

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.

Definition

“Service animal” means any guide dog, signal dog, or other animal 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 shall 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 nonviolent protection or rescue work, pulling a wheelchair, assisting an individual in connection with a seizure activity, 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 provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.

Rules Applicable to All Service Animals

The owner or handler of a service animal shall be solely responsible for:

- A. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
- B. Control of the animal at all times through the use of a harness, leash, tether or by other effective means.
- C. Damage to District buildings, property and vehicles caused by the animal.
- D. Injuries to students, employees, volunteers and visitors caused by the animal.
- E. Annual submission of documentation of vaccinations, immunizations, and dog licensing.

Service animals must wear proper identification and always be on a leash or other form of restraint mechanism. It is the responsibility of the owner or handler who uses the service animal to be the certified handler, providing the proper handling of the service animal. The District retains discretion to exclude or remove a service animal from District property under the following circumstances:

- A. Presence of the animal poses a direct threat to the health and safety of others that cannot be eliminated by reasonable modifications.
- B. Owner or handler is unable to effectively control the animal.

- C. Animal is not housebroken or its presence or behavior fundamentally interferes in the functions of the school.

The owner or handler of a service animal is liable for any damage to District or personal property and any injuries to individuals caused by their service animal. The owner or handler who uses a service animal on District property will hold the District harmless and indemnify the District from any such damages. Further, owner or handler will be required to submit a certificate of liability insurance covering the service animal and identifying the District as an additional insured.

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.

Guidelines for 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. The District is not obligated to provide a service animal as a part of a student's IEP, nor does it excuse an owner or handler's responsibility for the care, training, and control of their service animal.

An owner or handler may not miss an unreasonable amount of instructional time to provide bathroom breaks to their service animal. Employees shall not be required to facilitate bathroom breaks for service animals.

General Guidelines for Admission of Service Animals to Schools for 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.

General Guidelines for Admission of Service Animals To School Property by Visitors or Other Persons Wishing to Access School Property:

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.

- 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?

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.

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 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, 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. The appropriate school personnel will then devise a long-term plan.
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

7. 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.
 - b. The Owner shall be required to remove the therapy dog from school premises immediately upon such a determination.

Cross References:

Policy No. 5100, *Special Education*

References:

Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794
Rabies Prevention and Control in Domestic Animals and Wildlife Act –
3 P.S. Sec. 455.1 et seq.
Pennsylvania Human Relations Act – 43 P.S. Sec. 953
Americans with Disabilities Act – 42 U.S.C. Sec. 12101 et seq.
Nondiscrimination on the Basis of Disability, Title 28, Code of Federal
Regulations – 28 CFR Part 35
Federal Equal Employment Opportunity Commission Regulations, Title 29, Code of
Federal Regulations – 29 CFR Part 1630
Frequently Asked Questions about Service Animals and the ADA;
http://www.ada.gov/regs2010/service_animal_qa.html