

# **Suwannee County School District**

## **PROCEDURES FOR RESPONDING TO REQUESTS FOR A STUDENT WITH A DISABILITY TO BRING A SERVICE ANIMAL TO SCHOOL**

### **PURPOSE**

The purpose of these procedures is to provide a system for responding to a request for a student with a disability to bring his/her service animal to school or to a school function.

### **GENERAL STATEMENT OF PROCEDURES**

Suwannee County Schools will comply with all state and federal laws, regulations and rules regarding the use of service animals by students with disabilities under appropriate circumstances.

### **DEFINITION OF “STUDENT WITH A DISABILITY”**

A student with a disability is defined as one who has been determined to be disabled by an appropriate team pursuant to the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act (Section 504).

### **DEFINITION OF “SERVICE ANIMAL”**

As defined by federal regulations implemented under Title II of the Americans with Disabilities Act (ADA), a service animal includes any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, a physical, sensory, psychiatric, intellectual, other mental disability or autism. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. (Note: The ADA regulations also include “miniature horses” in appropriate circumstances).

### **DEFINITION OF “WORK OR TASKS” PERFORMED BY SERVICE ANIMAL**

The work or tasks performed by a service animal must be directly related to the student’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 individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effect of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of these procedures.

### **LIABILITY FOR DAMAGE CAUSED**

Under Florida law applicable to public accommodations, an individual with a disability is liable for damage caused by a service animal just as a nondisabled person would be liable for damages caused by their pets. However, proof of insurance is not required as a condition for allowing a student to bring his/her service animal to school.

## **PERSONS TRAINING A SERVICE ANIMAL**

Under Florida law applicable to public accommodations, any trainer of a service animal, while engaged in the training of such animal, has the same rights and privileges with respect to access to public facilities and the same liability for damage as is provided for those persons described above.

## **SPECIFIC PROCEDURES/REQUIREMENTS FOR RESPONDING TO A STUDENT REQUEST TO BRING HIS/HER SERVICE ANIMAL TO SCHOOL**

A request to bring a service animal to school by or on behalf of a student with a disability is subject to the following procedures and requirements:

1. Parents/adult students will be asked to complete and submit a written request to bring the service animal to school to the Student Services' office, using the District's Form for such Request. The Request will identify and describe the service animal and what work or task(s) the service animal is trained to perform that is/are directly related to the student's disability. In addition, the individual requesting that the service animal attend school with a student must provide documentation that the animal is properly immunized as required under Florida law and registered and licensed in accordance with all state and local animal licensing and registration requirements.
2. Requests to bring a service animal on School District property must, whenever possible, be made a reasonable time before bringing the animal to school to afford the District adequate time to properly address the request and make any necessary adjustments to the educational environment to accommodate the service animal's presence. A service animal may not be on school property without prior approval by the principal or his/her designee.
3. As part of the consideration of a request to bring a service animal to school, the School District can require proof of immunization and all animal licensing and registration requirements under applicable Florida or local law. In addition, individuals who have service animals are not exempt from local animal control or public health requirements.

If the parent/student refuses to provide proof of immunization or proper licensing or registration of the animal as required by Florida or local law, the School District may refuse to allow the student to bring the service animal to school.

4. Once the School District has received a formal request for a student to bring a service animal to school, a meeting of the student's IEP or 504 Team (as applicable) will be scheduled and convened. The Team will conduct a case-specific inquiry as to whether the animal meets the definition of a service animal that performs work or tasks directly related to the student's disability.
5. If it is decided that the service animal will be allowed to accompany the student to school, the Team will also discuss a plan for introducing the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the Team.
6. The issue of allowing the service animal to accompany the student to school is subject to periodic review, revision or revocation by the student's IEP/504 Team and at least annually.
7. Service animals must wear proper identification and always have a harness, leash, tether or other form of proper restraint mechanism, unless the handler is unable because of a disability, to use a

harness or other form of restraint mechanism or the use of a harness or other restraint 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).

8. The School District is not responsible for the care or supervision of a service animal. Arrangements for the care/supervision of the service animal must be made by the parent/adult student and any costs incurred to handle the service animal will be the responsibility of the parent/adult student. However, if the student is the handler of the animal, the District may need to provide some assistance to the student in the handling of the animal as an accommodation to the student.
9. The School District retains the discretion to exclude or remove a service animal from its property if:
  - a. the animal is out of control and/or the animal's handler does not effectively control the animal's behavior;
  - b. the animal is not housebroken;
  - c. the animal poses a direct threat to the health or safety of others that cannot be eliminated by making reasonable modifications; or
  - d. the animal's presence would constitute a fundamental alteration in the School District's programs/activities.
10. The parent/ student, depending upon the circumstances and applicable law, may be deemed liable for any damage to school property and any injury to individuals caused by the service animal. Florida law applicable to public accommodations specifically provides that a person accompanied by a service animal is not necessarily relieved of liability for damages done by the animal. In addition, federal law provides that if the School District normally charges students for damages caused, then a student may be charged by damages caused by the service animal. However, proof of insurance cannot be required as a condition for allowing a service animal to accompany a student with a disability.
11. If it is determined that the student will not be allowed to bring his/her service animal to school, that determination will be considered a grievable discrimination issue and subject to the School District's internal grievance procedures. Parents also may be entitled to initiate a due process hearing under the IDEA or Section 504 if they claim that the refusal constitutes a "denial of FAPE" to the student under the IDEA or Section 504.

# Suwannee County School District

## STUDENT REQUEST TO BRING A SERVICE ANIMAL TO SCHOOL

Date \_\_\_\_\_ (request made a reasonable period of time prior to the animal's presence at school)

Student name \_\_\_\_\_

Parent name(s) \_\_\_\_\_

School \_\_\_\_\_

Describe the work or task(s) that the service animal performs that is/are directly related to the student's disability:

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Type of service animal:  Dog  Other: \_\_\_\_\_

Name of service animal: \_\_\_\_\_

Name of service animal's handler: \_\_\_\_\_

Documentation attached that the Service Animal is:

Properly and currently immunized, licensed and registered as required by Florida and local law

Other relevant information:

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Please submit completed Request to Director of Student Services. A meeting of the student's 504/IEP Team will be scheduled to address the request.

## Guidance for IEP/504 Team Service Animal Decisions

This guidance is provided to assist IEP/504 Teams in addressing whether or not a student's request to bring his/her service animal to school or to a school function will be honored or whether a student will be asked to remove a service animal that is already at school with the student. The following questions and factors should be considered when making this case-by-case (and interactive) consideration:

1. Is the animal a "service animal" that meets certain qualifications?
  - Does the animal meet the definition of "service animal" under federal law and School District procedures?
  - Does the service animal perform work or a task for the student that is directly related to the student's recognized disability?
  - Is the animal under the handler's control (if the student is the handler, can the student handle the animal with some assistance from the school or school personnel)?
  - Is the service animal housebroken?
  - Has the parent/adult student provided all required and current paperwork regarding immunizations, registration and licensing as required by Florida and local law?
  
2. The potential risk or threat to health or safety of others
  - Does the animal pose an unacceptable risk or threat to the health or safety of others based upon the best available objective evidence? Factors in answering include:
    - the nature, duration and severity of the risk;
    - the probability that the potential injury will actually occur; and
    - whether reasonable modifications of policies, practices or procedures will mitigate the risk to an acceptable level.
  
3. Fundamental alteration/undue burden to the nature of the School District's program/activity
  - Will the presence of the animal fundamentally alter the nature of the School District's program or activity or impose an undue burden on the School District?
  
4. Documenting the Decision on the IEP/504 Plan

In general, the animal itself **IS NOT** part of the IEP/504 Plan as a related service or accommodation for FAPE, unless there is the rare instance where the Team determines that a service animal is *necessary for the student to benefit from special education services or to receive a free appropriate public education*. Rather, the Team is to decide, using the questions above, whether it is appropriate to allow the student to bring the service animal to school or to a school function, and it should be documented that **the accommodation being provided is**

*allowing the student to bring his/her service animal to school NOT the provision of the actual service animal itself.* It is suggested that the IEP or 504 Plan include a statement such as the following: “Based upon the School District’s procedures, the team has determined that it is appropriate to allow \_\_\_\_\_ to bring his/her service animal to school.”

5. Decision that Student will not be Allowed to Bring his/her Service Animal to School

Any determination that a student will *not* be allowed to bring his/her service animal to school is a grievable issue and subject to the School District’s internal grievance procedures regarding claims of disability discrimination. Parents also may be entitled to initiate a due process hearing under the IDEA or Section 504 if they claim that the refusal of the request is a “denial of FAPE” to the student.