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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 263

01/23/2025

Authored by Backer
The bill was read for the first time and referred to the Committee on Education Policy

- 1.1

A bill for an act
- 1.2

relating to education; allowing for service animal support in schools; proposing
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coding for new law in Minnesota Statutes, chapter 125A.
- 1.4

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5

Section 1. **[125A.081] SERVICE ANIMAL SUPPORT.**
- 1.6

Subdivision 1. Student access to service animals. A school district is prohibited from
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denying a student access to their service animal that is a related service to an individualized
- 1.8

education program under section 125A.08. A student has a right to make autonomous
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decisions regarding supported access to their service animal in an educational setting.
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Subd. 2. Definitions. (a) For purposes of this section and section 125A.08, the following
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terms have the meanings given.
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(b) "Related services" means services provided to a student with a disability beyond
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special instruction that are appropriate to the student's needs. Related services may include
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support for a student with a disability to access service animals. If a student with a disability
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needs support to utilize their service animal due to the student's disability, the school district
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must provide, on any written support plan for the student, staff support to access and utilize
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the service animal as a related service.
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(c) "Service animal" means a dog or other animal that has been trained to assist or perform
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tasks for an individual with a disability.
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Subd. 3. Service animals; practices and procedures. (a) A district must ensure that
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its policies, practices, and procedures permit the use of a service animal by an individual
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with a disability in accordance with Code of Federal Regulations, title 28, section 35.136.

2.1 (b) For a student who is assigned a paraprofessional to assist the student in the educational
2.2 setting and to ensure adaptive equipment and assistive technology are utilized as directed
2.3 by the student's unique and individualized needs, the paraprofessional must be responsible
2.4 to assist with maneuvers, including but not limited to helping with tethering and untethering
2.5 the service animal, assisting a student with getting water for a service animal and pouring
2.6 water into a bowl, prompting a student to occasionally issue commands to a service animal,
2.7 and escorting a student throughout the school or campus as the student uses their service
2.8 animal.

2.9 (c) School staff must work with the service animal trainer to ensure understanding of
2.10 the service animal, how the animal directly impacts the student, how to effectively handle
2.11 the service animal, and how to effectively complete permitted procedures.

2.12 (d) At any time, a student must be able to access or have support to access a service
2.13 animal activated by learned cues and the paraprofessional's training by the student, student's
2.14 family, and service animal trainer.

2.15 Subd. 4. **Service animal under handler's control.** (a) A service animal must be under
2.16 the control of its handler. A service animal must have a harness, leash, or other tether, unless
2.17 either the handler is unable because of a disability to use a harness, leash, or other tether,
2.18 or the use of a harness, leash, or other tether would interfere with the animal's safe, effective
2.19 performance of work or tasks, in which case the service animal must be otherwise under
2.20 the handler's control such as by voice control, signals, or other effective means.

2.21 (b) Except under exigent circumstances, a district must not untether a service animal
2.22 from a student with a disability without the consent of the student's parent or legal guardian,
2.23 or, if the student is an adult, consent of the adult student.

2.24 Subd. 5. **Care or supervision.** A district must not be responsible for the care or
2.25 supervision of a service animal, including but not limited to toileting, feeding, grooming,
2.26 and veterinary care of the animal.

2.27 Subd. 6. **Handler.** The handler of a service animal is presumed to be the individual with
2.28 a disability. A district must permit a student with a disability to serve as the handler of their
2.29 own service animal in school and must not require the student to provide a third-party
2.30 handler for the service animal.

2.31 Subd. 7. **Modifications to policies, practices, and procedures.** By August 1, 2025, a
2.32 district must modify its policies, practices, and procedures to permit the use of a service
2.33 animal by an individual with a disability in accordance with Title II of the federal Americans
2.34 with Disabilities Act and Code of Federal Regulations, title 28, section 35.136.

3.1

EFFECTIVE DATE. This section is effective the day following final enactment.