



## POLICY 8.17

**5-A** I recommend the Board approve development of the proposed new Policy 8.17, entitled "Use of Service Animals."

[Contact: Will Gordillo, PX 48626.]

### **Development**

### **CONSENT ITEM**

- Title II of the Americans with Disabilities Act (ADA and its associated regulations require government entities, including public schools, to make reasonable accommodations of programs and services in order to allow access for persons with disabilities. Service animals are recognized as reasonable modifications or accommodations under Title II of the ADA.
- After the 2008 amendments to the ADA, the U.S. Department of Justice issued final regulations for Title II in July 2010. These regulations clarified an individual's rights with regard to service animals.
- The Florida Governor's Commission on Disabilities, in its 2010 report, recommended to the Florida Department of Education (DOE) to provide guidance to school districts addressing the rights and responsibilities of public schools regarding service animals. As a result, the DOE provided all Florida school districts, in September 2010, with a framework for the development of local school board practices and policies for student's use of a service animal.
- The proposed policy provides:
  - A general policy statement consistent with federal requirements that the School District provide reasonable accommodations for students and others accompanied by a service animal. See Section 3.
  - Procedures for parents or students and employees to submit a request for use of a service animal. See Section 3.
  - Access to the general public or trainer of service animals to District facilities. See Section 3.
  - Sets forth responsibilities for the District and parents, students or employees. See Section 4.
  - Circumstances under which a service animal may be excluded. See Section 5.
  - Grievance procedures for parents or students, and employees. See Section 6.
  - A non-liability clause for the School Board as to the training, care, or supervision of a service animal. See Section 7.
  - An appeal process for a student, employee, or member of the public who is denied a request of access for a service animal. See Section 8.
- Administrative procedures are attached to the policy.

## POLICY 8.17

### USE OF SERVICE ANIMALS

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3 1. **Purpose.** The School Board of Palm Beach County (School Board) desires to  
4 ensure that individuals with disabilities are permitted to participate in and benefit  
5 from district programs, activities, and services, and to ensure that the district does  
6 not discriminate on the basis of disability. This policy is to establish procedures for  
7 the use of service animals in the Palm Beach County School District (School  
8 District), including school buildings, vehicles, and other property; and to ensure the  
9 School District's compliance with state and federal laws.

10 2. **Definitions.**

11 a. Service animal means the following:

- 12 i. An animal that is trained to perform tasks for an individual with a  
13 disability, as defined by Sec. 413.08, Fla. Stat., OR  
14 ii. Any dog (or miniature horse) that is individually trained to do work or  
15 perform tasks for the benefit of an individual with a disability, including a  
16 physical, sensory, psychiatric, intellectual, or other mental disability, as  
17 defined by 28 CFR 35.104.

18 For the purposes of the above definition of service animal, a service animal  
19 does not include: (1) other species of animals, whether wild or domestic, or  
20 trained or untrained; and (2) animals whose sole function is to provide  
21 emotional support, comfort, therapy, companionship, therapeutic benefits, or  
22 to promote general emotional well-being.

23 b. Service animal-in-training means a dog that is being trained as a service  
24 animal.

25 c. Direct threat means a significant risk to health and safety of others that cannot  
26 be eliminated by a modification of policies, practices, or procedures.

27 d. Trained service dog can be a hearing dog, guide dog, assistance dog, seizure  
28 alert dog, mobility dog, psychiatric service dog, or autism service dog.

29 e. Undue hardship means an action requiring significant difficulty or expense.

30 f. Work or Tasks. The term "task" generally refers to a minor job, chore, or piece  
31 of work. The work or tasks performed by a service animal must be directly  
32 related to the student's or employee's disability. Examples of work or tasks  
33 that a service dog may perform to meet this definition include, but is not limited  
34 to:

- 35 i. guiding a person who is visually impaired or blind;
- 36 ii. alerting a person who is deaf or hard of hearing to the presence of people  
37 or sounds;
- 38 iii. providing non-violent protection or rescue work;
- 39 iv. pulling a wheelchair;
- 40 v. alerting and protecting a person who has had a seizure;
- 41 vi. retrieving items or objects, such as book bag, medicine, telephone, etc.;
- 42 vii. providing physical support and assistance with balance and stability to  
43 individuals with mobility disabilities;
- 44 viii. alerting individuals to the presence of allergens; and
- 45 ix. helping individuals with psychiatric and neurological disabilities, by  
46 interrupting impulsive or destructive behaviors.

47 The crime deterrent effects of an animal's presence and the provision of  
48 emotional support, well-being, comfort, or companionship do not constitute  
49 work or tasks for the purpose of this definition.

50 3. **General Policy Statement.** In accordance with law, the School District shall  
51 strive to make reasonable accommodations so that its facilities, vehicles, grounds,  
52 and functions are accessible for an individual with a disability who is accompanied  
53 by a service animal, unless the accommodation would impose an "undue  
54 hardship."

55 The School District shall permit individuals with disabilities to use service animals  
56 in district buildings, including schools; on district property; and in vehicles that are  
57 owned, leased, and controlled by the School Board upon request and submission  
58 of required documentation, in accordance with this policy and applicable state and  
59 federal laws and regulations. All decisions regarding the accommodations of a  
60 student or employee with a disability shall be made on an individual basis.

61 a. Students. A student with a disability may be accompanied by a service animal  
62 regardless of whether the service animal is written into a 504 plan or IEP,  
63 subject to any conditions or limitations of this policy and related procedures or  
64 applicable law. Parents/guardians or students shall submit any requests for  
65 the use of a service animal to the ADA/504 Specialist as provided in Board  
66 Policies 5.001 or 5.81, as now or hereafter amended.

67 b. Employees. Use of a service animal by an employee with a disability will be

68 allowed when such use is necessary to enable the employee to perform the  
69 essential functions of his or her position, or to enable the employee to enjoy  
70 comparable benefits and privileges of employment as are enjoyed by other  
71 similarly situated employees without disabilities. Employees shall submit any  
72 requests for the use of a service animal to perform essential functions of his or  
73 her position to the EEOC/ADA Coordinator as provided in Board Policy 3.06,  
74 as now or hereafter amended.

75 c. General Public. Any person with a disability who is accompanied by a service  
76 dog shall be provided access to Board properties with his or her service dog  
77 and be accompanied by the service dog while on the premises. Access will  
78 be in accordance with normal security procedures, and shall be to those areas  
79 where the public or third parties customarily have access. If a member of the  
80 general public has any issues or requests regarding accessibility, the  
81 EEOC/ADA Coordinator for Public Accessibility as provided in Board Policy  
82 3.06, as now or hereafter amended, shall be contacted.

83 d. Trainer of Service Animals. In accordance with law, trainers of service  
84 animals may also be accompanied by a dog that the trainer is in the process of  
85 training. Such trainer may be accompanied by the service animal in District  
86 facilities and vehicles, on District grounds and at District functions.

87 4. Responsibility of Parties.

88 a. District. The District is not responsible for the care or supervision of the  
89 service animal. The School through District or school administrative staff  
90 shall be responsible for determining whether the service animal meets the  
91 standards for acceptance in the school or work setting, by addressing:

92 i. whether the animal is a trained service animal; and

93 ii. identifying the specific work or tasks the service animal is trained to  
94 perform.

95 b. Students/Parents/Guardian and Employees. The student (or the student's  
96 parents/guardians) or an employee with a service animal shall be solely  
97 responsible for:

98 i. supervision and care of the service animal, including any feeding,  
99 exercising, walking to relieve, cleaning-up, and stain removal;

100 ii. leashing and properly restraining the service animal at all times, unless  
101 the handler/student is unable because of a disability to use a leash or  
102 other restraining device or the use of such device would interfere with the  
103 service animal's performance of work or tasks, in which case the animal  
104 must be under the handler's/student's control (e.g., voice, signals or other

- 105                   effective means):
- 106                   iii. annual submission of documentation of vaccinations and immunizations:
- 107                   iv. damages to District buildings, property, and vehicles caused by the  
108                   service animal; and
- 109                   v. injuries to students, staff, or others caused by the service animal or  
110                   service-animal in training.

111   5. **Exclusion of Service Animals.**

- 112                   a. District administrators may exclude a service animal from District facilities,  
113                   vehicles, and functions under the following circumstances:
- 114                   i. The service animal's behavior poses a direct threat to the health and  
115                   safety of another student, school personnel, or another person. Allergies  
116                   or fear of animals are not valid reasons for denying access or refusal of  
117                   services.
- 118                   ii. The service animal is out of control and the student/handler does not take  
119                   effective action to control the animal.
- 120                   iii. The service animal is not on a harness, leash, or other tether, or  
121                   otherwise under the voice control of the handler/student (e.g., voice  
122                   control, signals, or other effective means).
- 123                   iv. The service animal's presence fundamentally alters the nature of the  
124                   program, activity, or service.
- 125                   v. The service animal is not housebroken.
- 126                   b. If a District administrator excludes a service animal for one or more of the  
127                   above reasons, the District administrator shall give the student (e.g.,  
128                   parents/guardians), employee, or other person with a disability the opportunity  
129                   to participate in the service, program, or activity without having the service  
130                   animal on the premises.

131   6. **Grievance Procedures.**

- 132                   a. A student with a service animal who believes the District has discriminated  
133                   against him or her on the basis of a disability by excluding the service animal  
134                   may:
- 135                   i. file a grievance with the ADA/504 Specialist in accordance with the  
136                   District's 504/ADA grievance procedures as provided for in Policy 5.001

- 137                    or 5.81; and/or
- 138                    ii. file a complaint with the U.S. Department of Education, Office for Civil  
139                    Rights.
- 140                    b. A student with a service animal who believes the District has denied him or  
141                    her a free and appropriate education (FAPE) under the Individuals with  
142                    Disabilities Education Act by excluding the service animal, may:
- 143                    i. file a grievance in accordance with Policy 5.001 or 5.81; and/or
- 144                    ii. file a complaint requesting a due process hearing with the ESE  
145                    Compliance Coordinator, who is located at 3378 Forest Hill Boulevard,  
146                    Suite A-203, West Palm Beach, Florida, 33406; Telephone: (561) 434-  
147                    7322.
- 148                    c. An employee with a service animal, who believes the District discriminated  
149                    against him or her on the basis of a disability excluding the service animal  
150                    may:
- 151                    i. file a grievance pursuant to Policy 3.06; and/or
- 152                    ii. file a charge with the U.S. Equal Employment Opportunity Commission or  
153                    the Florida Human Rights Commission.
- 154                    7. Exception/Liability. A service animal is the personal property of the student,  
155                    employer, or member of the public. The School Board is not responsible for the  
156                    training, care, or supervision of a service animal. Furthermore, the student/parent,  
157                    owner, handler, or employee is liable for any damage to District property, or  
158                    personal property and any injuries to individuals caused by their service animals.
- 159                    8. Appeal of Exclusion of Service Animal from District Property. If a school  
160                    official denies a request for access of a service animal or a dog in training, the  
161                    individual or parents/guardians may file a grievance as provided below:
- 162                    a. If related to a student: The grievance shall be filed with the ADA/504  
163                    Specialist as provided in Policy 5.001.
- 164                    b. If related to an employee: The grievance shall be filed with the  
165                    EEOC/ADA Coordinator as provided in Policies 3.31.
- 166                    c. If related to a member of the public: The grievance shall be filed with the  
167                    EEOC/ADA Coordinator as provided in Policies 3.31.
- 168

169 9. **Administrative Procedures.**

170 a. The Superintendent or designee shall provide administrative procedures and  
171 guidelines, consistent with federal and state laws, for the:

172 i. service animals presence in the school and work setting;

173 ii. standards of behavior for service animals in the classroom or work  
174 setting; and

175 iii. transportation of service animals with students, including the training,  
176 loading, seating, etc.

177

178 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41, 1001. 42, 413.08; 20 U.S.C.  
179 §1400, *et. seq.*, 34 C.F.R. part 300 (Individuals with Disabilities Education Act); 29  
180 U.S.C.§ 794, 34 C.F.R. part 104 (Section 504 of Rehabilitation Act of 1973); 42 U.S.C.§  
181 12101, *et. seq.*, 28 C.F.R. §§ 35.104, 35.136 (Americans with Disabilities Act of 1990,  
182 as amended by the ADA Amendment Act of 2008); 29 CFR part 35 (Federal Equal  
183 Employment Opportunity Commission Regulations).

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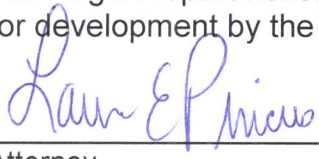
185 LAWS IMPLEMENTED: Individuals with Disabilities Education Improvement  
186 Act of 2004; Americans with Disabilities Act of 1990, as amended by the Americans with  
187 Disabilities Amendment Act of 2008, effective January 1, 2009; Section 504 of the  
188 Rehabilitation Act of 1973.

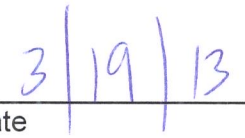
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190 HISTORY: (New) \_\_/\_\_/2013

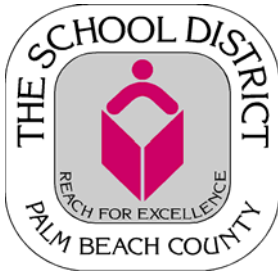
Legal Signoff:

The Legal Department has reviewed proposed Policy 8.17 and finds it legally sufficient for development by the Board.

  
\_\_\_\_\_  
Attorney

  
\_\_\_\_\_  
Date





**Administrative Procedures and Guidelines  
Applicable SB Policy: 8.17**

**Administrative Procedures and Guidelines  
Use of Service Animals**

1. **Purpose.** To provide procedures for principals, administrators and supervisors regarding the implementation of service animals into the school or work environment.
  - a. Use of a service animal by a student with a disability will be allowed in school when it is determined that the student's disability requires such use in order to assist or accommodate access to the instructional program, school services and/or school activities.
  - b. Use of a service animal by an employee with a disability will be allowed when such use is necessary as a reasonable accommodation to enable the employee to perform the essential functions of their job or to access benefits of employment provided to all employees in the same job classification.
2. **Procedures for the Implementation of Service Animals.**
  - a. A service animal is the personal property of the student or employee and should not be brought onto school or District property without prior knowledge and approval. There is no automatic right to be accompanied by a service animal in the school setting.
  - b. The student or employee's need and use of a service animal must be documented. The student or employee with a disability may submit a request to bring a service animal to school for educational or employment purposes. For a student, a written request should be made to the ADA/504 Specialist who is located at 3378 Forest Hill Boulevard, Suite A-203, West Palm Beach, Florida, 33406; telephone: (561) 434-8817. For an employee, a written request should be made to the EEOC/ADA Coordinator who is located at the Safe Schools Institute, 1790 N.W. Spanish River Boulevard, Boca Raton, Florida 33431; telephone: (561) 982-0905, or fax: 561-982-0944.

- c. The parent/guardian or student, or the employee, making the request for a service animal involvement in the school or work setting must provide the ADA/504 Specialist or the EEOC/ADA Coordinator with the following documentation from a certified professional:
  - i. Diagnosis of the specific disability.
  - ii. Verification of the need for a service animal.
  - iii. Description of the function the service animal is expected to perform in relation to the individual's disability.
  - iv. Current veterinary health certificate; and
  - v. Proof of current vaccination and immunization of the service animal.
- d. Requests for the use of service animals on School District property must be made, whenever possible, no less than three (3) weeks prior to the proposed use of the service animal.
- e. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.
- f. Upon approval, the school or work unit will work with the ADA/504 Specialist or EEOC/ADA Coordinator, the parent/guardian or student or the employee and the animal's owner/handler to develop an Implementation Plan, which shall include the following:
  - i. Familiarization of the service animal with the campus or work setting prior to the actual start date.
  - ii. Orientation of the service animal to school faculty and students or employees.
  - iii. Establishment of an educational program to educate students and others on how to behavior appropriately or interact with a service animal.
  - iv. Establishment of a place for the service animal to urinate/defecate.
  - v. Establishment of a rest time and place for the animal. Gym, lunch, and recess may be especially difficult school periods for a service animal to successfully endure.
  - vi. Establishment of an evacuation plan to include the service animal and practice this plan.

- vii. An alternate accommodation/plan in the event the service animal is not able to accompany the disabled student or employee due to illness, injury or death.
  - g. The approval of the use of a service animal on District property may be subject to periodic review, revision or revocation by the principal or District administrator.
  - h. Access plans developed by the committee will not be considered contracts between the School Board and the student or employee but rather a guide for the parties involved. ***Access plans for service dogs or miniature horses will not be considered an accommodation under Section 504 of the Rehabilitation Act or a service or accommodation under a student's Individual Education Plan (IEP).***
3. **Service Animal Standards of Behavior.** The behavioral expectations for the service animal and standards by which the request to use the service animal on school or other District premises will be evaluated are as follows:
- a. **Public appropriateness – The animal:**
    - Is clean, well groomed, and does not have an offensive odor.
    - Does not urinate or defecate in inappropriate locations.
  - b. **Behavior – The animal:**
    - Does not solicit attention, visit, or annoy any member of the general public.
    - Does not disrupt the normal course of business.
    - Does not vocalize unnecessarily (i.e., barking, growling, or whining).
    - Shows no aggression toward people or other animals.
    - Does not solicit or steal food or other items from the general public.
  - c. **Training – The animal:**
    - Is specifically trained to perform more than one task to mitigate aspects of the client's disability.
    - Works calmly and quietly on harness, leash, or other tether.
    - Is able to perform its tasks in public.
    - Must be able to lie quietly beside the handler without blocking aisles, doorways, etc.
    - Is trained to urinate and defecate on command.
    - Stays within 24 inches of its handler at all times unless the nature of a trained task requires it to be working at a greater distance.
4. **Transportation of the Service Animal.** In some cases, there may be a need for a student with a disability and their accompanying service animal to access school

district transportation. However, the service animal must not in any way interfere with the transportation safety of any student or employee. If the standards of behavior are not met, the service animal will be excluded or removed from transportation. In these cases, the following must be considered:

a. A service animal will be allowed in District transportation vehicles when it has been determined that the service animal is a necessary part of a transportation accommodation. In determining the necessity of a service animal for a student with a disability at school, the District may also need to provide directions for transporting the student and the service animal.

b. Training

i. The driver and assistant should meet with the animal's owner. The owner is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.

ii. The animal's owner should provide an orientation to students riding the bus with the service animal regarding the animal's functions and how students should interact with the animal.

iii. The service animal should practice the bus evacuation drills with the student.

c. Loading/Unloading

i. The service animal should board the bus by the steps, not on a lift.

d. Seating Location

i. The service animal should be positioned on the floor, at the student's feet.

ii. A representative of the Transportation Division will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

e. Cessation of Transportation

i. Situations that would cause cessation of transportation of the service animal include:

a. The service animal's behavior poses a direct threat to the health or safety of others.

b. The service animal urinates or defecates on the bus.

- c. The service animal does not remain in the designated area.
- ii. If transportation is suspended due to any of the above reasons, transportation may be reinstated after additional training or medical issues are resolved.
- iii. Parents should be informed of these consequences prior to the first day of transportation.
- iv. Although transportation may be suspended for the service animal, the District maintains the responsibility of transporting the student.

5. **Exclusion of a Service Animal from School Property and Classroom.**

If a principal or District administrator excludes a dog or service animal from school or other District property, the principal or District administrator must document the reasons for the exclusion and notify the area superintendent, his or her immediate supervisor and the ADA/504 Specialist or EEOC/ADA Coordinator. The area superintendent or the immediate supervisor will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion. If the area superintendent, or the immediate supervisor, determines that an animal does not meet the definition of a service animal or that a service animal should be excluded from the classroom for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations. Any person desiring to appeal the exclusion of the service animal shall do so consistent with the provisions in Policy 2.039.

6. **Parents or Animal Handlers.** Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal are required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.