

**ST. JOHNS COUNTY SCHOOL DISTRICT  
USE OF SERVICE ANIMALS BY STUDENTS WITH DISABILITIES**

**I. General Statement**

A service animal is personal property of a student and/or student’s parents and cannot be brought onto school property without prior knowledge and approval by the school and/or District administration. The District does not assume responsibility for injury to person or property arising out of the service animal’s presence on District property or at District-sponsored events. The District is not responsible for the care of supervision of a service animal.

If approved, the student’s Individualized Education Plan (“IEP”) or Section 504 Plan will be revised to include a statement that the student is allowed to bring a service animal to school. Whether a student with a disability may bring his or her service animal to school does not depend upon whether the animal is necessary to provide the student with a free appropriate public education.

**II. Definitions**

**Disability** – the term “disability” for purposes of this policy is the same as the term “disability” as defined in 28 C.F.R. § 35.104 and F.S. §413.08.

**Service Animal** – the term “Service Animal” for purposes of this policy includes the definition of “Service Animal” in 28 C.F.R. §35.104, which is as follows: any 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. The work or tasks performed by a service animal 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 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 effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.<sup>1</sup>

The definition of “Service Animal” as used in this policy also includes the definition of “Service Animal” as defined in F.S. §413.08.

- a. Although miniature horses are not included in the definition of service animal, the District will consider the use of a miniature horse by a student with a disability if the miniature horse has been individually trained to do work or perform tasks for

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<sup>1</sup> 28 C.F.R. § 35.104.

the benefit of the student. The District will consider whether the facilities that the student will need to access can accommodate the type, size and weight of the horse, whether the handler has sufficient control of the horse, whether the horse is housebroken, and whether the horse's presence compromises legitimate safety requirements that are necessary for safe operation.<sup>2</sup> In addition, all of the other requirements discussed in this policy which apply to service animals that are dogs shall also apply to miniature horses.<sup>3</sup>

### **III. Service Animal Control**

A service animal shall be under the control of its handler. A service animal shall 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 (e.g., voice control, signals, or other effective means).

### **IV. General Requirements**

- a. It shall be the responsibility of the student with the disability (or their parents) to ensure the proper care and supervision of a service animal. The District shall not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy. The District must approve any person who is authorized to assist in the care and supervision of the service animal while on school property as a volunteer in accordance with Board policy.
- b. A student will be allowed to have their service animal accompany them at all times and everywhere on school grounds where students are permitted except where service animals are specifically prohibited.
- c. The student's parents are liable for any and all damages to school or personal property and any injuries to individuals caused by the service animal.

### **V. Service Animal Request Procedure**

The decision to allow a service animal to accompany a student at school shall be made by a team, including, but not limited to, the school principal, the student's parent(s) and/or the student, the student's teacher, and any other persons with specialized knowledge regarding the student's disability and/or the training and capabilities of the service animal.

- a. Requests for the use of a service animal shall be made to the school principal in writing utilizing the form *Request for Student Use of a Service Animal*. The parent will be contacted upon receipt of the form to schedule a meeting to review the request and determine whether the service animal will be allowed to accompany the student at school. This meeting will be held as quickly as can be arranged, with an effort to do so within ten (10) school days of receipt of the request.
- b. The following information is requested as part of the request for a service animal to accompany a student at school. Failure to provide this information, with the

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<sup>2</sup> 28 C.F.R. § 35.136(i)(2).

<sup>3</sup> 28 C.F.R. § 35.136(i)(3).

exception of any vaccinations required by law, will not serve as a basis to deny the request.

- i. Information regarding the service animal's training, including the nature, duration and results of said training;
  - ii. Copy of current dog license;
  - iii. Certificate of current rabies and other vaccinations and certification of good health from a licensed veterinarian;
  - iv. District clearance for any person other than the student, who is proposed to care for this service animal at school; and
  - v. Evidence that the student can maintain appropriate care and control of the service animal while it is on school property.
- c. Should the request for a service animal be approved, the District retains the right to require that updated information be provided. The requirements regarding dog licensure, certification of current rabies and other vaccinations and certificate of good health from a licensed veterinarian shall be considered as ongoing requirements and it shall be the student's parents' obligation to provide proof of said licensing, vaccinations and health information in a timely manner. Failure to provide this information, with the exception of any vaccinations required by law, will not serve as a basis to deny the request.
- d. As part of the service animal request process, the District may ask for and/or consider, among other things, the following:
- i. Identification of work or tasks directly related to disability;
  - ii. Identity of the handler and whether the animal is under the handler's control;
  - iii. Whether the animal is housebroken;
  - iv. Whether a direct threat to health or safety of others would be presented by the presence of the animal;
  - v. Whether any modifications or adjustments to the school environment or educational program of the student [or others] may be needed; and
  - vi. Whether a fundamental alteration in program, service or activity would occur if the animal were allowed to attend with the student. (In some cases where it may not be clear whether the animal is actually trained to or actually performs work or tasks for a student with a disability, a district may need to allow the dog to be used at school and collect data.)
- e. The team of individuals that evaluates the service animal request will notify the student and/or parent(s) in writing following receipt of all required information herein of its decision to approve or deny the request. Any student who is aggrieved by the decision to deny a service animal request may appeal that

decision to the Director for Exceptional Student Education. That appeal must be in writing and provide detailed information regarding the basis of the appeal. The Director for Exceptional Student Education will notify the student and/or his or her parent(s) of his or her decision within three (3) school days of receipt of the appeal. Any student who believes that the District has discriminated against him or her based on a disability because of an action prohibiting, removing, limiting or excluding a service animal, may file a grievance following the procedure outlined in the current *Student Code of Conduct* document.

**VI. Restrictions and Off-Limits Areas for Service Animals**

Service animals are permitted to accompany their handler in any area that students are allowed to access. The determination to deny or limit the access of a service animal to specific programs or areas of that school facility will be made on a case-by-case basis.

**VII. Implementation Plan**

Upon approval, the school will work with the animal's owner/handler to:

- a. Familiarize the service animal with the campus prior to the actual start date.
- b. Orient the service animal to school faculty and students.
- c. Establish an educational program to educate others on proper behavior around a service animal.
- d. Establish a resting place for the service animal.
- e. Establish a rest time for the service animal.
- f. Establish a place for the service animal to urinate/defecate.
- g. Establish an evacuation plan to include the service animal and practice this plan.
- h. Identify an alternate accommodation/plan in the event the animal's primary handler (if not the student) or the animal is not able to accompany the student with a disability to school.

**VIII. Transportation for Service Animals**

Students with disabilities are permitted to access District transportation with his or her service animal (including the service animal's handler if the student is not the handler). Transportation of a student's service animals are subject to the following requirements:

- a. Training
  - i. A representative of the Transportation Office and the driver and aide (if applicable) should meet with the service animal's owner. The owner is responsible for providing information to the driver and bus aide regarding critical commands needed for daily interaction and emergency/evacuation.
  - ii. The animal's owner should provide an orientation to students and staff riding the bus with the service animal regarding the animal's functions and how students should interact with the animal.
  - iii. The service animal must participate in bus evacuation drills with the student.
- b. Loading/Unloading

- i. The service animal must board the bus by the steps. The service animal may not board the bus on a lift unless the student also uses the lift.
  - c. Seating Location
    - i. The service animal should be positioned on the floor, at the student's feet.
    - ii. A representative of the Transportation Office will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.
  - d. Cessation of Transportation
 

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

    - i. The service animal's behavior poses a direct threat to the health or safety of others because the student and/or handler is unable to control the service animal.
    - ii. The service animal urinates or defecates on the bus.

If transportation is suspended due to any of the above reasons, the student may continue transportation without his or her service animal. Transportation for the service animal may be reinstated after additional training or medical issues are resolved.

#### **IX. Conflicting Disabilities**

Employees or parents of students with medical issues that are impacted by animals (such as respiratory diseases) should contact the school principal if they have a concern about exposure to a service animal. The employee or parent(s) of the student will be asked to provide medical documentation that identifies the disability and the need for an accommodation. The school principal will facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of all persons involved.

#### **X. Removing or Excluding Service Animals from School**

The school district may limit, remove or exclude from school facilities or property any service animal for reasons such as the following, in addition to any other reasons addressed elsewhere in this policy:

- i. The service animal is out of control and the service animal's handler does not take effective action to control it; or
- ii. The service animal is not housebroken.

If the building principal recommends excluding, limiting or removing a student's service animal for any of the reasons noted above, the principal shall convene a meeting of the team to discuss the reason(s) that may require the exclusion, placing of limitations or removal of the service animal and what alternative methods or actions may resolve the problem(s) presented by the service animal. The team shall document in writing the reasons for the removal or exclusion of the service animals.

A school principal shall have the right to require the immediate removal from school property of a service animal that poses a direct or immediate threat to the health or safety of persons at the school.

Any student with a service animal who is aggrieved by a decision to remove or exclude a service animal may appeal that decision to the Director for Exceptional Student Education. That appeal must be in writing and provide detailed information regarding the basis of the appeal. The Director for Exceptional Student Education will notify the student and/or his or her parent(s) of his or her decision within three (3) school days of receipt of the appeal.

Any student with a service animal who believes that the District has discriminated against him or her based on a disability because of an action prohibiting, removing, limiting or excluding a service animal, may file a grievance following the procedure outlined in the current *Student Code of Conduct* document.

28 C.F.R. §§ 35.104 and 35.136

F.S. §§ 413.08, 828.30, 1001.41

Section 504 of the Rehabilitation Act of 1973

The Americans with Disabilities Act

The Individuals with Disabilities Education Act