

CHAPTER 3.0 – SCHOOL ADMINISTRATION

Use of Service Animals

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1. Introduction. Service animals as defined below are allowed in District schools and facilities in accordance with the requirements of the law and this rule. “Therapy” animals, pets and other animals are not allowed in District schools and facilities unless they meet the requirements of this rule. However, this rule does not restrict law enforcement officers’ use of animals (K-9 units) for law enforcement purposes or teachers from keeping small animals on display in the classroom, subject to their principal’s approval. Furthermore, the rule does not prohibit motorists from bringing animals on campus if they are at all times securely enclosed in their vehicle.
2. General Rule. The St. Johns County School District (“The District”) will comply with all state and federal laws, regulations and rules regarding the use of service animals by individuals with disabilities under appropriate circumstances.
3. Definitions.
 - a. Individual with a Disability. An individual with a disability is defined as an individual with a physical or mental impairment that substantially limits one or more of the major life activities, as defined by Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (ADA).
 - b. Service Animal. As defined by Florida 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (Note: the ADA regulations as to service animals also include “miniature horses” in appropriate circumstances.)
 - c. Work or Tasks Performed by a Service Animal. 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,

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comfort, or companionship do not constitute work or tasks for the purposes of this definition.

4. Persons Training a Service Animal. An individual training a service animal is entitled to the same privileges granted to an individual with a disability.
5. Procedures/Requirements.
 - a. The District may inquire only to determine:
 - i. if the animal is required because of a disability, and
 - ii. what work or task the animal has been trained to perform.

The District will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. The District will not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the 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).

- b. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's facilities where students, faculty, members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go, without prior notice to the District.
- c. The District can require proof of immunization and all animal licensing and registration requirements under applicable state and local law. In addition, individuals who have service animals are not exempt from local animal control or public health requirements. If the District is not provided proof of immunization as required by state or local law, the District may refuse to allow the individual to bring the service animal to school and/or a school function.
- d. 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).

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- e. The District is not responsible for the care or supervision of a service animal.
- f. 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 vendor in accordance with Board policy.
- g. The District will not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. The District will charge an individual with a disability for any damage caused by his/her service animal in the same manner they would charge any individual for damage caused by that individual.
- h. The District may ask the individual with a disability to remove a service animal from the premises only if:
 - i. the animal is out of control and/or the animal's handler does not effectively control (e.g., by voice control, signals, or other effective means) the animal's behavior; or
 - ii. the animal is not housebroken.

If the District excludes or removes a service animal consistent with the provisions of this paragraph, the individual shall be provided the opportunity to participate in the service, program, or activity without having the service animal on the premises.

- i. Any individual 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 individual of his or her decision within five (5) school days of receipt of the appeal. Any individual 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.
6. Conflicting Disabilities. Employees or parents of students with medical issues who 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.

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STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAWS IMPLEMENTED:

**Section 504 of the Rehabilitation Act of 1973 and
Title II of the Americans with Disabilities Act of 1990**

HISTORY:

Adopted: 11/12/19