



# Administrative Regulations

South San Antonio Independent School District

F – Equal Educational Opportunity	<b>FBA</b>
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Service Animals - 2023	

**Note:** The following provisions are from federal law. *See FBA LEGAL*

“Service animal” means 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.

## **SERVICE/ASSISTANCE ANIMALS**

A student with a qualifying disability may have the right to have a service/assistance animal, as defined at FBA(LEGAL), or a miniature horse accompany him or her on campus and other District facilities, including on District transportation. [See FB(LEGAL), REASONABLE MODIFICATION]

The terms “assistance animal” and “service animal” are used interchangeably in this regulation.

“Service animals” include:

1. Hearing dogs;
2. Guide or signal dogs;
3. Seizure-alert dogs;
4. Allergen-alert dogs;
5. Mobility or physical support dogs; and
6. Psychiatric service dogs.

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 or interrupting impulsive or destructive behaviors.

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.



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Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a district's facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. **28 C.F.R. 35.136(g)**

### **PARENT REQUEST**

A parent must submit a written request to the principal for a service animal or a miniature horse to accompany a student on campus. The District will try to accommodate a request as soon as possible but will do so within ten District business days. If not readily apparent, the parent will confirm that the animal is required because of the student's disability and will provide information about the work or tasks that the animal has been trained to perform.

### **VACCINATIONS**

A service animal's vaccinations must be kept current in accordance with state and local law, including rabies vaccinations. The student's parent will annually provide a copy of the vaccination records, which will be kept on file with the campus principal.

### **LIABILITY**

The owner of a service animal or a miniature horse is liable for any harm, injury, or damage caused by the animal to other students, District employees, visitors, and/or property.

### **ADULT HANDLER**

The service animal or miniature horse handler is presumed to be the student. However, the District may permit an adult handler to accompany the student and the animal on a case-by-case basis. An adult handler is a designated adult who has agreed to handle the service animal or miniature horse in the educational setting.

### **APPROVAL FOR AN ADULT HANDLER WHO IS NOT AN EMPLOYEE**

If an adult handler who is not an employee is needed to accompany the student and the service animal, the District will conduct a criminal history check of the handler, in accordance with CJA(LEGAL) or GKG(LEGAL). Any fees associated with a criminal history check will be paid by the District. In addition, the District will verify whether the adult handler is a registered sex offender. [See GKC(LEGAL)]



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An adult handler will not be permitted to accompany the student and the service animal or miniature horse on any school campus or to any District facility prior to the completion of a criminal history check and final approval of the Superintendent.

Upon final approval, an adult handler will be required to comply with all campus visitor procedures.

### **INTEGRATION - IEP and 504 Plans**

A student's admission, review, and dismissal (ARD) committee or 504 committee, as appropriate, will convene to determine whether the service animal or miniature horse is necessary for the student to receive a free and appropriate education (FAPE) under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act. If the animal is necessary for the student to receive a FAPE, the animal will be provided for in the student's individualized education program (IEP) or 504 plan, as appropriate. [See EHBAB, FB]

### **INTEGRATION PLAN**

The District's ADA/Section 504 coordinator, the student's teachers, the school nurse, and the campus principal will create a plan with the student, the student's parent, and the adult handler, if applicable, to integrate the service animal or miniature horse into the classroom and school environment and to meet the animal's basic needs during the school day.

The plan will consider:

1. A District- or school-wide educational program to educate students and staff on how to behave appropriately around the animal;
2. Rest times and a rest place for the animal, if needed;
3. An area for the animal to relieve itself;
4. Emergency evacuation and disaster response;
5. Alternate accommodations/plans in the event that the primary adult handler or the animal is unable to accompany the student to school due to illness, injury, or death; and
6. The impact on other students in the learning environment.

To the extent the use of a service animal or miniature horse 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.

### **Service Animal Under Handler Control**



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A service animal 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 C.F.R. 35.136(d)**

## **APPEAL**

Complaints alleging discrimination or harassment based on disability may be appealed in accordance with FFH(LOCAL). All other decisions regarding service animals or miniature horses may be appealed in accordance with FNG(LOCAL).