

## **BOARD AGENDA ITEM**

**MAY 26, 2020**

### ***SUBJECT:***

Adoption of Policy IMG Service Animals and Administrative Rule IMG Service Animals, First Reading

### ***BACKGROUND INFORMATION:***

Title II of the ADA (28 CFR Part 35) requires school districts and other public entities to make reasonable modifications in policies, practices, or procedures to allow service animals when necessary in order to avoid discrimination on the basis of disability. Section 504, which incorporates the protections afforded by the ADA, applies to entities that receive federal funds, which it defines as any state or its political subdivision, any instrumentality of a state or its political subdivision, any public or private agency, institution, organization, or other entity, or any person to which Federal financial assistance is extended.

### ***ADMINISTRATIVE CONSIDERATION:***

The Department of Special Programs staff collaborated with the school district legal counsel to develop the policies surrounding the use of Service Animals within the Aiken County Public School District. This policy and associated procedures will allow for the admittance of Service Animals within school district facilities, when necessary, while ensuring the safety of students and school personnel.

### ***RECOMMENDATION:***

Adopt Policy IMG Service Animals on first reading

### ***ATTACHMENTS:***

IMG Service Animals Policy  
IMG Service Animals Administrative Rule

### ***PREPARED BY:***

Jennifer Hart



## SERVICE ANIMALS

### Policy IMG

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**Purpose:** To establish the basic structure for the presence and accommodation of service animals on district property.

The Aiken County Public School District does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The district will comply with federal and State laws regarding the use of service animals.

*"Service animal"* means any dog 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. In specific cases, the district may make reasonable modifications of policies, practices, or procedures to permit the use of a miniature horse if the animal has been individually trained to do work or perform tasks for the benefit of an individual with a disability, after consideration of the following factors: the type, size, and weight of the miniature horse and whether the facility can accommodate these features; whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. Requests to permit miniature horses will be determined on a case-by case basis. Other requirements which apply to service animals shall also apply to miniature horses.

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 them or interrupting impulsive or destructive behaviors.

The crime deterrent effects of an animal's presence, or the provision of emotional support, wellbeing, comfort, or companionship, do not constitute work or tasks for the purposes of defining *"service animal."*

District personnel may inquire of the individual with a disability, his/her parents/guardian, or the owner or handler of the animal, the following to determine whether an animal qualifies as a service animal:

- whether the animal is required because of a disability; and
- what specific work or task that the animal has been trained to perform.

Individuals with disabilities will be permitted to be accompanied by their service animals in the areas of the District's facilities where they would normally be allowed to go.

Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and may be charged for any damage to school property caused by the animal in accordance with District practice. Individuals with service animals may be charged for damage caused by their service animal.

Individuals with a disability will not be required to pay an administrative fee or surcharge for service animals to attend events for which a fee is charged; however, individuals may be charged for their own admission for such events.

A service animal must have a harness, leash, or other tether, unless the student 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 student's or handler's control.

The District is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself.

- The District is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
- Students with service animals or their handlers are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his or her service animal, the parents are responsible for providing care and supervision of the animal themselves or through an appropriate handler. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the building administrator.

The service animal must be under the control of the student or its handler at all times. The District may exclude or ask the individual to remove his/her animal from the premises if the animal is out of control and the handler does not take effective action to control it; if the animal is not housebroken; if the presence of the animal poses a direct threat to the health or safety of others; or its presence would require a fundamental alteration to the service, program, or activity of the district.

The superintendent or his/her designee will develop and disseminate procedures to implement this policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles.

Adopted May 2020

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Legal references:

A. United States Code:

1. Title II of the American with Disabilities Act, 42 U.S.C.A. Sections 12131-12165 – Prohibits discrimination on the basis of disability by public entities.
2. Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section 1400, et seq.
3. Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794.

B. S.C. Code, 1976, as amended:

1. Section 47-3-910, et seq. – Protection of Guide Dogs



## **SERVICE ANIMALS**

### *Administrative Rule*

#### IMG-R

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Aiken County School District does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The district will comply with federal and State laws regarding the use of service animals.

### **Service Animal Requests**

- An individual with a disability may submit a written request to the Director of Special Programs to bring a service animal to school see ***Request for Use of Service Animal*** form
- District personnel may inquire of the individual with a disability, his/her parents/guardian, or the owner or handler of the animal, the following to determine whether an animal qualifies as a service animal:
  - whether the animal is required because of a disability; and
  - what specific work or task that the animal has been trained to perform.
- For purposes of determining whether an animal is a service animal consistent with this policy, District personnel will not require information about the nature or extent of an individual's disability. Also when considering whether an animal is a service animal, District personnel will not require documentation such as proof that the animal is certified, trained, or licensed as a service animal, unless authorized by law or regulation.
- The individual with a disability, or his parent, will be notified in writing within a reasonable time whether the animal is authorized to accompany the student.
- The use of a service animal on district property is subject to a plan which introduces the service animal to the school environment outlines any appropriate training for staff and students regarding interactions with the service animal, and identifies any other activities as deemed necessary by the district.
- A referral to a student's IEP or Section 504 team may be appropriate in some instances.
- The district's approval of the use of a service animal on district property is subject to periodic review of the circumstances under which the service animal is being used, and should be reviewed at least annually.

### **Vaccinations/Health of Animal**

- Owners of a service dog must provide documentation, upon submission of the request and annually thereafter, that the animal is current on all appropriate vaccinations,



including DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, and Coronavirus), Bordetella, and Rabies. The District may require additional vaccinations as circumstances warrant.

- Owners of a service horse must provide documentation, upon submission of the request and annually thereafter, that the animal is current on all appropriate vaccinations, including Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles. The District may require additional vaccinations as circumstances warrant. Annual documentation of vaccinations will be provided to the Director of Special Programs.
- All service animals must be spayed or neutered.
- All service animals must be treated for and kept free of fleas, ticks, and other pests.
- All service animals must be kept clean and groomed to avoid shedding and dander.

### **Obligations of Service Animal User/Owner**

- Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and may be charged for any damage to school property caused by the animal in accordance with District practice.
- The District is not responsible for providing/training a handler or for the care of supervision of a service animal, including walking the animal or responding to the animals' need to relieve itself.
- All service animals must have a harness, leash, or other tether, or the use of a harness, leash, or 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.
- The District is not responsible for providing a staff member to feed, exercise, or clean up after the service animal, or to provide any other care or assistance to the animal.
- Students with service animals are expected to care and supervise their animals. In the case where a student is unable to care for or supervise his/her service animal due to age or disability, the parents are responsible, themselves or through a handler, for ensuring the service animal receives the appropriate care and supervision.
- Issues related to the care and supervision of the service animal (i.e. presence of third party handlers, designated area for exercise, and responsibilities for waste removal) will be addressed on a case-by-case basis at the discretion of the building administrator.

### **Exclusion/Removal**

The district retains discretion to exclude or remove a service animal from its property under any of the following circumstances.

- The animal is out of control and/or the animal's handler does not effectively control the animal's behavior.

- The animal is not housebroken.
- The animal poses a direct threat to the health or safety of others.
- The animal's presence or behavior fundamentally alters a service, program or activity of the district.

If the service animal is excluded or removed, the individual will be provided an opportunity to participate in the service, program, or activity without having the service animal on the premises.

### **Liability**

Users/Owners of service animals are liable for any harm or injury caused by the service animal to others, including students, staff, and visitors and may be charged for any damage to school property caused by the animal in accordance with District practice. The owner will hold the district harmless and indemnify the district from any such damages.

Adopted May 2020