

BLOUNT COUNTY BOARD OF EDUCATION
BOARD POLICY REVISION FOR
2020-2021

CHECK ONE

POLICY REVISION

SUBMITTED BY:

NEW POLICY

Gary Noles, 504 Coordinator, Central Office

Name of individual submitting revision

Administration, faculty, or student representative list school name as well.

If you are patron, support, or BCEA representatives, indicate that information after your name.

CURRENT POLICY

POLICY NUMBER: _____

NAME OF POLICY: _____

PARAGRAPH NUMBER IF PARTIAL REVISION: _____ ADDITIONAL _____

TYPE CURRENT POLICY HERE:

NEW OR REVISED POLICY

POLICY NUMBER: _____

POLICY TITLE (IF NEW POLICY): Service Animals in Schools

TYPE POLICY REVISION HERE

The purpose of this policy is to establish guidelines and procedures when a student with a disability is seeking to bring his/her service animal to school or school functions. Individuals with disabilities shall be permitted to bring their service animal into school buildings or onto school grounds in accordance with, and subject to, this policy.

Definitions

a. Student with a disability is 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).

b. Service Animal – As defined by Alabama law and 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 the purposes of this definition.

c. Handler – A “handler” is an individual with a disability who is accompanied by a service animal or a trainer who is accompanied by a service animal.

d. “Work or Tasks” – “Work or Tasks” are functions performed by a service animal. The “work or tasks” performed by a service animal must be directly related to the handler’s disability.

1. Examples of “work or tasks” include, but 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 or stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
2. The prime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship are not “work or tasks” for the purpose of this policy.

e. Trainer – A “trainer” is a person who is training a service animal and is affiliated with a recognized training program for service animals.

Access to Programs and Activities: Permitted Inquiries

a. In general, handlers (i.e. individuals with disabilities or trainers) are permitted to be accompanied by their service animals in all areas of the school district properties where members of the public, students, and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent that the handler has the right:

1. to be present on school district property, and
2. to attend or participate in a school sponsored event, activity, or program, and
3. to be transported in a vehicle that is operated by or on behalf of the school district.

b. When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person’s disability, but may make the following inquiries to determine whether the animal qualifies as a service animal:

1. If the animal is required because of the disability;
2. What work or tasks the animal has been trained to perform; and
3. Is the service animal’s vaccinations and immunizations up to date

c. School district employees shall not make these inquiries to students or parents with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.

d. An individual with a disability may not be required to provide documents such as proof that the animal has been certified, trained, or licensed as a service animal.

Management of Service Animals

A service animal must be under control of its handler. A service animal must wear proper identification and always have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash or other tether, or the use of a harness, leash or other tether 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 (i.e. voice control, signals, or other effective means).

Care of, and Responsibility for, Service Animals: Liability

a. The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither the school district nor its staff will assume such responsibilities. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the direction of the building administrator.

b. Individuals with disabilities who are assisted by service animals are responsible for providing supplies and equipment needed by the service animal. Any costs incurred to handle the service animal will be the responsibility of the parent.

c. Owners of the service animals are liable for any harm or injury caused by the service animal to other students, staff, visitors, and/or property.

Removal or Exclusion of a Service Animal

a. A school official may require a handler to remove a service animal from school district property, a school building or a school-sponsored program or activity if:

1. The service animal is out of control and the handler does not take effective action to control it;
2. The service animal is not housebroken;
3. The presence of the animal would fundamentally alter the nature of a service, program or activity; or
4. The handler fails to submit proof of current vaccinations and immunizations of the service animal.

b. If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal, unless such individual has violated the law or school rule for regulation that would warrant the removal of the individual.

Allergies; Fear of Animals

If a student or employee notifies the school district that he/she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of the animal is generally not a valid reason for prohibiting the presence of a service animal.

Procedures/Requirements for Use of a Service Animal by Students

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 must submit a written request to bring the service animal to school to the Superintendent's office. The request must 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 the school with a student must provide documentation that the animal is properly immunized as required under Alabama Law, and registered and licensed in accordance with all state and local animal licensing registration requirements.
2. Requests to bring a service animal on school system property must, whenever possible, be made not less than three weeks prior to bringing the animal to school to afford the system adequate time to properly address the request and make necessary adjustments to the educational environment to accommodate the service animal's presence. Under no circumstances may a service animal be on school property without prior approval by the Superintendent or his/her designee.
3. The student's IEP team or Section 504 team, as applicable, will conduct the school system's review of a student's request to bring a service animal to school. In such cases, the team will conduct a case-specific inquiry as to whether the animal meets the definition of service animal and performs a task directly related to the student's disability.

4. The approval of the request to bring a service animal on school property is subject to periodic review, revision, or revocation by the student's IEP/504 team, which can occur at any time and will occur at least annually.

5. If it is decided that the service animal will be allowed to accompany the student to school, the IEP/504 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 and conditions deemed necessary by the IEP/504 team.

6. 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 system's internal grievance procedures.