

Service Animals: Rights and Responsibilities

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What is a Service Animal?

Service animals assist people with a variety of disabilities including sight, hearing and mobility impairments; autism; seizures; and post-traumatic stress disorders. While many different words are used to describe animals that assist people – comfort, therapeutic or assistant –, only certain trained animals are considered service animals under the law.

The Americans with Disabilities Act (ADA) defines a service animal as a dog or miniature horse that has been individually trained to do work or perform

tasks for an individual with a disability. The task(s) performed by the service animal must be directly related to the person's disability. Thus, if an animal is not a dog or a miniature horse, it is not recognized as a service animal under the law.

How Do I Identify a Service Animal?

If the dog is obviously a service animal, a school may not ask any questions and must accommodate the service animal. For example, if an individual is clearly blind and the dog is guiding the blind individual, the school should not ask any questions and must permit the animal. If the animal is not obviously a service animal, the school may ask two questions:

1. Is the animal a service animal required because of a disability?
2. What work or task has the animal been trained to perform?

What Tasks Do Service Animals Perform?

A service animal must be trained to perform tasks directly related to a disability and to assist the person with a disability. Tasks performed by the service animal can be anything related to helping the disabled individual, including a physical or a non-physical task. Possible service animal tasks can include, but are not limited to:

- ALERTING a person with diabetes when his/her blood sugar is high or low;
- DETECTING the onset of a seizure and helping the person stay safe during the seizure;
- GUIDING the handler to a safer place;
- PROVIDING deep pressure therapy;
- REMINING the handler to take medication;
- LEADING the handler to locations on cue;
- BRACING or counter-balancing the handler;
- WAKING up the handler;
- ALERTING the handler to emergencies; or
- PROVIDING mobility support.

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Do Service Animals Have to Perform Physical Tasks?

No. A service animal does not need to exclusively perform a physical task. A service animal can also be trained to perform non-physical tasks. For example, a service animal who has been trained to “ground” an individual with a dissociative disorder, by being present and by the individual’s side, is performing a non-physical task and is a service animal.

There is a fine line between a service animal performing non-physical tasks and emotional support animals. If a service animal is trained to recognize and respond to a disability in a non-physical way, then the task is actively affecting a person with a disability and the animal is therefore considered a service animal. However, if an animal’s only purpose is to be present and the animal is untrained, then it only passively helps a person with a disability and it is not a service animal.

Do I Have to Permit a Psychiatric Service Animal?

Yes. A psychiatric service animal will receive public accommodation under the ADA. The distinguishing factor between an emotional support animal and a psychiatric service animal depends on the animal’s purpose and training. If the service animal is trained to recognize its handler’s disability and perform a task to mitigate the effects, then the animal is a service animal.



Can You Ask an Individual About the Nature and Extent of Their Disability?

No. Federal law prohibits a public entity from asking an individual about the nature or extent of a disability.

Is the School Responsible for the Care or Supervision of the Service Animal?

Maybe. Under the ADA, the handler of the animal, whether the individual with a disability or third person, is responsible for caring for and supervising the service animal. This includes toileting, feeding, grooming and proper veterinary care.

However, if assisting or monitoring the service animal during school is a reasonable accommodation under the circumstances, then the school must assist or monitor the service animal. For example, in a Florida school, a court held that hiring a staff member to assist a student by leading his service animal outside to relieve itself was a reasonable accommodation. However, a school is not responsible for “general upkeep and routine animal maintenance,” like feeding, cleaning, training, grooming and veterinary care.

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Is Special Training Required to be a Service Animal?

No. Service animals do not need to be trained by a professional trainer; they only need to be trained. The ADA has declined to define what type or amount of training an animal must undergo to qualify as a service animal.

Can a School Ask for or Require Proof of Vaccinations?

No. Under the ADA, a public entity may not require documentation and is only permitted to ask whether the animal is a service animal required because of a disability and what work or task the animal has been trained to perform. Therefore, schools may not ask about, nor require documentation of, vaccinations, liability insurance, licensing, or registration.

Do Service Animals Have to Wear a Vest of Some Kind?

No. The ADA does not require service animals to wear vests, ID tags or specific harnesses. Public entities cannot require documentation, registration, or licensing of a service animal. Requiring a vest and/or tags is likely considered a type of discrimination.

What if Someone is Allergic to or Afraid of Dogs?

Allergies to animal dander and fear of dogs are not valid reasons for denying a service animal access or accommodation. If a person who is allergic to or afraid of dogs must spend time in the same facility or room, then both the person and service animal should be accommodated and if possible, assigned to different rooms or different locations in the room.

What Laws Govern Public Schools and Service Animals?

- Title II and III of the Americans with Disabilities Act
- Section 504 of the Rehabilitation Act of 1973
- The Individuals with Disabilities Education Act
- Colorado Revised Statute § 24-34-803



Do I Have to Permit Service Animals in Training?

Yes. In Colorado, a service animal in training enjoys the exact same rights and protections as a trained service animal.

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When Can a Service Animal Be Excluded?

A person with a disability cannot be asked to remove a service animal from the premises unless: (1) the presence of the dog would result in a fundamental alteration of any school program; (2) the dog is out of control and the handler does not take effective action to control it; or (3) the dog is not housebroken.

Do I Have to Permit a Comfort or Emotional Support Animal?

No. Comfort and emotional support animals are not service animals and are not given the same public accommodation. If a dog is trained for the sole purpose of providing a crime-deterrent effect, emotional support, well-being, comfort, or companionship, then the animal is not a service animal. While schools may choose to allow comfort, emotional support or therapy dogs, doing so may create additional practical and legal challenges, and any such policies must be enforced in a consistent, nondiscriminatory manner.

Is there Coverage?

If a student were to be injured by a service or therapy animal, our School Entity Liability (SEL) Coverage Form would apply. Under this coverage, we will defend and indemnify on behalf of the Member and any insured (while acting within the course and scope of their duties for the Member), for the Member's negligent acts. It's important to note that our SEL Coverage Form does have an exclusion regarding the riding of animals; however, it does not apply to animals for the purpose of educational instruction including animals used in therapeutic activities.

The Member's SEL Coverage Form does not apply to the owners of the animal. The emotional support animal owner needs to have their own General Liability coverage and we would recommend that Members ask for a certificate of insurance from owners of therapy and support animals naming the District as an additional insured.

Furthermore, the animals themselves are not covered under the Property Coverage Form in the event of their demise, nor is property damage caused by animal waste.

Coverage is subject to policy terms, limits, deductibles, and exclusions. All claims are reviewed on case-by-case basis. As always, feel free to reach out to CSDSIP's Risk Programs Team with specific coverage questions.

Additional Resources

- [Sample Service Animal Acknowledgement](#)
- [Americans with Disabilities Act](#)