

## **San Angelo Independent School District Procedures for Service Animals**

### **Administrative Procedures**

#### **Requests for the Use of Service Animals by Enrolled Students, Under the ADA Section 504**

##### **I. PURPOSE**

The purpose of these procedures is to establish guidelines for the use of service animals by students in the San Angelo Independent School District, including school buildings, vehicles, and other property. These procedures will be used to assist SAISD personnel in handling requests for service animals, including directing parents' requests to the proper individuals within SAISD, and advising parents of their rights under the relevant laws. For additional information regarding Service Animals, please refer to San Angelo ISD Board Policy FBA(LEGAL).

##### **II. FEDERAL LAWS CONCERNING SERVICE ANIMALS IN SCHOOLS**

###### Individuals with Disabilities in Education Act

Under the Individuals with Disabilities in Education Act ("IDEA"), eligible students are entitled to a free, appropriate public education ("FAPE"). The parent may request that an ARD Committee consider whether or not the use of a service animal is necessary in order for the student to receive a FAPE. If the ARD Committee determines that the student can be provided FAPE without the use of the animal, the animal does not become a related service or support under the student's IEP.

###### Americans with Disabilities Act and Section 504 of the Rehabilitation Act

Under the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act (§504), schools are generally required to allow a disabled individual to be accompanied by a service animal, so long as the animal meets the ADA definition of "service animal", the animal is under control of its handler, is housebroken, and does not pose a threat to the health and/or safety of others. Exclusion of the animal could be discrimination based on disability. The ADA requires public entities to appoint a person to handle claims of disability discrimination, the Section 504 Coordinator (See Board Policy FB and FFH). Additionally, the §504 Committee should convene to apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

For students who are eligible under §504 and have a §504 accommodation plan, a §504 committee should convene to review the plan to ensure the child continues to have equal educational opportunity and to consider reasonable accommodations. Additionally, the §504 committee should apply the ADA guidelines and determine if additional accommodations are needed for access or for an equal educational opportunity.

### III. DEFINITION OF SERVICE ANIMAL AND RELATED PROVISIONS

Service animals are defined by the ADA as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed must be directly related to the individual's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. 28 C.F.R. §35.104. A service animal is not a pet.

Animals that do no work or perform tasks for the benefit of an individual with a disability are not permitted on campus. The School District permits service animals, as defined by the ADA, on campus and in its public facilities, subject to the following conditions:

- (1) The service animal must be under the control of the individual with a disability at all times. The school district may ask the individual to remove a service animal from the premises if the animal is out of control and the individual does not take effective action to control it. 28 C.F.R. §35.106(b).
- (2) The individual, not the District, is responsible for the care, supervision, and handling of the service animal. 28 C.F.R. §35.136(e).
- (3) The service animal shall have a harness, leash, or other tether unless either: (a) the individual is unable because of a disability to use a harness, leash, or other tether; or (b) the use of the device would interfere with the service animal's safe, effective performance of work or tasks. In such circumstances, the service animal must be under the individual's control through another effective means such as voice control or signals. 28 C.F.R. §35.136(d).
- (4) The service animal must be housebroken. 28 C.F.R. §35.136(b)(2). The service animal must be walked, exercised, and allowed to eliminate waste only in designated areas. The individual is responsible for cleaning up after the animal.
- (5) The individual, not the District, is responsible for any damage done by the animal and for the upkeep and cleanliness of any area traversed or occupied by the animal. Texas Human Resources Code Section §121.005
- (6) The District may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. 28 C.F.R. §35.136(f). If the animal does not perform work or tasks directly related to the individual's disability, the District may instruct the individual to remove the animal from the premises. 28 C.F.R. §35.104
- (7) The District may ask the individual to remove the animal if the animal poses a direct threat to the health or safety of others. 28 C.F.R. §35.139.

- (8) The District may ask the individual to remove the animal if the animal's presence or behavior fundamentally alters the nature of the District's service, program, or activity. 28 C.F.R. §35.130(b)(7).
- (9) The individual must provide annual proof in writing of the following vaccinations: DHLPPC (distemper, hepatitis, leptospirosis, parainfluenza, parvovirus, coronavirus), bordetella, and rabies, and any other vaccinations required by the law in the State of Texas.

#### **IV. PROCEDURES/REQUIREMENTS**

Use of service animals by a student with a disability is subject to the following procedures and requirements:

A. Parents/Adult students should submit a request (See Attachment 1 and Attachment 2) for the use of service animals to the Director of Special Education or Section 504 Coordinator. Requests for the use of service animals on District property must, whenever possible, be made at least fifteen (15) business days prior to the proposed use of the service animal.

If the student is eligible for special education services under the IDEA, the student's ARD Committee will determine if the animal is necessary for FAPE. If it is determined that the animal is necessary for FAPE, the student will be allowed to use the animal. All applications for use of a service animal on District property will be considered on a case-by-case basis. Approval of the use of the service animal is subject to periodic review, revision, or revocation by the District. At a minimum, the request for use of a service animal must be renewed annually, prior to the start of each school year. In addition, the request must be reviewed whenever the student changes schools or when the student desires to use a different service animal.

If it is determined that the animal is not necessary for FAPE under the IDEA, or the student is not eligible for special education services under the IDEA, then §504/ADA procedures are implicated. The §504 Coordinator or committee, as appropriate, will determine if the animal meets the definition of service animal under the ADA. If the animal meets the definition of a service animal and there are no grounds to remove the animal, the student will be allowed to use the animal on campus.

B. If the animal meets the definition of a service animal, the parent is requested to sign and return the Agreement for Use of a Service Animal ( Attachment 3) prior to the service animal being introduced into the school setting.

C. Under the ADA, a service animal may be excluded if: 1) it is out of the handler's control and the handler cannot take effective steps to control the animal; 2) the animal is not housebroken; 3) the animal poses a direct threat to the health or safety of others; or 4) the animal's presence or behavior fundamentally alters the nature of the District's service, program, or activity.

D. It is the responsibility of the student who uses a service animal pursuant to this procedure to provide proper handling of the service animal. The service animal must be under control of the handler at all times. The District is not responsible for the care or supervision of the animal. Any cost incurred to handle the service animal will be the responsibility of the adult student or parent of the student who uses the animal. The school nurse will be consulted by school administration regarding any known allergies among the school population. Any measures needed to minimize contact between any allergic students and the service animal will be identified by the school administration and followed by the handler.

E. The service animal shall have a harness, leash, or other tether unless either: (a) the student is unable because of a disability to use a harness, leash, or other tether; or (b) the use of such a device would interfere with the service animal's safe, effective performance of work or tasks. In such circumstances, the service animal must be under the student's control through another effective means such as voice control or signals. The student will be responsible for ensuring the service animal is provided any food and water needed by the animal and regular outside time to relieve itself in a designated place, including proper disposal of waste. Any food provided at the school must be contained in sealable containers. The service animal will not be allowed on school furnishings unless it is required for performance of its work or task. It is the student's responsibility to inform others that the animal is a service animal and should not be petted, bothered, harassed, or fed.

F. The adult student or the student's parents/guardians, are liable for any damage to school or personal property and any injuries to individuals caused by the service animal. The District and its employees shall be held harmless in the event that the service animal damages property or causes harm to any individual.

G. The District may, at its discretion, require that the student/parent requesting the use of a service animal complete the steps of this procedure, as often as reasonable so that the District may ensure safety of patrons and the continued need for the service animal to the student.

H. Prior to the introduction of the service animal into the school, relevant campus staff will create a plan with the student and the student's parent to integrate an approved service animal into the classroom and school environment and to meet the animal's basic needs during the school day. The plan will consider appropriate training for school staff, emergency evacuation and disaster response, and any other activities or conditions appropriate for the learning environment.

To the extent that use of a service animal is not a related service addressed in an IEP or §504 plan, an integration plan does not constitute a service or accommodation under the IDEA or Section 504.

I. The introduction of a service animal into the school setting may result in medical issues among other students and/or employees. Should such issues arise, the District will resolve those issues by considering the needs of all persons involved. The student's schedule may be altered or other appropriate action taken in order to accommodate the documented needs of all students and staff on campus.

J. San Angelo Independent School District follows all applicable laws and regulations to protect the health and safety of the students and employees of the District. Texas law pertaining to the treatment of animals shall apply. *See* Texas Penal Code Chapter 42 and Texas Human Resource Code Chapter 121.

## **V. COMPLAINT PROCEDURES**

San Angelo Independent School District provides training to staff to ensure compliance with the ADA and Section 504 regarding requests for service animals. Any individual who believes that he/she is being denied access to buildings or programs, or discriminated against based on disability, should immediately inform the Executive Director of Special Programs at 325-657-4055. Any disputes or complaints by any person involving service animals should be made in writing to the Executive Director of Special Programs. Some disputes may be subject to the grievance procedures outlined by School Board Policy and/or in the Student Handbook.

*San Angelo Independent School District does not discriminate against students on the basis of race, sex, national origin, disability, religion, color, or ethnicity.*

**Attachment 1**

**SAN ANGELO INDEPENDENT SCHOOL DISTRICT**

**SERVICE ANIMAL DOCUMENTATION FORM**

Student handler of animal: \_\_\_\_\_

Campus: \_\_\_\_\_

Type of Service Animal: \_\_\_\_\_ Dog \_\_\_\_\_ Other

Name of Animal: \_\_\_\_\_

Documentation attached that the Service Animal is:

- \_\_\_\_\_ Properly and currently vaccinated **(REQUIRED)**
- \_\_\_\_\_ Properly trained and licensed, if applicable **(NOT REQUIRED)**
- \_\_\_\_\_ Current certifications of training, if applicable **(NOT REQUIRED)**
- \_\_\_\_\_ Letter from physician is attached, if available **(NOT REQUIRED)**
- \_\_\_\_\_ Consent to speak to physician, if available **(NOT REQUIRED)**

Please respond to the following questions:

Is the service animal required because of a disability? Briefly explain the disability.

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What work or tasks has the animal been trained to perform?

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Please attach additional sheets if necessary.

\_\_\_\_\_  
Signature of Parent/Adult Student

\_\_\_\_\_  
Date

**Attachment 2**

**SAN ANGELO INDEPENDENT SCHOOL DISTRICT**

**CONSENT FOR RELEASE OF MEDICAL INFORMATION**

I, \_\_\_\_\_ **do / do not** (please circle one)  
Consent to the exchange of written and/or verbal information between the following medical providers and San Angelo ISD regarding my child, \_\_\_\_\_.

Provider: \_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Provider: \_\_\_\_\_

Phone #: \_\_\_\_\_

Address: \_\_\_\_\_

Please initial next to each statement below to indicate your understanding and agreement with the following statements:

\_\_\_\_\_ I give consent for the provider(s) named above to exchange written and/or verbal information regarding my child with San Angelo Independent School District.

\_\_\_\_\_ I understand that my consent is voluntary and may be revoked at any time by providing written notice to all of the parties listed above, including SAISD. However, my revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

\_\_\_\_\_  
Signature of Parent/Adult Student

\_\_\_\_\_  
Date

**Attachment 3**

**SAN ANGELO INDEPENDENT SCHOOL DISTRICT  
AGREEMENT FOR USE OF SERVICE ANIMAL**

I have read and understand the San Angelo ISD's Service Animal Procedures. I acknowledge that I have received a copy of these procedures and agree that I will abide by the terms of these procedures. I understand that San Angelo ISD has the discretion to exclude or remove my Service Animal if it is:

- out of control and/or the student does not effectively control the animal's behavior;
- not housebroken or the animal's presence or behavior fundamentally interferes in the functions of the District; or,
- posing a direct threat to the health and safety of others that cannot be eliminated by reasonable modifications.

I agree to be responsible for any and all damage to District property, personal property, and any injuries to individuals caused by my Service Animal.

\_\_\_\_\_  
Signature of Parent/Adult Student

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Director of Special Education or  
504 Coordinator

\_\_\_\_\_  
Date