

POLICY

Queen Anne's County Public Schools

POLICY TITLE: Service Animals in Schools	
ADOPTION/EFFECTIVE DATE: January 7, 2015	
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students	

A. Purpose

To establish procedures for use of services animals by Queen Anne's County Public Schools (QACPS) students, employees, and visitors to QACPS properties.

B. Policy Statement

The Board of Education of Queen Anne's County will permit individuals with disabilities to be accompanied by service animals in it facilities, school buildings, in classrooms, or at school functions, as required by the *Americans with Disabilities Act (ADA)* and the *Americans with Disabilities Act Amendments of 2008*, and pursuant to the guidelines referenced in this policy.

C. Rationale

The *Americans with Disabilities Act (ADA)* has established new regulations regarding comprehensive guidelines for public entities to follow in dealing with the special circumstances of students requiring a service animal. The ADA is a civil rights law and pertains to "equal access" for individuals with disabilities. The nature and use of service animals are not part of the Individuals with Disabilities Education Act (IDEA) and are therefore not specific to special education requirements. The new ADA regulations became effective as of March 15, 2011 and affect not only students seeking to bring a service animal to school, but any disabled person desiring to bring a service animal to a public school or school function.

D. Definitions

Individual with a disability is:

1. A person with a physical or mental impairment that substantially limits one or more major life activities;
2. A person with a record of such an impairment; or
3. A person regarded as having such an impairment.

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Service animal means:

1. 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.
2. A service animal may include the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the following shall be considered:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - b. Whether the handler has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

A service dog in training is a dog that does not currently meet the definition of "service animal" but is undergoing a process of instruction designed to lead to its employment as a service dog. A service dog in training is owned by an accredited organization that trains dogs for future employment as service dogs, and that organization is responsible for any damages or injuries caused by its dog.

E. Implementation

The Superintendent is responsible for drafting procedural guidelines for the implementation of this policy.

F. Evaluation

The Superintendent will provide the Board of Education a review of this policy by 2018/2019. The focus of this review will be the effectiveness of the elements of this policy in assisting the Board in fulfilling its mission.

G. References

Americans with Disabilities Act of 1990 (ADA), Americans with Disabilities Act Amendments Act of 2008 (ADAAA); Code of Federal Regulations, Title 28, §35.104, §35.130(b)(7), and §35.136

Maryland State Department of Education Division of Special Education/Early Intervention Services, Technical Assistance Bulletin #29, July 2011

Queen Anne's County Public Schools Service Animals Procedures

I. Access to Public Services, Programs, or Activities

Individuals with disabilities are permitted to be accompanied by their service animals in all areas of QACPS properties, as relevant, where members of the public, students, and employees are allowed to go.

1. When an individual with a disability brings a service animal to an QACPS property, QACPS employees shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether an animal qualifies as a service animal:
 - a. If the animal is required because of a disability
 - b. What work or task the animal has been trained to perform
2. QACPS employees shall not make these inquiries of an individual with a disability bringing a service animal to a QACPS property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.
3. An individual with a disability may not be required to provide documentation such as proof that the animal has been certified, trained, or licensed as a service animal.

II. Requirements

1. The animal must be a dog or, under certain conditions, a miniature horse.
2. The animal must be individually trained to do work or a task for the individual with a disability.
3. The animal must be immunized against diseases common to that type of animal.
4. A service animal must be under the control of its handler. A service animal must 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).

5. QACPS is not responsible for the care or supervision of a service animal. The owner or handler of a service animal is solely responsible for the supervision and care of the animal, including any feeding, exercising, or clean up.
6. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.

III. Making Arrangements for Service Animals Required by Employees or Students

1. The Department of Human Resources is the contact for QACPS employees who may require service animals and is responsible for assisting employees and schools, as necessary, with making arrangements for service animals required by employees.
2. The QACPS Office of Special Education is the resource for parents of students who may require service animals and is responsible for assisting parents, students, and schools with making arrangements for service animals required by students.
3. Employees using service animals and parents of students with disabilities using service animals should proactively collaborate with school staff members to make arrangements for the service animal at school. The following are examples of arrangements that may be considered, as necessary:
 - a. A rest place and rest time for the service animal
 - b. Appropriate areas and times of the day for the service animal to relieve itself
 - c. Information, as needed, for employees and students about the service animal
 - d. Clarification, as needed, of emergency procedures
4. Individuals with disabilities, employees, or parents of students with disabilities, who are assisted by service animals, are responsible for providing supplies and equipment needed by the service animal.

IV. Access Provided in a School Setting/School Bus

1. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a school where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

2. An individual with a service animal cannot be refused transportation service nor can the individual be segregated from other passengers. The service animal must be permitted to accompany its owner on school buses or other school use vehicles. However, service animals may not block aisles or exits, or otherwise interfere with the movement of or access to other passengers.

V. Liability and Care

1. Owners of service animals are liable for any harm or injury caused by the service animal to other students, staff, visitors, and/or property.
2. The Board of Education of Queen Anne's County and its staff will not be held liable for any harm or injury caused by the service animal to other students, staff, visitors, and/or property.

VI. Conditions for removal or exclusion of Service Animal

A school administrator may ask an individual with a disability or parents/ guardians of a student with a disability to remove a service animal from a QACPS property if any one of the following circumstances occurs:

1. The animal is out of control and the animal's handler does not take effective action to control it.
2. The animal is not housebroken.
3. The animal's presence would fundamentally alter the nature of the school related service, program, or activity.
4. If staff properly excludes a service animal, the individual with a disability shall be given the opportunity to participate in the school related service, program, or activity without having the service animal on the premises, with the use of alternative accommodations.

VII. Responsibilities of Students and Staff Regarding a Service Animal

Service animals work and perform tasks and are not pets. The recommended 'best practices' when interacting with service animals include:

1. Do not touch or feed a service animal unless invited to do so.
2. Do not deliberately distract or startle a service animal.
3. Do not physically separate, or attempt to separate, a service animal from the individual using the animal's service.

VIII. Service Dog 'In Training'

A service animal trainer may accompany a service animal in training to any facility where a person with a disability would be permitted to bring a service animal. Service animals in training may only be excluded if there would be a clear danger of disturbance or physical harm to those in the facility.