

**Sec. 3.12.1. SERVICE ANIMAL (FEDERAL LAW REQUIREMENTS)**

“Service animal” means 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. Service animals are working animals, not pets. The work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals under the ADA. *28 C.F.R. 35.104.*

**Sec. 3.12.2. POLICIES, PRACTICES, OR PROCEDURES**

Jubilee Academies shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability, unless Jubilee Academies can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7), .136(a).*

**Sec. 3.12.3. ACCESS**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of Jubilee Academies facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

**Sec. 3.12.3.1. Exceptions**

Jubilee Academies may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it; or
2. The animal is not housebroken.

*28 C.F.R. 35.136(b).*

Jubilee Academies is not required to permit an individual to participate in or benefit from the services, programs, or activities of Jubilee Academies when that individual poses a direct threat to the health or safety of others. *28 C.F.R. 35.139.*

If Jubilee Academies properly excludes a service animal, it shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. *28 C.F.R. 35.135(c).*

**Sec. 3.12.3.2. Animal Under Handler's Control**

A service animal shall be under the control of its handler. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control, whether by voice control, signals, or other effective means. *28 C.F.R. 35.136(d)*.

**Sec. 3.12.4. INQUIRIES**

Jubilee Academies shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Jubilee Academies may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.

Jubilee Academies shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Generally, Jubilee Academies may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). *28 C.F.R. 35.136(f)*.

**Sec. 3.12.5. CARE OR SUPERVISION OF ANIMAL**

Jubilee Academies is not responsible for the care or supervision of a service animal. *28 C.F.R. 35.136(e)*.

**Sec. 3.12.6. SURCHARGES**

Jubilee Academies shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets.

An individual with a disability may be charged for damage caused by his or her service animal if Jubilee Academies normally charges individuals for the damage they cause. *28 C.F.R. 35.136(h)*.

**Sec. 3.12.7. MINIATURE HORSES**

Jubilee Academies shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has

been individually trained to do work or perform tasks for the benefit of the individual with a disability.

**Sec. 3.12.7.1. Assessment Factors**

In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, Jubilee Academies shall consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

**Sec. 3.12.7.2. Other Requirements**

Provisions at 28 CFR 35.136(c) through (h) shall also apply to miniature horses.

*28 C.F.R. 35.136(i).*

**Sec. 3.12.8. ASSISTANCE ANIMALS (STATE LAW REQUIREMENTS)**

“Assistance animal” means a canine that is specially trained or equipped to help a person with a disability and that is used by a person with a disability.

*Human Resources Code 121.002(1).*

**Sec. 3.12.8.1. Assistance Animal Access**

No person with a disability may be denied admittance to Jubilee Academies because of the person's disability or may be denied the use of an assistance animal. Jubilee Academies may not limit the use of Jubilee Academies facilities to a designated class of persons and thereby prohibit the use of Jubilee Academies facilities by persons with disabilities who, except for their use of assistance animals, would fall within the designated class. An assistance animal in training shall not be denied admittance to Jubilee Academies when accompanied by an approved trainer. *Human Resources Code 121.003(c), (e), (i).*

**Sec. 3.12.8.2. Harassment and Harm Prohibited**

A person may not assault, harass, interfere with, kill, or injure in any way, or attempt to assault, harass, interfere with, kill, or injure in any way, an assistance animal. “Harass” means any conduct that is directed at an assistance animal that impedes or interferes with, or is intended to

impede or interfere with, the animal's performance of its duties or places a person with a disability who is using an assistance animal, or a trainer who is training an assistance animal, in danger of injury.

A person is not entitled to make demands or inquiries relating to the qualifications or certifications of a service animal for purposes of admittance to a Jubilee Academies facility except to determine the basic type of assistance provided by the service animal to a person with a disability. If a person's disability is not readily apparent, a staff member or administrator may inquire about whether the service animal is required because the person has a disability and what type of work or task the service animal is trained to perform. *Human Resources Code 121.002, .003(j)-(l)*.

### **Sec. 3.12.8.3. Transportation**

Jubilee Academies may not refuse to provide transportation to or from school and/or school related activities to a student solely because of the student's disability, nor may a student be required to pay a fee because of his or her use of an assistance animal. *Human Resources Code 121.003(b)*.

### **Sec. 3.12.8.4. Responsibilities of Students with Disabilities**

A student with a disability who uses an assistance animal for assistance in travel is liable for any damages done to the premises or facilities by the animal.

A student with a disability who uses an assistance animal for assistance in travel or auditory awareness shall keep the animal properly harnessed or leashed, and a person who is injured by the animal because of the failure of a person with a disability to properly harness or leash the animal is entitled to maintain a cause of action for damages in a court of competent jurisdiction under the same law applicable to other causes brought for the redress of injuries caused by animals. *Human Resources Code 121.005*.