

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 200-19
Subject: SERVICE ANIMALS	Issued: 9/7/11
Preparing Office: OFFICE OF THE SUPERINTENDENT	Amended: 5/18/16

I. Policy

II. Procedures

- A. This regulation complies with guidelines established by the Americans with Disabilities Act (ADA) for public entities to follow with regard to special circumstances involving service animals. This regulation affects students seeking to bring a service animal to school, as well as any disabled person desiring to bring a service animal to a public school or school function.

B. Definition of Service Animal

Typically, a service animal is any dog ¹ 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. Dogs trained as attack dogs do not meet the definition of a service animal due to safety concerns

A service animal may include the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the following shall be considered:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

C. Role of a Service Animal

Service animal is one that is required, and specifically trained, because of a disability.

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

¹ Animals such as pigs, snakes, iguanas, ferrets, monkeys, parrots and other non-domesticated/wild animals do not meet the definition of a service animal.

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.

D. Restrictions on Inquiries

Staff may not make inquiries regarding a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). However, questions may be asked if the animal is required because of a disability and what work or task the animal has been trained to perform.

Staff may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Staff cannot inquire about the nature or extent of a person's disability.

E. Responsibilities of the Owner

The care or supervision of a service animal is solely the responsibility of his or her owner.

A service animal must 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).

F. Access Provided in a School Setting/School Bus

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a school where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

An individual with a service animal cannot be refused transportation service nor can the individual be segregated from other passengers. The service animal must be permitted to accompany its owner on school buses or other school use vehicles. However, service animals may not block aisles or exits, or otherwise interfere with other passengers reaching them.

G. Conditions for Exclusion of a Service Animal

Staff may ask an individual with a disability to remove a service animal from the premises if: (1) the animal is out of control and the animal's handler does not take effective action to control it; or (2) the animal is not housebroken. The service animal may also be excluded from a school building, school function, or school sponsored activity if permitting the service animal would fundamentally alter the nature of the service, program, or activity. If staff properly excludes a service animal, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

H. Responsibilities of Students and Staff Regarding a Service Animal

Service animals work and perform tasks and are not pets. The recommended 'best practices' when interacting with service animals include:

- Do not touch or feed a service animal unless invited to do so.
- Do not deliberately distract or startle a service animal.
- Do not physically separate, or attempt to separate, a service animal from the individual using the animal's service.

The following are examples of arrangements that may be considered, as necessary:

- A rest place/time for the service animal.
- Appropriate areas and times of the day for the service animal to relieve itself.
- Information, as needed, for employees and students about the service animal.
- Clarification, as needed, of emergency procedures.

Individuals with disabilities, employees, or parents of students with disabilities, who are assisted by service animals, are responsible for providing supplies and equipment needed by the service animal.

- I. In general, allergies and fear of animals are not valid reasons for denying access to people with service animals. In the event allergies or fear of animals is an issue for another person, reasonable accommodations will be evaluated to resolve the issue.

J. Service Animal 'In Training'

A service animal trainer may accompany a service animal in training to any facility where a person with a disability would be permitted to bring a service animal. Service animals in training may only be excluded if there would be a clear danger of disturbance or physical harm to those in the facility.

K. Making Arrangements for Service Animals Required by Employees or Students

The Office of Human Resources is the resource for FCPS employees who may require service animals and is responsible for assisting employees and school personnel, as necessary, with responding to requests for a service animal accommodation.

The Department of Special Education and Psychological Services is the resource for parents of students who may require service animals and is responsible for assisting parents, students, and school personnel with responding to requests for a service animal accommodation.

APPROVED:

Original signed by

Theresa R. Alban
Superintendent