

# EASTON AREA SCHOOL DISTRICT

SECTION: PROPERTY

TITLE: SERVICE DOGS IN SCHOOLS

ADOPTED: June 26, 2012

REVISED:

718. SERVICE DOGS IN SCHOOLS	
1. Purpose	The Board adopts this policy to ensure that individuals with disabilities have appropriate access to service dogs during school hours, during school-sponsored activities and on school property, as required by law.
2. Definition 28 CFR Sec. 35.104 28 CFR Sec. 35.136	<b>Service Dog</b> is limited to a dog 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. Miniature horses shall not be permitted to serve as service animals within the district, as they would fundamentally alter the nature of the school's programs, activities, and services due to the fact that their size and limited flexibility.
28 CFR Sec. 35.104	The work or tasks performed by a service dog 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 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	Providing emotional support, comfort, or companionship by the service dog does not constitute work or tasks for the purpose of this definition.

<p>3. Authority 43 P.S. Sec. 953 29 U.S.C. Sec. 794 42 U.S.C. Sec. 12101 et seq 28 CFR Sec. 35.130</p>	<p>The Board shall permit individuals with disabilities to use service dogs 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>
<p>4. Guidelines  28 CFR Sec. 35.130  28 CFR Sec. 35.136  28 CFR Sec. 35.136  3 P.S. Sec. 459-201  3 P.S. Sec. 455.1 et seq</p>	<p><u>Admission Of Service Dogs To Schools</u></p> <p>Before a service dog 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 dog:</p> <ol style="list-style-type: none"> <li>1. Verification of the need for a service dog due to a disability;</li> <li>2. Description of the work the service dog is trained to perform in relation to the individual's disability;</li> <li>3. Current dog license and/or handler's permit or owner's permit; and</li> <li>4. Proof of current vaccinations and immunizations of the service dog.</li> </ol>
<p>43 P.S. Sec. 953 28 CFR Sec. 35.136 Pol. 904</p>	<p><u>Admission Of Service Dogs To Public Events</u></p> <p>Individuals with disabilities may be accompanied by their service dogs 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>Where it is not immediately evident, school administrators may inquire of the owner or handler of a dog whether the dog is required because of a disability and the specific work that the dog has been trained to perform in relation to the individual's disability.</p>
<p>28 CFR Sec. 35.136</p>	<p>The district shall not require an owner or handler of a service dog to pay an extra charge for the dog to attend events for which a fee is charged.</p>

<p>5. Delegation of Responsibility</p> <p>28 CFR Sec. 35.136</p> <p>Pol. 104, 906</p>	<p>The designated administrator shall ensure that all individuals involved in a situation where a service dog will regularly accompany an individual in district buildings or on district property or vehicles are informed of the Board policy and any applicable 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 dog shall be solely responsible for:</p> <ol style="list-style-type: none"> <li>1. Supervision and care of the dog, including any feeding, exercising, clean up and stain removal.</li> <li>2. Control of the dog at all times through the use of a harness, leash, tether or by other effective means.</li> <li>3. Damages to district buildings, property and vehicles caused by the dog.</li> <li>4. Injuries to students, employees, volunteers and visitors caused by the dog.</li> <li>5. Annual submission of documentation of vaccinations and immunizations.</li> </ol> <p>The building principal shall receive and forward to the Assistant Superintendent for Special Education or 504 Plan Coordinator each completed request by an individual with a disability to be accompanied by a service dog. The Assistant Superintendent for Special Education or 504 Plan Coordinator shall respond to the request.</p> <p>District administrators may exclude a service dog from district buildings, property and vehicles under the following circumstances:</p> <ol style="list-style-type: none"> <li>1. The district has reason to believe that the presence of the dog poses a direct threat to the health and safety of others.</li> <li>2. Owner or handler is unable to control the dog.</li> <li>3. The dog is not housebroken.</li> <li>4. The facility will not accommodate the type, size and weight of the dog.</li> <li>5. Presence of the dog would require a fundamental alteration to the program.</li> </ol> <p>Any individual with a service dog who is aggrieved by a decision to exclude, limit or remove a service dog may appeal that decision to the Superintendent. The appeal must be in writing and provide detailed information regarding the basis of the appeal.</p>
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Title 22 Chapters 14 & 15	<p><u>Use Of Animals For Provision Of FAPE</u></p> <p>Nothing in this policy shall prohibit or restrict the consideration of the use of animals necessary in order to provide a student with a free and appropriate public education (FAPE) under Section 504 and/or the IDEA. Requests for the use of animals for the provision of FAPE shall be subject to the procedures and requirements set forth under Section 504, the IDEA and 22 Pa Code Chapters 14 and 15. Such consideration shall not be restricted to the definition of <b>service dog</b> under this policy but is subject to a more detailed assessment of the use of an animal as an accommodation or educational tool under those laws, such as an assessment of the appropriateness of the use of the animal, evaluation of whether there is an appropriate alternative to the use of such animal, etc. Such requests should be made directly to the Director of Special Education.</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>The Dog Law – 3 P.S. Sec. 459-201</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, 104, 113, 707, 904, 906</p>
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