

Scott County Public School

Service Animals

Policies and Procedures

Any animal is personal property and cannot be brought onto school property without prior approval. If a child arrives at school with an animal and previous approval has not been obtained, then the parents/guardians will be immediately notified and requested to come to the school to retrieve the animal until it is proven that the animal is in compliance with the law. The animal will remain with the child until the parent/guardian removes the animal from school property. The animal will not be “confiscated” and taken away from the child.

This document applies the legal standards as set forth in the:

- *Code of Virginia*, § 51.5-44
- *Individuals with Disabilities Education Act*; implementing regulations at 34 CFR Part 300
- *The Rehabilitation Act of 1973, as amended*
- *Americans with Disabilities Act- Amendments Act of 2008*; implementing regulations at 28 CFR Parts 35 and 36
- *Virginians with Disabilities Act*

“Definitions”

“Hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

“Mobility impaired” student means one who is unable to move about without the aid of crutches, a wheelchair or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise or perform any related function.

“Service animal” means any dog (or trained miniature horse) 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.

“Three-unit service dog team” means a team consisting of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog.

“Work or tasks” performed by a service animal must be directly related to the handler’s disability. Examples 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.

“No Pets Allowed In School”

We are dedicated to protecting the health and well-being of our community. Some students are highly allergic to certain animals. Animals can also spread disease, or behave in dangerous or unpredictable ways that can cause injury to persons with whom they come into contact. Please help us maintain a safe environment for all students by respecting these policies.

“Service Animal Exception”

Service animals are not pets. Scott County Public Schools (SCPS) does not discriminate on the basis of disability. Persons with disabilities have the same right as the able-bodied to the use and enjoyment of our school. SCPS strives to make reasonable accommodations for a disabled person's use of a service animal on school property; however, SCPS may request information to substantiate that the service animal is actually providing a service to the student with disability-related conditions as opposed to being a companion animal. The following procedures have been established for evaluating whether and how a request to bring a service animal on school property can be implemented under the circumstances on a case-by-case basis.

“Supervision and Care of Service Animals”

SCPS is not responsible for the care or supervision of the service animal. The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. If a student is unable to handle the service animal him/herself, a handler must be provided by the parent or the service animal is not allowed in or on school grounds. If the handler happens to be absent for any reason, the service animal cannot attend that day either.

A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vest, leash or tether identifying the dog as a trained service dog unless the use of a harness, backpack, vest, 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. A written reason from the handler explaining the lack of harness, backpack, vest, leash, or other tether must be placed on file yearly.

“Training”

The ADA regulations clarify that service animals that are not trained to perform tasks that mitigate the effects of a disability, including animals that are used purely for emotional support, are not service animals; therefore, these animals will not be allowed in SCPS. Individuals with mental disabilities who use service animals that are trained to perform a specific task are protected under these regulations; for example, preventing or interrupting impulsive or destructive behaviors. (28 CFR §36.104) If a dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability, a license will not be required as proof

that the animal is certified to provide the service. School officials may not ask about the nature or extent of a person's disability.

A "trained service dog" can be called a:	A "trained service dog" is NOT called a:
<ul style="list-style-type: none"> • hearing dog • guide dog • assistance dog • seizure alert dog • mobility dog • psychiatric service dog • autism service dog 	<ul style="list-style-type: none"> • skilled companion animal • therapy dog • social dog • facility dog • agility dog • police dog • search and rescue dog • helping dog • support dog

Examples of work or tasks a "trained service dog" performs for a disabled person:	A "service dog" can be denied access if it:
<ul style="list-style-type: none"> • hearing • guiding • retrieving objects • carrying objects • pulling a wheelchair • opening doors • seizure alert • allergen alert • diabetes alert • balance or mobility assistance • preventing or interrupting destructive or impulsive behavior 	<ul style="list-style-type: none"> • is out of control and the animal's handler does not take effective action to control it • the animal is not on a harness, leash or other tether, or otherwise under the voice control of the handler • the animal is not housebroken

"Health Certificate"

Documentation is required evidencing that the service animal is currently in good health, free from parasites, and has received all recommended vaccinations. The owner or handler of the animal must submit to the school principal each year documentation from a licensed veterinarian of the following: a current veterinary health certificate and proof of the service animal's current

vaccination and immunizations. This is to ensure that the service animal does not pose a health or safety threat to any student, personnel, or other persons.

“Identifiers for Service Dogs”

The Code of Virginia, at § 51.5-44 E requires the following identifiers for service dogs:

- for students with disabilities with visual impairment, including blindness: a harness.
- for students with disabilities with deafness or hearing impairment: a blaze orange leash.
- for students with disabilities with mobility impairment: harness, backpack, or vest identifying the dog as a trained dog.

“Service Animal in Training”

SCPS recognizes that a service animal may need additional training in the school setting in order to become familiar with the student’s surroundings; however, the handler must be an experienced trainer/or supervised by an experienced trainer as outlined in Virginia School Law as found in § 51.5-44 E. (certified by an accredited school for guide dogs or legally blind). The animal must be at least six months of age. The handler must wear a jacket identifying the organization to which they belong. The training cannot disrupt or interfere with a school’s educational process. It is expected that training would not normally take place in the classroom during instructional time. All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

“Trained Miniature Horses”

Miniature horses can be trained as service animals (generally 24-34inches in height and weighing between 70-100 pounds); however, additional assessment factors will be taken into account in determining whether to allow a trained miniature horse into the school setting. SCPS must give consideration to the following:

- the type, size and weight of the horse and whether the facility can accommodate those features;
- whether the handler has sufficient control of the horse;
- whether the horse is housebroken; and
- whether the horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

“Request for Service Animal”

A person who wants to be accompanied by his/her service animal must make a prior written request of the school’s principal if the service animal will come into his/her school. A person who wants to be accompanied by his/her service animal must make a prior written request to the

Superintendent for all locations. These requests must be renewed each year. The Superintendent or designee will respond to the parent in writing within 10 school days as to the approval/disapproval of the animal.

“Appeal if Request for Service Animal is Denied”

If in disagreement with the Superintendent or designee’s decision, within 10 days of receipt of notification from the Superintendent or designee, the parent(s)/guardian(s) may appeal the decision and file a written grievance, to SCPS 504 Compliance Officer.

“Additional Considerations Pertaining to the Animal”

The following considerations will be reviewed within 10 school days once SCPS approves the service animal.

- A rest place for the service animal when not working (gym, lunch and recess)
- Emergency evacuation plan including fire drill
- An alternate accommodation/plan in the event the service animal’s primary handler is not able to accompany the disabled child to school due to illness, injury or death
- Training for staff and children to educate others on how to behave appropriately around the service animal
- Bathroom needs of the animal

“Additional Considerations for School Age Peers and Staff”

- Medical needs of other children or staff (would require verification from medical doctor or nurse practitioner that a child or staff member was allergic to animals/dogs)
- Fear of animals (would require verification from medical doctor, nurse practitioner, psychologist or psychiatrist that a child/staff member had a fear of animals/dogs)
- Impede the learning of others, child(ren) so distracted by the animal that they could not learn

“Removal of Service Animals From School Property”

SCPS can require the removal of the service animal if the animal is out of control and the animal’s handler does not take effective action to control it, the animal is not housebroken, or the presence of the animal poses a direct threat to the health or safety of others. Factors that may be considered under this element are that the service animal:

- ☐ is clean, well-groomed and does not have an offensive odor.
- ☐ does not urinate or defecate in inappropriate locations.
- ☐ does not solicit attention, visit or annoy any students or school personnel.
- ☐ does not vocalize unnecessarily; i.e., barking, growling, or whining.
- ☐ shows no aggression towards people or other animals.
- ☐ does not solicit or steal food or other items from the students or school personnel.
- ☐ must not interfere with the educational program of any student.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

“Damages to School Property and Injuries”

The owner or handler of the service animal is responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

“Extra Charges”

The owner or handler of the service animal cannot be charged a fee for the admission of the service animal to any event or extra-curricular activity.

SCOTT COUNTY PUBLIC SCHOOLS
SERVICE ANIMAL REGISTRATION/AGREEMENT

Owner of animal

Student or Staff member receiving assistance from animal

Type of Service Animal:

☐ Dog

☐ Other: _____

Name of Animal

I have read and understand the School District's Service Animals procedure. I will abide by the terms of this procedure.

I understand that if my Service Animal is: out of control and/or the animal's handler does not effectively control the animal's behavior; not housebroken or the animal's presence or behavior fundamentally interferes in the functions of the School District; or, poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications, the School District has the discretion to exclude or remove my Service Animal from its property.

I agree to be responsible for any and all damage to School District property, personal property, and any injuries to individuals caused by my Service Animal. I agree to indemnify, defend and hold harmless Scott County Board of Education from and against any and all claims, actions, suits, judgments and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by my Service Animal.

Signature: Service Animal Owner

Date: _____

Signature: Superintendent or Designee

Date: _____

Note: This Registration/Agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year, whenever the student changes schools or the employee changes his/her place of assignment, or when the individual accompanied by the service animal desires to use a different service animal.

SCOTT COUNTY PUBLIC SCHOOLS

SERVICE ANIMAL ACCESS REQUEST CHECKLIST

School: _____ Student: _____ BD: _____

Date: _____ Student State Testing ID: _____

Is the animal a trained Service Animal (hearing, seizure alert, mobility, autism, etc.) ☐ YES ☐ NO

Owner's Name: _____ Handler's Name: _____

Owner's Address: _____

Handler's Address: _____

Owner's Phone: _____ Handler's Phone: _____

The handler has had a background check and is qualified to be on school grounds? ☐ YES ☐ NO

Type of Service: _____ Type of Animal: _____

Does the animal perform task(s) or function(s) that mitigate the student's disability? (hearing, guiding, retrieving objects, carrying objects, pulling a wheelchair, opening doors, seizure alert, allergen alert, diabetes, balance/mobility, preventing behaviors)

Identify: _____

Could the student's needs be met by an adult in the school system? ☐ YES ☐ NO

Explain why the student's needs could not be met by an adult in the school system. _____

Does the animal and its primary handler have proof of training? ☐ YES ☐ NO

Certificate from ADI member organization provided? ☐ YES ☐ NO

(There are three VA member organizations – Service Dogs of Virginia, Charlottesville; St. Francis of Assisi Service Dog Foundation in Roanoke; and Blue Ridge Assistance Dogs Inc. in Manassas)

Does the animal have a current health certificate? ☐ YES ☐ NO

Based on observation is the animal (Check all that apply):

- ☐ Dog is clean, well-groomed and does not have an offensive odor;
- ☐ Dog does not urinate or defecate in inappropriate locations;
- ☐ Dog does not solicit attention, visit or annoy any member of the general public;
- ☐ Dog does not vocalize unnecessarily, i.e., barking, growling or whining;
- ☐ Dog shows no aggression towards people or other animals; and
- ☐ Dog does not solicit or steal food or other items from the general public

