

## Policy IMG Service Animals

Issued 8/15

Purpose: To establish the basic structure for the presence and accommodation of service animals on district property **for students and staff.**

To ensure that individuals with disabilities, **under the American Disabilities Act(ADA),** ~~(students, staff, and visitors)~~ are permitted to participate in and benefit from district programs, activities, and services, and to ensure that the district does not discriminate on the basis of disability, the board will permit individuals with disabilities to use service animals in district buildings, on district property, and on vehicles that are owned, leased, or controlled by the district in accordance with this policy and procedures and applicable state and federal laws and regulations.

~~Service animal means any dog (or miniature horse that is housebroken and under the owner's control)~~ **As defined by ADA, a service animal 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.

The work or tasks performed by a service animal will be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, the following:

- assisting an individual who is visually impaired with navigation and other tasks
- alerting an individual who is deaf or hard of hearing to the presence of people or sounds
- pulling a wheelchair
- assisting an individual during a seizure
- alerting an individual to the presence of allergens
- retrieving items such as medicine or the telephone
- providing physical support and assistance with balance and stability to an individual with mobility disabilities
- helping a person with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes ~~of this definition~~ **defining a "service animal."**

**Requests to permit service animals will be handled on a case-by-case basis.**

~~School administrators may inquire of the owner or handler of a service animal whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform, but will not ask questions about the nature or extent of an individual's disability or require medical documentation, a special ID card or training documentation for the animal or ask that the animal demonstrate its ability to perform the work or task.~~

~~The service animal must be under the control of its handler at all times. The district may ask the individual to remove his/her animal from the premises if the animal is out of control and the handler does not take effective action to control it or if the animal is not housebroken. Additionally, if the presence of the animal poses a direct threat to the health or safety of others or would require a fundamental alteration to the service, program, or activity of the district, the district may be able to exclude the service animal. The district is not responsible for the care and/or supervision of the service animal.~~

~~The superintendent or his/her designee will develop and disseminate procedures to implement this policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles. A designated administrator will ensure that all individuals involved in a situation where a service animal will regularly accompany an individual with disabilities are informed of this policy and the procedures governing this issue.~~

**District personnel may inquire of the individual with a disability, his/her parents/legal guardian, or the owner or handler of the animal, the following to determine whether an animal qualifies as a service animal:**

- whether the animal is required because of a disability; and
- what specific work or task that the animal has been trained to perform

Individuals with disabilities will be permitted to be accompanied by their service animals in the areas of the district's facilities where they would normally be allowed to go.

Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors, and may be charged for any damage to school property caused by the animal in accordance with district practice. Individuals with service animals may be charged for damage caused by their service animal.

Individuals with a disability will not be required to pay an administrative fee or surcharge for service animals to attend events for which a fee is charged; however, individuals may be charged for their own admission for such events.

A service animal must have a harness, leash, or other tether, unless the student 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 student's or handler's control.

The district is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. The district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.

Students with service animals or their handlers are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his/her service animal, the parents/legal guardians are responsible for providing care and supervision of the animal themselves or through an appropriate handler. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

The service animal must be under the control of the student or its handler at all times. The district may exclude or ask the individual to remove his/her animal from the premises if the animal is out of control and the handler does not take effective action to control it; if the animal is not housebroken; if the presence of the animal poses a direct threat to the health or safety of others; or its presence would require a fundamental alteration to the service, program, or activity of the district.

The superintendent or his/her designee will develop and disseminate procedures to implement this policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles. Please see the following documents for service animal request and procedure information. IMG(1) 1 Service Animal Request, File IMG(2) Service Animal Procedures

Adopted 8/24/15

Legal references:

Federal Law:

American with Disabilities Act of 1990, [42 U.S.C.A. Section 12101](#), *et seq.* - Prohibits discrimination on the basis of disability by public entities.

Individuals with Disabilities Education Act of 1975, [20 U.S.C.A. Section 1400](#).

Rehabilitation Act of 1973, Section 504, [29 U.S.C.A. Section 794](#).

**York 3/Rock Hill School District**

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## REQUEST FOR USE OF SERVICE ANIMAL

### Submit completed request to Principal

Date: \_\_\_\_\_

Student name: \_\_\_\_\_

School: \_\_\_\_\_

Is the service animal required because of a disability? ☐ YES ☐ NO

Describe the specific work or tasks that the service animal has been individually trained to perform.

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Type of animal: ☐ Dog ☐ Miniature horse\*

\*Additional information is required under policy IKG for miniature horses.

Name of animal: \_\_\_\_\_

Name of handler\*\* (if different from student): \_\_\_\_\_

\*\*Handlers must complete a volunteer application and will be subject to background checks.

Please attach documentation that the service animal is properly and currently vaccinated.

I certify the information above is true and accurate, and that the student and/or handler is properly trained to control and handle the service animal.

\_\_\_\_\_  
Parent/Legal guardian (or student if 18 years or older)

## SERVICE ANIMAL AGREEMENT

I have received a copy of the district's "Procedures for Service Animals in Schools," and I have read and understand the following:

- Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and also may be charged for any damage to school property caused by the animal in accordance with district policies.
- The district is not responsible for providing/training a handler or for the care or supervision of a service animal, including walking the animal or responding to the animals need to relieve itself.
- The district is not responsible for providing a staff member to feed, exercise, or clean up after the service animal or to provide any other care or assistance to the animal. Students with service animals are expected to care and supervise their animals. In the case where a student is unable to care for or supervise his/her service animal due to age or disability, the parent/legal guardian is responsible for ensuring the service animal receives the appropriate care and supervision either themselves or through a handler they provide.
- Issues related to the care and supervision of the service animal (i.e., presence of third-party handlers, designated area for exercise, and responsibilities for waste removal) will be addressed on a case-by-case basis at the discretion of the building administrator; however, any third-party handlers must complete a background check and other requirements per district procedures.
- An administrator can remove or exclude a service animal from school property or function if any one of the following circumstances occur:
  - the animal is out of control and the animal's handler does not take effective action to control it;
  - the animal is not housebroken
  - the animal's presence would fundamentally alter the nature of the service, program, or activity
  - the animal's presence poses a direct threat to the health or safety of others
- If the service animal is excluded or removed, the student will be provided an opportunity to participate in the service, program, or activity without having the service animal on the premises.
- The district is not responsible for any damage to district property, personal property, and any injuries to individuals caused by my service animal, and I agree to indemnify, defend, and hold harmless Rock Hill School District from and against any and all claims, actions, suits, judgments, and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my service animal.
- I am representing that the dog is trained and the child or handler is capable of controlling and handling the dog.
- This agreement is valid until the end of the current school year and will be subject to renewal prior to the start of each subsequent school year or whenever a different service animal will be used.

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Signature of parent/legal guardian (or student if 18 years of age or older)

Date

## **PROCEDURES FOR SERVICE ANIMALS IN SCHOOLS**

Rock Hill School District does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The district will comply with all federal laws regarding the use of service animals under appropriate circumstances.

### **Definition of Service Animal**

2010 Title II regulations at 28 CFR 35.104 define a service animal to mean the following:

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. Miniature horses may also be considered a service animal if individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing them or interrupting impulsive or destructive behaviors. Animals whose sole function is to provide emotional support, comfort, companionship, therapeutic benefit, or to provide well-being are not service animals.

Title II regulations at 28 CFR 35.136 also require public entities to permit the use of a miniature horse to serve as a service animal to accompany the student or staff member with a disability. Such requests will be handled on a case-by-case basis, considering the following:

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

### **Process**

An individual with a disability may submit a written request to the building level principal to bring a service animal to school on a regular basis for use throughout the school day (see attached Request for Use of Service Animal and Service Animal Agreement forms). The completed request must include the following:

- information regarding whether the animal is required because of a disability
- a statement explaining what specific work or task the animal has been individually trained to perform
- certification from the individual with a disability or his/her parents/legal guardians that the information provided with the request is true and accurate
- documentation of the service animal's required vaccinations (see below)
- a signed service animal agreement form

- name and information regarding the handler, if different from the student

Requests for the use of a service animal for students must, whenever practical, be made at least 15 business days prior to the proposed date for bringing the service animal to school.

A referral to a student's IEP or Section 504 team may be appropriate in some instances.

Individuals with disabilities will be permitted to be accompanied by their service animals in the areas of the district's facilities where they would normally be allowed to go.

The district will provide notification regarding approval of the service animal, in writing, to the individual with a disability or his/her parent/legal guardian making the request, as well as to the building administrator within 10 business days of receipt of request, in most cases.

Upon approval, the director of special services will contact the building administrator to address the use of the service animal for the student and may also determine that a plan be developed which introduces the service animal to the school environment, outlines any appropriate training for staff/students regarding interaction with the service animal, and identifies other activities or conditions deemed reasonably necessary.

The school district's approval of the use of a service animal on district property is subject to periodic review of the circumstances under which the service animal is being used and should be reviewed at least annually.

It is the responsibility of the student who uses a service animal, or the animal's handler if different from the student, to properly handle and maintain control of the animal. Any cost incurred to handle the service animal will be the responsibility of the parent of the student who uses the service animal (or the student, if the student has reached 18 years).

The owner of a service animal must provide annual proof of the following vaccinations: DHLPPC (distemper, hepatitis, leptospirosis, parainfluenza, parvovirus, and coronavirus), bordetella, and rabies. Owners of a service horse must provide documentation, upon submission of the request and annually thereafter, that the animal is current on all appropriate vaccinations, including equine infectious anemia (Coggins test), rabies, tetanus, encephalomyelitis, rhinoneumonitis, influenza, and strangles. The district may require additional vaccinations as circumstances warrant. Annual documentation of vaccinations will be provided to the director of special services.

All service animals must be treated for and kept free of fleas and ticks.

All service animals must be kept clean and groomed to avoid shedding and dander.

All service animals must be spayed or neutered.

The district is not responsible for providing/training a handler or for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. All service animals must have a harness, leash, or tether, unless the use of a harness, leash, or 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. The district is not responsible for providing a staff member to feed, exercise, or clean up after the service animal, or to provide any other care or assistance to the animal. Students with service animals are expected to care and supervise their animals. In the case where a student is unable to care for or supervise his/her service animal due to age or disability, the parents are responsible, themselves or through a handler, for ensuring the service animal receives the appropriate care and supervision. Issues related to the care and supervision of the service animal (i.e., presence of third-party handlers,

designated area for exercise, and responsibilities for waste removal) will be addressed on a case-by-case basis at the discretion of the building administrator.

The school district retains discretion to exclude or remove a service animal from its property if:

- the animal is out of control and/or the animal's handler does not effectively control the animal's behavior
- the animal is not housebroken
- the animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications
- the animal's presence or behavior fundamentally alters a service, program, or activity of the district

### **Liability**

Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and may be charged for any damage to school property caused by the animal in accordance with district practice.

Source: Federal regulations under the Americans with Disabilities Act: 28 CFR Part 35