

SECTION: PROPERTY

TITLE: SERVICE ANIMALS IN SCHOOL

ADOPTED: MARCH 12, 2013

Tyrone Area School District

718. SERVICE ANIMALS IN SCHOOLS	
1. Purpose	The Board adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from district programs, activities and services, and to ensure that the district does not discriminate on the basis of disability.
2. Definition 28 CFR Sec. 35.104	Service animal means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability.
28 CFR Sec. 35.136	Miniature horses may be utilized as service animals if: <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.
28 CFR Sec. 35.104	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 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.
28 CFR Sec. 35.104	The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.
3. Authority 43 P.S. Sec. 953 29 U.S.C.	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>Sec. 794 42 U.S.C. Sec. 12101 et seq 28 CFR Sec. 35.130</p>	
<p>4. Guidelines</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. A student or employee seeking to bring a service animal to school must comply with the requirements as set forth in this policy and any administrative regulations governing this issue.</p>
<p>Pol. 103.1, 113</p>	<p>Parents/Guardians of students with disabilities may submit a request to the building principal for their student to bring a service animal to school. The building principal shall forward the request to the appropriate Section 504 or IEP team. The team shall gather the necessary information and evaluate the request to bring a service animal to school. 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>28 CFR Sec. 35.130</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>
<p>28 CFR Sec. 35.136</p>	<p>1. Verification of the need for a service animal.</p>
<p>28 CFR Sec. 35.136</p>	<p>2. Description of the function(s) the service animal is trained to perform in relation to the individual’s disability.</p>
<p>3 P.S. Sec. 455.1 et seq</p>	<p>3. Proof of current vaccinations and immunizations of the service animal.</p>
<p>43 P.S. Sec. 953 28 CFR Sec. 35.136 Pol. 904</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 general public.</p>
<p>28 CFR Sec. 35.136</p>	<p>School administrators may inquire of the owner or handler of an animal whether the animal is required because of a disability and the specific tasks that the animal has been trained to perform, but shall not ask questions about an individual’s disability.</p>

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<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>43 P.S. Sec. 953 28 CFR Sec. 35.136 Pol. 904</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 general public.</p>
<p>5. Delegation of Responsibility</p>	<p>The Superintendent or designee shall develop and disseminate administrative regulations to implement Board policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles.</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 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 superintendent each completed request by an individual with a disability to be accompanied by a service animal. The superintendent 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. 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.

<p>Pol. 103.1, 104, 906</p>	<p>3. Animal is not housebroken.</p> <p>4. 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 in accordance with applicable Board policy. The appeal must be in writing and provide detailed information regarding the basis of the appeal.</p> <p>REFERENCES:</p> <p>Rabies Prevention and Control in Domestic Animals and Wildlife Act – 3 P.S. Sec. 455.1 et seq.</p> <p>Pennsylvania Human Relations Act – 43 P.S. Sec. 953</p> <p>Section 504 of the Rehabilitation Act – 29 U.S.C. Sec. 794</p> <p>Americans With Disabilities Act – 42 U.S.C. Sec. 12101 et seq.</p> <p>Nondiscrimination on the Basis of Disability, Title 28, Code of Federal Regulations – 28 CFR Part 35</p> <p>Federal Equal Employment Opportunity Commission Regulations, Title 29, Code of Federal Regulations – 29 CFR Part 1630</p> <p>Board Policy – 000, 103, 103.1, 104, 113, 707, 904, 906</p>
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718-AR. SERVICE ANIMALS IN SCHOOLS

Service animals are dogs or miniature horses trained to assist individuals with disabilities in the activities of normal, daily living. In compliance with law, service animals accompanying individuals with disabilities will be permitted in district buildings; on district property; and on vehicles that are owned, leased or controlled by the district when in compliance with Board policy and administrative regulations.

Types Of Service Animals

1. Guide – animal is trained to serve as a travel tool to persons who are blind or have severe visual impairment.
2. Hearing – animal is trained to alert a person who is deaf or has significant hearing loss when a sound occurs.
3. Service – animal is trained to assist a person who has a mobility or health impairment. The animal may perform functions such as carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, helping up a person after a fall, assisting with wheelchair, etc.
4. Sensory signal (Ssig) – animal is trained to assist a person with autism. The animal may provide sensory input such as sight and hearing, and may alert the person to distracting repetitive movements common among those with autism.
5. Seizure alert/response – animal is trained to assist a person with a seizure disorder. During a seizure, the animal may stand guard over the person or go for help, depending on the person's needs. An animal may be trained to predict a seizure and warn the person in advance.
6. Psychiatric service – animal is trained to assist a person with a mental disability to go out in public, socialize and remain focused.
7. Trainee – undergoing training to be a service animal. The animal must be housebroken and fully socialized, which means the animal will not, except on rare occasions, bark, yip, growl or make disruptive noises; will have a good temperament and disposition; will not show fear; will not be upset or agitated when it sees another animal; and will not be aggressive. If a trainee begins to display improper behavior, the handler immediately will act to correct the animal or remove the animal from the district building, property or vehicle.

Instructions To Employees/Students

1. Allow a service animal to accompany the owner or handler at all times in school buildings and district vehicles and on district property, except where service animals are specifically prohibited.

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2. Do not separate or attempt to separate an owner or handler from his/her service animal.
3. Do not pet a service animal, as this distracts the animal from the assigned functions.
4. Do not feed a service animal, as the animal may have specific dietary requirements or feeding times, and feeding could cause the animal to become ill.
5. Do not deliberately startle a service animal.

Allergic Reactions By Others

If a student or employee assigned to a classroom or program in which a service animal is permitted suffers an allergic reaction to the animal, the owner or handler will be required to move the animal to a different location designated by the building principal or designee.

An alternate plan will be developed by the appropriate staff and the student's parent/guardian. The plan could include reassignment of the owner or handler to a different classroom or program or reassignment of the allergic individual.

Removal From District Schools, Facilities And Property

When a district administrator determines that a service animal is violating the conditions of Board policy, the administrator will revoke permission and require the owner or handler to immediately remove the animal from the school, vehicle, or district property. The administrator shall document the incident(s) that led to the decision to remove the service animal. If necessary, the administrator may contact local law enforcement.

Examples of violations by an owner or handler of a service animal can include the following:

1. Service animal is not under control of owner or handler and is significantly unruly or disruptive, including barking, growling, biting, clawing, running around, is aggressive toward people or other animals, solicits and/or steals food or other items from students or school personnel, or behavior that brings attention to the animal. If the improper behavior happens repeatedly, the animal will be prohibited from district buildings, vehicles, and property until the owner or handler takes significant steps to mitigate the behavior, which may include muzzling or refresher training.
2. Service animal is ill and should not be taken into district buildings or vehicles or on district property.
3. Service animal is unclean and/or not well-groomed. An animal that becomes wet from the weather or weather-related incidents but is otherwise clean should be considered a clean animal. Dog urinates or defecates in inappropriate locations.
4. Service animal does not do work or perform tasks for the benefit of the individual with a disability.

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If the building principal recommends excluding, limiting or removing a student's service animal for any of the reasons noted above, the principal shall convene a meeting of the Section 504 or IEP team to discuss the reason(s) that may require the exclusion, placing of limitations or removal of the service animal and what alternative methods or actions may resolve the problem(s) presented by the service animal.

If the building principal recommends excluding, limiting or removing an employee's service animal for any of the reasons noted above, the principal shall meet with the employee to discuss the reason(s) that may require the exclusion, placing of limitations or removal of the service animal and what alternative methods or actions may resolve the problem(s) presented by the service animal. The building principal may also discuss the issue with other district employees and administrators who may be able to assist in reaching a decision regarding the service animal's continued presence at the school.

A building principal shall have the right to require the immediate removal from school property of a service animal, due to aggressive behavior, health or grooming issues, such as fleas or parasites, or any other condition or behavior which poses a serious direct or immediate threat to the health or safety of persons at the school.

Any employee or student 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 of the district. That appeal must be in writing and provide detailed information regarding the basis of the appeal.

Restrictions And Off-Limits Areas

1. Mechanical Rooms/Custodial Closets – boiler rooms, facility equipment rooms, electric closets, elevator control rooms, and custodial closets.
2. Protective Clothing Required Areas – chemical laboratories, wood shops, metal/machine shops and photography dark rooms.
3. Dangerous Areas – any room with sharp metal cuttings or other sharp objects on the floor or protruding from a surface, hot materials on the floor, high level of dust, or moving machinery.

A student who is requesting an exception for a service animal to be permitted in a restricted access area will contact the Superintendent, who will determine if and in what manner an exception will be made.

Access by a service animal to a classroom or program held in a restricted area will be determined on a case-by-case basis, based on the nature of the restriction and the best interest of the owner or handler and the animal.

718-AR-1. EVALUATION OF REQUESTS BY STUDENTS AND EMPLOYEES

The following procedures and considerations will be used by the district administration when determining if an individual with a disability is making a legitimate request for use of a service animal in district schools and vehicles or on district property.

Step One – Determine whether the student or employee requesting use of a service animal is a qualifying individual with a disability.

Step Two – Determine whether a written request and all documentation have been submitted, as required by Board policy.

Step Three – Determine the qualifications of the particular service animal requested to assist the individual with a disability.

Establish if the requested service animal is a dog or miniature horse individually trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, guiding individuals with impaired vision; alerting individuals with impaired hearing to intruders or sounds; providing minimal protection or rescue work; pulling a wheelchair; or fetching dropped items.

If the above standards are met, animals are considered service animals under the Americans with Disabilities Act (ADA), regardless of whether they have been licensed or certified. The district cannot require certification of formal training.

Based on the documentation submitted with the request, determine if the service animal has been trained to provide the specific tasks, services, or functions required by the individual due to his/her disabilities and if the animal can actually provide that task, service, or function. If the animal cannot perform the identified tasks, services, or functions, the district may deny the request.

Step Four – Determine whether use of the service animal will cause a fundamental alteration to the program, service, or activity.

This standard is generally limited. Prior to determining that there would be a fundamental alteration, the district must rigorously analyze whether the presence of the service animal would actually have a significant effect upon the program, service, or activity involved.

If so, identify the fundamental alteration that would occur if the service animal is permitted to accompany the owner or handler prior to denying the request.

Step Five – Determine whether use of the service animal will pose a direct threat to the health and safety of others who participate in district programs, services, or activities.

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by the modification of policies, practice, or procedures, or by the provision of auxiliary aids or services.

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In determining whether a service animal would pose a direct threat to the health and safety of others, administrators must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to establish the nature, duration, and severity of the risk; the probability that the potential injury will actually occur; and if reasonable modifications of policies, practices, or procedures will mitigate the risk.

A determination of direct threat may not be used to remove a service animal from a classroom where another individual has an allergy to that animal. Instead, the administration would meet with those involved to develop an alternative plan of accommodation or modification, such as assigning the individuals to different classrooms.

Step Six – Determine what alternatives can be provided if the district denies the request for use of a service animal.

The district may not be required in all cases of denial to offer modifications or accommodations, but the Board's commitment to provide access to district programs, services, and activities for individuals with disabilities, and the Board's commitment to nondiscrimination on the basis of disability, are enhanced and supported by determination of an alternative plan.

If the administration determines that the use of a requested service animal will not be permitted, the district will take the following actions to ensure that the individual with a disability is not discriminated against on the basis of disability:

1. Establish if alternative modifications to current policies, practices, or procedures can be made to permit the person to participate in district programs, services, or activities.
2. Establish if academic adjustments or auxiliary aids are necessary for an individual with a disability to ensure that the student is not excluded from participation in or denied the benefits of district programs, services, or activities.

As in all disability cases, actual offers of modifications or accommodations are determined on an individual basis.

Step Seven – Provide notice about the right to appeal.

If the district denies the request at any step in this procedure, the administration will provide to the individual with a disability notice about the means available to file a complaint about the decision and will provide information about the Board's related policies and complaint procedure.

TYRONE AREA SCHOOL DISTRICT

SERVICE DOG ACCESS REQUEST CHECKLIST

School: _____
 Student: _____
 Date: _____

CONSIDERATIONS	COMMENTS	YES	NO
1. Is the dog a “trained service dog”?	Identify type of service dog: _____ A “trained service dog” can be called a: <ul style="list-style-type: none"> ▪ Hearing dog ▪ Guide dog ▪ Assistance dog ▪ Seizure alert/response dog ▪ Mobility dog ▪ Psychiatric service dog ▪ Autism service dog A “service dog” is NOT called a: <ul style="list-style-type: none"> ▪ Skilled companion animal ▪ Therapy dog ▪ Social dog ▪ Facility dog ▪ Trained agility dog ▪ Police dog ▪ Search and rescue dog ▪ Helping dog ▪ Support dog 		
2. Does the dog have a current health certificate?	Certificate from veterinarian provided?		
3. Does the dog meet all the Minimum Standards for a service dog?	Based on observation: <ol style="list-style-type: none"> i. Dog is clean, well-groomed, and does not have an offensive odor. ii. Dog does not urinate or defecate in inappropriate locations. iii. Dog does not solicit attention, visit or annoy any member of the general public. 		

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	<ul style="list-style-type: none"> iv. Dog does not vocalize unnecessarily, i.e. barking, growling, or whining. v. Dog shows no aggression toward people or other animals. vi. Dog does not solicit or steal food or other items from the general public. vii. Dog is able to perform tasks in public. viii. Dog works calmly and quietly on harness or leash without disturbing education of other students. 		
4. Does the dog perform task(s) that mitigate the students' disability?	Identify task(s): 1. _____ 2. _____ 3. _____		
5. If the primary handler is not the student, is the handler otherwise qualified to be on school property?	Consider primary handler's criminal history background, relevant court orders, permission of parent/guardian.		
6. Is the dog a possible threat to the health and safety of other individuals due to medical conditions?	Consideration should be given to medical conditions associated with asthma, allergens to pet dander, etc.		
7. Will the animal cause a disruption and/or otherwise interfere with the educational process?			

Note: District reserves the right to request additional information depending upon the nature of the request and type of service animal.