

SOUTHERN LEHIGH SCHOOL DISTRICT

SECTION: PROPERTY

TITLE: SERVICE ANIMALS IN
SCHOOLS

ADOPTED: January 27, 2014

REVISED:

718. SERVICE ANIMALS IN SCHOOLS	
<p>1. Purpose</p>	<p>The Board adopts this policy to ensure that individuals with disabilities are permitted appropriate access to service animals during school hours, during school-sponsored activities and on school property, as required by law.</p>
<p>2. Definition 28 CFR Sec. 35.104 28 CFR Sec. 35.136</p>	<p>Service animal is limited to an 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.</p>
<p>28 CFR Sec. 35.104</p>	<p>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 nonviolent 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.</p>
<p>28 CFR Sec. 35.136</p>	<p>Miniature horses may be utilized as service animals if:</p> <ol style="list-style-type: none"> 1. The miniature horse is individually trained to do work or perform tasks for the benefit of an individual with a disability. 2. The facility can accommodate the type, size and weight of the miniature horse. 3. The presence of the miniature horse does not compromise the safe operation of the facility.
<p>28 CFR Sec. 35.104</p>	<p>Providing emotional support, comfort, or companionship by the service animal does not constitute work or tasks for the purpose of this definition.</p>

<p>3. Authority 43 P.S. Sec. 953 29 U.S.C. Sec. 794 42 U.S.C. Sec. 12101 et seq 28 CFR Sec. 35.130</p>	<p>The Board shall 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 school district, in accordance with this policy and applicable state and federal laws and regulations.</p>
<p>4. Guidelines</p> <p>28 CFR Sec. 35.130</p> <p>28 CFR Sec. 35.136</p> <p>28 CFR Sec. 35.136</p> <p>3 P.S. Sec. 459-201</p> <p>3 P.S. Sec. 455.1 et seq</p>	<p><u>Admission of Service Animals to Schools</u></p> <p>A student or an employee with a disability may submit a request to bring a service animal to school for educational or employment purposes. However, there is no automatic right to be accompanied by a service animal in the school setting.</p> <p>Parents/Guardians of students with disabilities who believe the student needs to bring a service animal to school in order to receive a free and appropriate public education, shall notify the building principal or the Section 504 or IEP team. The appropriate team shall evaluate the request to use the service animal in school, gather necessary information and determine whether the student requires the service animal during the school day or at school activities. This may include a request for parental permission to formally assess the student's education-based needs that might include alternative methods of accommodating needs. Any service animal accompanying a student with a disability to school or school activities shall be handled and cared for in a manner detailed in the student's IEP or Section 504 Service Agreement.</p> <p>Before a service animal shall be allowed in a district building, or on district property or vehicles, the district shall request the following documentation from the owner or handler of the animal:</p> <ol style="list-style-type: none"> 1. Verification of the need for a service animal due to a disability; 2. Description of the work the service animal is trained to perform in relation to the individual's disability; 3. Current animal license and/or handler's permit or owner's permit; and 4. Proof of current vaccinations and immunizations of the service animal.
<p>43 P.S. Sec. 953 28 CFR</p>	<p><u>Admission of Service Animals to Public Events</u></p> <p>Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the</p>

<p>Sec. 35.136</p>	<p>general public.</p>
<p>28 CFR Sec. 35.136</p>	<p>Where it is not immediately evident, school administrators may inquire of the owner or handler of the animal whether the animal is required because of a disability and the specific work that the animal has been trained to perform in relation to the individual's disability.</p>
<p>28 CFR Sec. 35.136</p>	<p>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.</p>
<p>5. Delegation of Responsibility</p>	<p>The designated administrator shall ensure that all individuals involved in a situation where a service animal will regularly accompany an individual in district buildings or on district property or vehicles are informed of the Board policy and any applicable administrative regulations governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian.</p> <p>The owner or handler of a service animal shall be solely responsible for:</p>
<p>28 CFR Sec. 35.136</p>	<ol style="list-style-type: none"> 1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal. 2. Control of the animal at all times through the use of a harness, leash, tether or by other effective means. 3. Damages to district buildings, property and vehicles caused by the animal. 4. Injuries to students, employees, volunteers and visitors caused by the animal. 5. Annual submission of documentation of vaccinations and immunizations. <p>The building principal shall receive and forward to the Director of Special Education each completed request by an individual with a disability to be accompanied by a service animal. The Director of Special Education shall respond to the request.</p> <p>District administrators may exclude a service animal from district buildings, property and vehicles under the following circumstances:</p> <ol style="list-style-type: none"> 1. The district has reason to believe that the 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. The animal is not housebroken.

<p>Pol. 104, 906</p>	<p>4. The facility will not accommodate the type, size and weight of the animal.</p> <p>5. Presence of the animal would require a fundamental alteration to the program.</p> <p>Any individual with a service animal who is aggrieved by a decision to exclude, limit or remove a service animal may appeal that decision to the Superintendent. The appeal must be in writing and provide detailed information regarding the basis of the appeal.</p>
<p>Title 22 Chapters 14 & 15</p>	<p><u>Use of Animals for Provision of FAPE</u></p> <p>Nothing in this policy shall prohibit or restrict the consideration of the use of animals necessary in order to provide a student with a free and appropriate public education (FAPE) under Section 504 and/or the IDEA. Requests for the use of animals for the provision of FAPE shall be subject to the procedures and requirements set forth under Section 504, the IDEA and 22 Pa Code Chapters 14 and 15. Such consideration shall not be restricted to the definition of service animal under this policy but is subject to a more detailed assessment of the use of an animal as an accommodation or educational tool under those laws, such as an assessment of the appropriateness of the use of the animal, evaluation of whether there is an appropriate alternative to the use of such animal, etc. Such requests should be made directly to the Director of Special Education.</p> <p>References: Rabies Prevention and Control in Domestic Animals and Wildlife Act – 3 P.S. Sec. 455.1 et seq. The Dog Law – 3 P.S. Sec. 459-201 Pennsylvania Human Relations Act – 43 P.S. Sec. 953 Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794 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</p>