

No. 3960
SECTION: BUSINESS
TITLE: SERVICE ANIMALS IN SCHOOLS

ADOPTED: 8/15/17
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REVISED:

OXFORD AREA SCHOOL DISTRICT

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.

Service Animal means that any small animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

Miniature horses may be utilized as service animals if:

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.

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.

The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of this definition.

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.

Admission of Service Animals to Schools

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.

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.

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:

1. Verification of the need for a service animal.
2. Description of the function(s) the service animal is trained to perform in relation to the individual's disability.
3. Proof of current vaccinations and immunizations of the service animal.

Admission of Service Animals to Public Events

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.

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.

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.

Delegation of Responsibility

The Superintendent of designee shall develop and disseminate administrative guidelines to implement board policy and accommodate individuals with disabilities requesting use of a service animal in district buildings and on district property and vehicles.

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 guidelines governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian.

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

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.

The building principal shall receive and forward to the Superintendent or designee each completed request by an individual with a disability to be accompanied by a service animal. The Superintendent or designee shall respond to the request.

District administrators may exclude a service animal from district buildings, property and vehicles under the following circumstances:

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.
3. Animal is not housebroken.
4. Presence of the animal would require a fundamental alteration to the program.

Any individual with a service animal who is aggrieved by a decision to exclude, limit to 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.

OXFORD AREA SCHOOL DISTRICT
NO. 3960 SERVICE ANIMALS IN SCHOOLS
ADMINISTRATIVE PROCEDURES

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 guidelines.

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 Employee/Student

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.
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.

The appropriate staff and the student's parents/guardian will develop an alternate plan. 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 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.
4. Service animal does not do work or perform tasks for the benefit of the individual with a disability.

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-Limit Areas

1. Mechanical Rooms/Custodial Closets - boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets.
2. Protective Clothing Require 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 or designee, 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.

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, vehicles and on district property.

1. Determine whether the student or employee requesting use of a service animal is a qualifying individual with a disability.
2. Determine whether a written request and all documentation have been submitted as required by board policy.
3. Determine the qualifications of the particular service animal requested to assist the individual with a disability.

- a. 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.
 - b. If the above standards are met, animals are considered service animals under the Americans With Disabilities Act (ADA), regardless or whether they have been licensed or certified. The district cannot require certification of formal training.
 - c. 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.
4. 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 were permitted to accompany the owner or handler prior to denying the request.

5. 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 a modification of policies, practice or procedures or by the provision of auxiliary aids or services.

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 if possible.

6. 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 services 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.

7. 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.

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