**Lexington County School District One**

**Procedures for Student Use of Service and Comfort/Emotional Support Animals in Schools**

Lexington County School District One acknowledges its responsibility, in accordance with the Americans with Disabilities Act and Title II regulations to permit its students and school visitors with disabilities to use a service animal in its schools buildings, classrooms, and at school functions which include extra curriculum activities.  Emotional support or comfort animals may be approved for students with disabilities.

1. **Service Animals:**

Lexington County School District One shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability (28 CFR 35.136(a).  School personnel should be mindful that the use of a service animal is an access right that is not dependent upon the decision of an Individual Education Plan (IEP) or Section 504 team.

**Definition of Service Animal:**

A service animal is 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 purpose of this definition.**  The work or tasks performed by the service animal must be directly related to the handler’s disability.  Examples of work or tasks include but not limited to guiding individuals who are blind or have low vision with navigation, pulling a wheelchair, assisting during a seizure, retrieving physical items such as medicine, alerting individuals who are deaf or hard of hearing to the presence of people or sound, providing physical support and assistance with balance and neurological disabilities by preventing or interrupting impulsive or destructive behavior.  **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 purpose of this definition** (Final Regulations, ADA, 29 CFD 35.136 (emphasis added).

Notes:

1. The animal must be “individually trained” to do something that qualifies as work or a task. An animal that is merely a “pet” or “support animal” is not a service animal (Official Commentary).
2. There are no size or weight limitations on a service animal.  (Official Commentary, p.41).

Miniature horses may also be considered a service animal if individually trained to do work or perform tasks for the benefit of an individual with a disability (29 CFR 3.136(i)) (Final Regulations, ADA, emphasis added). In determining if a miniature horse is permitted, the following assessment factors shall be considered:

1. The type, size and weight of the miniature horse and whether the facility can accommodate these features.
2. Whether the handler has sufficient control of the miniature horse.
3. Whether the miniature horse is housebroken.
4. Whether the miniature horse’s presence in a specific facility compromises the legitimate safety requirements that are necessary for safe operations.
5. Other requirements which apply to service animals shall also apply to a miniature horse (28 CFR 35.136(i)). Ponies and full-size horses are not covered by this provision. (Official Commentary, p. 47).

The following reasons are provided as to why a miniature horse is permitted.

1. They are no larger than some breeds of dogs (e.g., Great Danes, Labrador Retrievers, Mastiffs, etc).
2. They can be housebroken like dogs.
3. They are particularly effective for large stature individuals.
4. They live much longer than dogs (average is more than 25 years of service).

**Exceptions:** Lexington County School District One may ask an individual with a disability to remove a service animal from the premises if:

1. The animal is out of control and the animal’s handler does not take effective action to control it or;
2. The animal is not housebroken (28 CFR 35.136(b)).
3. The animal’s presence would “fundamentally alter” the nature of the service, program or activity.
4. The animal’s presence poses a direct threat to the health or safety of others.

If the service animal is excluded or removed, the individual will be provided an opportunity to participate in the service, program, or activity without having the service animal on the premises.   The District’s determination that an animal does not meet the definition of a service animal or its decision to otherwise exclude or remove a service animal is subject to an appeal in accordance with District policy GBK and JII.

Animal Under Handler’s 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 control, signals, or other effective means (28 CFR 35.136(b)).

Care or Supervision:

1. Lexington County School District One is not responsible for the care or supervision of a service animal (28 CFR 35.136(e)).
2. The school district is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal. The District is not responsible for providing a staff member to feed, exercise, or clean-up after the service animal or to provide any other care or assistance to the animal.

1. Students with service animals are expected to care for and supervise their animals.  In the case of a young child or a student with a disability who is unable to care for or supervise his/her service animal, the parent is responsible for providing care and supervision of the animal.  Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the building administrator.

Inquiries:  Lexington County School District One shall not ask about the nature or extent of a person’s disability, but may make **two inquiries** to determine whether an animal qualifies as a service animal. School district personnel may ask if the animal is required because of a disability and what work or task the animal has been trained to perform.  School personnel shall not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal. Generally, school district personnel may 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., dog is observed guiding a blind individual) (28 CFR 35.136(g)).

Additional Requirements for a service animal used by a student:

1. Owners of a service dog must provide **annual** proof of the following vaccinations:  DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, and Coronavirus) Bordetella and Rabies. The District may waive these vaccinations or require additional vaccinations as circumstances warrant.  Proof is submitted to the student’s school.
2. Owners of service miniature horses must provide **annual** proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinonenumonitis, Influenza and Strangles. The District may waive these vaccinations or require additional vaccinations as circumstances warrant.   Proof is submitted to the student’s school.
3. All service dogs must be spayed and neutered.
4. All service animals must be treated for and kept free of fleas and ticks.
5. All service animals must be kept clean and groomed to avoid shedding and dander.
6. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, and/or visitors and may be charged for any damage to school property caused by the animal in accordance with District practice.
7. If any individual is bitten or scratched by an animal and the skin is broken, the affected area must be cleaned thoroughly with soap and water then reported to the individual’s parent/guardian and principal. Public Health authorities will be notified when appropriate to determine the appropriate action(s) to follow.  Ensure the school nurse is involved when this occurs.

Note:  Allergies and fear of dogs or miniature horses are not valid reasons for denying access or refusing service to individuals using service animals. When an individual who is allergic to dog or horse dander and an individual who uses a service animal must spend time in the same room, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the school or facility.

Implementation Plan:  Issues related to the care and supervision of the service animal (i.e., presence of third-party handlers, designated area for exercise and rest, and responsibilities for waste removal) will be addressed on a case-by-case basis by the building administrator with input from the owner/handler.  Upon approval of a service animal, the building administration may also determine that it will work with the animal’s owner/handler to establish a plan to introduce the service animal to the school environment, educate others on proper behavior around the service animal, and confirm all other logistical considerations (e.g., transportation) have been addressed to the extent feasible.

The following are examples of tasks performed by service animals:

**Autism Service Animals:**

1. Impulse Running:  Dog is trained to retrieve child to an adult.
2. PICA:  Dog is trained to interrupt the behavior.
3. Self-Stimulation:  Dog is trained to physically interrupt the behavior.
4. Self-Harming:  Dog is trained to interrupt the behavior.
5. Mood Swings:  Dog is trained to crawl onto the child’s lap and calm the child.
6. Night Awakenings:  Dog is trained to alert parents by barking.

**Psychiatric Service Animals:**

1. Grounding: The individual with a psychiatric disorder (involves recognition and response, e.g., sensing that a person is about to have a psychiatric episode and nudging, barking or removing the person to a safe location until the episode subsides).
2. An “emotional support animal” or “therapy animal” is not a service animal.  These are animals that have not been trained to perform a specific task that is directly related to an individual’s disability.

**Mobility-Impaired Service Animals:**

1. Provide stability for an individual with a disability.
2. Retrieve items for an individual with a disability.
3. Open doors for an individual with a disability.
4. Assist the person in standing and sitting.
5. A guide dog or Seeing Eye dog is a carefully trained dog that serves as a travel tool for a student who has a severe visual impairment or is blind.
6. Hearing or signal dog is a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.

**Requests for Use of Service Animal:**

All requests for an individual with a disability to be accompanied by a service animal to a district school or facility on a regular basis must be in writing and specifically designated as a request for a service animal addressed to the Director of Student Services at 100 Tarrar Springs Road, Lexington, SC 29072.

This written request must include:

* A statement explaining that the service animal is required because of a disability.\*
* A statement explaining what work or task the service animal has been trained to perform and how the task is directly connected to the person’s disability.\*

\* In situations where it is readily apparent that the individual has a disability and that the animal is trained to do work or perform tasks for the individual as a result of that disability (e.g., dog observed guiding an individual who is blind or has low vision), you may instead choose to provide the name of a District administrator who can attest to those circumstances.

* Documentation of required vaccinations.

Where feasible, the written request must be delivered at least 10 business days prior to the proposed date for bringing the service animal to school, facility or -school function.  The Director of Student Services will provide notification regarding approval of the service animal within 5 (five) working days.

1. **Comfort or Emotional Support Animals:**

A comfort or emotional support animal is generally a dog that provides emotional support or comfort for a student with a disability and does not qualify as a service animal.  Generally, these animals do not perform work or tasks for the student.

The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act allow a student to use an animal that does not meet the ADA definition of a service animal if that student’s Individual Education Plan (IEP) or Section 504 team decides the animal is necessary for the student to receive a free and appropriate education.

Emotional support, therapy and comfort animals are seldom allowed to accompany students in public schools. Indeed, the ADA does not contemplate the use of animals other than those meeting the definition of “service animal.”  Ultimately, the determination whether a student may utilize an animal other than a service animal should be made on a case-by-case basis by the IEP or Section 504 team. In these cases, the comfort or emotional support animal is an accommodation that levels the playing field in consideration of the student’s disability.  IEP and 504 teams must inquire how the animal assists with the student’s disability that enables the student to attend school.

Unless otherwise stated, all other requirements for a service animal shall apply to a comfort or emotional support or animal.

**Requests for Use of Comfort or Emotional Support Animal:**

For IEPs, all requests for a student with a disability to be accompanied by a comfort or emotional support animal to a district school or facility on a regular basis must be in writing and specifically designated as a request for a comfort or emotional support animal addressed to the Director of Special Services at 100 Tarrar Springs Road, Lexington SC.  The Director of Special Services will notify the appropriate school and request the IEP team meet to determine if the accommodation is appropriate.

For 504s, all requests for a student with a disability to be accompanied by a comfort or emotional support animal to a district school or facility on a regular basis must be in writing and specifically designated as a request for an emotional support or comfort animal addressed to the district 504 Coordinator at 100 Tarrar Springs Road, Lexington, SC.  The 504 Coordinator will notify the appropriate school and request the 504 team meet to determine if the accommodation is appropriate.

This written request must include:

* A statement explaining that the comfort or emotional support animal is required because of a disability.
* A statement explaining how the animal’s presence is necessary in order for the student to attend school, how it levels the playing field and how that is connected with the student’s disability.
* Documentation of  required vaccinations.

Where feasible, the written request must be delivered at least 10 business days prior to the proposed date for bringing the comfort or emotional support animal to the school or facility.  The IEP or 504 team administrator will provide notification regarding approval of the comfort or emotional support animal within five (5) working days upon receipt of the request.

District Staff, Parents, or Visitors:

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, have read and acknowledge Lexington County School District One’s procedures regarding service or emotional support/comfort animals and agree to those terms.  Specifically, I agree and acknowledge that I will remain responsible for ensuring that the service or emotional support/comfort animal is vaccinated, spayed/neutered, clean and groomed, and that I remain responsible for the care or supervision of the animal.  I further acknowledge that I assume any liability for any injuries or damage caused by my service or emotional support/comfort animal.

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Signature Print Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

District Students:

As the parent/guardian of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, I have read and acknowledge Lexington County School District One’s procedures regarding service or emotional support/comfort animals and agree to those terms.  Specifically, I agree and acknowledge that I will remain responsible for ensuring that the service or emotional support/comfort animal is vaccinated, spayed/neutered, clean and groomed, and that my child and I remain responsible for the care or supervision of the animal.  I further acknowledge that I assume any liability for any injuries or damage caused by my service or emotional support/comfort animal.

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Signature Print Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_         \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date Print Student Name