses (Berry & Katsiyannis, 2012). Researchers draw from a variety of sources to make recommendations for school leaders to consider when developing a service animal policy.

## INTRODUCTION

Animal prevalence in public settings is on the rise (Bedrossian, 2018; Barry & Katsyannis, 2012; Von Bergen, 2015). There are nearly 85 million pets in the United States, with 63% of American pet owners considering pets to be part of the family (American Veterinary Medical Association, 2012; Springer, 2017). Caring for these pets is a \$4.1 billion industry, not including the \$13.2 billion costs of veterinary services (U.S. Census Bureau, 2016a, b, c).

Benefits of pet ownership include improved physical, social, and emotional health (Hart & Yamamoto, 2015); companionship in the workplace (Springer, 2015); and greater independence for individuals with disabilities (Modlin, 2000). It is not surprising then there is an increase in service animals supporting persons with disabilities (Snipelisky & Burton, 2014). However, the line between pets and service animals is becoming blurred under terms such as *therapy* animals and *emotional support* animals.

The University of Arizona estimates .9% of people with disabilities use service animals, with an estimated 100,000 to 200,000 serving as guide dogs (Service Dog Central, 2014). With nearly 6 million PK-12 students with a disability and the rise of animal assistance for people with disabilities, there is likely to be an increased number of service animal on PK-12 public school campuses (Barry & Katsiyannis, 2012; Snipelisky & Burton, 2014; U.S. Department of Education, Institute of Education Sciences, 2017). Although, the exact number of students with disabilities using service animals is difficult to determine due in part to terminology differences and the lack of reporting requirements (Mroz, 2015). Hence, an increase of animal presence in schools dictates policy examination.

## METHODS AND MATERIALS

Examined legislation and litigation related to service animals and students with disabilities. Researchers also sought policy models from school districts and post-secondary institutions. Although not an exhaustive list, litigated outcomes from *Andrew F. v. Douglas County School District*, 2017; *Fry v. Napoleon Community Schools*, 2017; and *Berardelli v. Allied Services Institute of Rehabilitation Medicine*, 2018 provide insight for policy makers considering service animals on their PK-12 school campuses. Current service animal policies of five highly-populated school districts were analyzed to determine if schools are addressing the increasing presence of service animals in the PK-12 setting.

## RESULTS

### Legislation

The American's with Disabilities Act (ADA, Fair Housing Act (FHA), and Air Carrier Act (ACA) each have defined animal types according to their respective allowances.

### Litigation

For students with disabilities, assistance animals may be considered under the Individuals with Disabilities Act, provision of a Free and Appropriate Education, and Section 504 of the Rehabilitation Act.

Not necessary to exhaust all procedures under IDEA if the complaint is not a denial of FAPE

Need to consider beyond scope of IDEA to ADA and Section 504 of Rehabilitation Act of 1973.

### Policy

Only 2 of 5 highly-populated (i.e. more likely to be involved in litigation) have addressed this area.

More likely to have local institute of higher education with a service animal or related policy

## DISCUSSION

Laws that address animals in public include the Americans with Disabilities Act, the Fair Housing Act, and the Air Carrier Act. Each of these have defined types of animals according to their appropriate need. These definitions can become critical when policy is under scrutiny.

Related litigation informs PK-12 policy development and suggests broad scope examination to meet needs of all students.

Despite the increasing presence of animals in public places, few PK-12 school districts have clearly defined service-animal policy, opening the possibility for legal challenges.

## CONCLUSIONS

Nationally, few districts have addressed this need. Increased animal presence in public places.

Many PK-12 districts have not developed animal policies.

Service animal policy provides a solution to minimizing potential litigation.

Make good faith effort to design policies to meet the needs of all students proactively.

Establish clear policies prior to a complaint  
Consider beyond IDEA/FAPE (i.e. ADA and Section 504 of Rehabilitation Act of 1973)

Document policy development considerations  
Policies should address information collection protocols, dissemination/stakeholder education, and dispute/resolution practices.

## DEFINITIONS MATTER

1. ADA Service Animal – “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 disabilities” (28 CFR. 35.104). The definition excludes all other animals except miniature horses (2011 28 CFR 35.136(i)).
2. FHA Assistance Animal – *Service animals* and any animal that provides support so that individuals with disabilities can access and enjoy a dwelling (24 CFR 960).
3. ACA Service Animal - “Any animal that is individually trained or able to provide assistance to a qualified person with a disability or any animal shown by documentation to be necessary to support a passenger with an emotional or mental disability” (U.S. Department of Transportation, 2012, p. 39800).

## SCHOOL DISTRICT WEBSITE DATA

School District	Policy Type			
	Service Animal	Emotional Support Animal	Guide Dog	Assistance Animal
New York City Department of Education	x	x	x	x
Los Angeles Unified School District	✓	✓	x	x
Chicago Public Schools	x	x	x	x
Miami-Dade County Public Schools	✓	x	x	x
Houston Independent School District	x	x	x	x

## REFERENCES

