

Lower Merion School District

ADMINISTRATIVE REGULATION

No.: 718
Section: PROPERTY
Title: SERVICE ANIMALS IN SCHOOLS
Date Adopted: 11/22/12
Date Last Revised: 2/18/25; 10/15/18; 12/11/15; 10/9/15

R718 SERVICE ANIMALS IN SCHOOLS

These regulations will explain in detail the differences in the nature of service animal accommodations available depending on whether the individual is a District student, District employee or visitor to the District.

Definitions

Service Animal. A service animal is an animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. [See eCFR :: 28 CFR 35.104 -- Definitions.](https://www.ecfr.gov/current/title-28/chapter-1/part-35/subpart-A/section-35.104)
<https://www.ecfr.gov/current/title-28/chapter-1/part-35/subpart-A/section-35.104>

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- 1. Service animals do not include wild animals, farm animals and rodents, and animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being.
- 2. The work or tasks performed by a service animal must be directly related to the individual’s disability. An animal whose sole function is as a pet or to provide comfort or emotional support does not qualify as a service animal under this Regulation.

Therapy Dog. A dog that has been individually trained and certified to work with its handler to provide emotional support, comfort, therapeutic benefits, emotional well-being or companionship to District students.

Guidelines

Care and Supervision.

The District is not responsible for the care or supervision of a service animal or therapy dog. [28 CFR § 35.136](#)

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A service animal or therapy dog 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 (e.g., voice control, signals, or other effective means). [28 CFR § 35.136](#)

Procedures Applicable to Students with Disabilities

A student with a disability, or a parent or guardian on behalf of the student, may request to bring a service animal to school for educational purposes. The building principal shall, in consultation with the student's IEP team, if applicable, or other appropriate school personnel, determine whether the animal meets the criteria for a service animal. For students with IEPs, the IEP team shall determine whether and to what extent the student needs District-provided support in fulfilling their responsibility as handler of the service animal. Nothing in this determination shall obligate the district to provide a service animal as part of a student's IEP, nor does it excuse a handler's responsibility for the care, training, and control of their service animal.

1. Parents/Guardians must submit a written request to the Director of Student Services and Special Education for their child. Such request must identify and describe the need for the service animal as it relates to the student's disability and describe the manner in which the service animal will meet the student's particular need(s) and provide a letter from their physician who is the health care provider regarding the need for a service animal.
2. The District's review of a request for the use of a service animal may include consideration by a student's special education team and/or Section 504 team. The Director of Student Services and Special Education may require a meeting with and/or additional information from the family requesting the use of a service animal, including, but not limited to, documentation/consultation from student's health care provider.

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Procedures Applicable to Employees

An employee with a disability may submit a prior written request to bring a service animal to school for employment purposes to the building principal or Director of Human Resources, together with supporting medical documentation. The request shall be handled in the same manner as any other request for accommodation under the Americans with Disabilities Act.

1. Staff must submit a written request to the Director of Human Resources. Such request must identify and describe the need for the service animal as it relates to the employee's disability and describe the manner in which the service animal will meet the employee's particular need(s) and provide a letter from their physician who is the health care provider regarding the need for a service animal.
2. The District's review of a request for the use of a service animal will be conducted in accordance with procedures applicable to requests for other types of accommodations under the Americans With Disabilities Act (ADA) including the interactive process protocol. The Director of Human Resources may require a meeting with and/or additional information from the employee requesting the use of a service animal, including, but not limited to, documentation/consultation from the employee's health care provider.

Other Procedures Applicable to Both Students and Staff

1. Requests for use of service animals on District property must, whenever possible, be made no less than fifteen school days prior to the proposed use of the service animal. Under no circumstances may a student's or employee's service animal be on District property without prior approval by the Director of Student Services and Special Education for students or Director of Human Resources, for employees.
2. The District's consideration of a request for the use of a service animal may require documentation, including, but not limited to:
 - a. Proof that animal is properly trained and licensed

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- b. Certification of proper inoculations verified by a veterinarian
 - c. Proof the handler for the service animal is properly trained
 - d. Copy of adequate liability insurance
3. Approval of the use of a service animal on District property is subject to periodic review, revision or revocation by District administration.

Procedures Applicable to Visitors

Visitors with disabilities may be accompanied by their service animals while on District property for events that are open to the general public and for events, services, or activities of which they are a participant or invitee. This right of access does not extend to the schools generally or to other activities that are not open to the general public. The District shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.

Visitors with disabilities may be accompanied by their service animals while on District property for events that are open to the general public and for events, services, or activities of which they are a participant or invitee. This right of access does not extend to the schools generally or to other activities that are not open to the general public. The District shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.

- a. In order for the service dog to be permitted to visit the school, a written request must be submitted as soon as possible or at least 15 school days prior to the visit to the principal.
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- b. The service animal must be under the control of the handler during the visit. Failure to do so may be subject to removal from the school.

In situations where it is not obvious that the animal is a service animal, District staff may ask only two specific 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?

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Staff are not allowed to request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability. The applicable law makes a distinction between psychiatric service animals and emotional support animals. If an animal has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the animal's mere presence provides comfort, that would not be considered a service animal under the ADA.

Rules Applicable to All Service Animals

1. Service animals must wear proper identification and always be on a leash or other form of restraint mechanism. It is the responsibility of the staff or student (parent) who uses the service animal to be the certified handler, providing the proper handling of the service animal.
2. The District retains discretion to exclude or remove a service animal from its property if:
 - a. The animal is out of control and/or the animal's handler does not effectively control the animal's behavior.
 - b. The animal is not housebroken or its presence or behavior fundamentally interferes in the functions of the school.
 - c. The service animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
3. The visitor staff or student/parent is liable for any damage to District or personal property and any injuries to individuals caused by their service animal. The staff or student/parent who uses a service animal on District property will hold the District harmless and indemnify the District from any such damages. Further, the staff or student/parent will be required to submit a certificate of liability insurance covering the service animal and identifying the District as an additional insured.

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Exclusion of Service Animals

District administrators may exclude a service animal from district buildings, property and vehicles under the following circumstances:

1. Presence of the animal poses a direct threat to the health and safety of others.
2. Owner or handler is unable to control the animal.
3. Animal is not housebroken.
4. Presence of the animal would require a fundamental alteration to the program.

Grievance Procedure

Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision in accordance with applicable Board policy.

Therapy Dogs

Therapy dogs are not service animals as that term is used in the Americans with Disabilities Act (ADA) and therefore, approval for the use of a therapy dog on District property is entirely within the discretion of the administration and not automatically considered a reasonable accommodation under ADA.

The following requirements must be satisfied before a therapy dog will be considered for approval for use on school property:

1. Request. Written requests must be submitted to the appropriate building administrator.
 - a. Any employee who wants to bring a therapy dog to school in support of their job duties must submit a written request to their building principal or supervisor. If approved by the building, the written request will be submitted to the Superintendent or designee for approval. The application must be renewed each school year or whenever a different therapy dog will be used by the handler.
 - b. An administrator or employee who wants to utilize a contracted independent agency or person to provide a therapy dog in support of

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students at their school must submit a written request to the Superintendent or designee. All contracts for the use of a therapy dog are subject to approval by the Board.

2. Training and Certification. The Owner must submit the Keystone Pet Enhanced Therapy Service Certification or its equivalent as determined by the Superintendent. The certification must remain current at all times the dog is present on district property.
3. Health and Vaccination. The therapy dog must be clean, well groomed, in good health, housebroken, and immunized against diseases common to dogs, and required by state law. The Owner must submit proof of current licensure from the local licensing authority and proof of the therapy dog's current vaccinations and immunizations from a licensed veterinarian.
4. Health and Safety. The therapy dog must not pose a health and safety risk to any student, employee, or other person at school. This determination shall remain in the sole discretion of the administration both at the approval stage and at any time the therapy dog is present on district property. Permission must be granted by parent/guardian prior to the visitation of therapy dog.
5. Identification. The therapy dog must have appropriate identification identifying it as a therapy dog.
6. Authorized Area(s). The Owner shall only allow the therapy dog to be in areas in school buildings or on school property that are previously authorized in writing by school district administrators.
7. Insurance. The Owner must submit a copy of a current insurance policy that provides liability coverage for the therapy dog and Owner and any Handler while on school property.

The owner or handler of the therapy dog shall be solely responsible for:

1. Control. A therapy dog must be under the control of its Owner or Handler through the use of a leash, harness or other tether unless the use of a leash,

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harness or other tether would interfere with the therapy dog's safe, effective performance of its approved tasks (and then must be in the Owner or Handler's control via signals, voice or other effective means). However, the therapy dog must be under the Owner's control at all times.

2. Supervision and Care of Therapy dogs. The Owner is solely responsible for the supervision and care of the therapy dog, including and feeding, exercising, and clean up while the dog is in a school building or on school property. The district is not responsible for providing any care, supervision, or assistance for a therapy dog.
3. Allergic Reactions. If any student or school employee assigned to a classroom in which a therapy dog is permitted suffers an allergic reaction to the therapy dog, the Owner of the animal will be required to remove the animal to a different location designated by an administrator.
4. Damage to School Property and Injuries. The Owner of a therapy dog is solely responsible and liable for any damage to school property or injury to personnel, students, or others caused by the therapy dog, Owner, or Handler.
5. No Disruption. The therapy dog shall not disrupt the educational process by barking, seeking attention, or any other behavior deemed disruptive by the administration.
6. Exclusion or Removal from School. A therapy dog approved for use on district property may be excluded from school property at the sole discretion of the building principal and/or Superintendent. Exclusions can occur for reasons including, but not limited to, the following:
 - a. A handler does not have control of the therapy dog; (2) The therapy dog is not housebroken; (3) The therapy dog presents a direct threat to others in the school; (4) The therapy dog's presence interferes with the educational process; (5) The therapy dog interferes with the health, safety and/or welfare of the students, personnel or others.

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- b. The Owner shall be required to remove the therapy dog from school premises immediately upon such a determination.

Cross References:

Policy [114 Individualized Student Supports and Services](#)
Administrative Regulation [114-2 - Individualized Student Supports and Services: Section 504 Compliance](#)