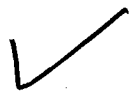




# EOLA of OHIO

## JOINT VOCATIONAL SCHOOL DISTRICTS



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**REVISED POLICY - VOL. 33, NO. 2**

**ANIMALS ON DISTRICT PROPERTY**

**Introduction**

The Board of Education recognizes that there are many occasions when animals are present on District property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy applies to all animals on District property, including service animals.

**Definitions**

- A. **"Animal"**: includes any living creature that is not a human being.
- B. **"Service animal"**: pursuant to 28 C.F.R. Section 35.104, "means 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."



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The Americans with Disabilities Act (ADA) also defines a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (i) of the ADA.

**OPTION 1**

**[NOTE: The following section should be included in the policy only if the District intends to require this of any animal brought onto District property for official purposes or on a regular / recurring basis.]**



**Vaccination, Licensing and/or Veterinary Requirements**

**Animals, including service animals, housed on or brought on to District property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on to District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and County regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed.**

**[END OF OPTION 1]**

**Non-Service Animals in Schools and Elsewhere on District Property**

Animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member **due to a disability (e.g., who has a seizure disorder)**, or those that serve as service animals as required by Federal and State law.



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Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Director may permit **non-service** animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a **non-service** animal in his/her classroom shall:
  - 1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  - 2. take precautions deemed necessary to protect the health and safety of students and other staff;
  - 3. provide that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
  - 4. keep the surrounding areas in a clean and sanitary condition at all times;
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a **non-service** animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.



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**Service Animals for Students**

**A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be. The student's need for and use of the service animal must be documented in the student's individual education plan (IEP) or Section 504 Plan.**

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare ( ) or supervision of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on District property or at District-sponsored events.

~~A service animal that meets the definition set forth in the ADA and this policy 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), or under the control of a handler other than the student.~~  
**A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability 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 student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.**

**If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 4120.09.**



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### Required Documentation

~~The following documentation is required prior to a service animal being allowed at school or other Board property:~~

- ~~A. Current IEP or Section 504 Plan that includes a provision regarding the use of a service animal.~~
- ~~B. Current satisfactory health certificate or report of examination from a veterinarian for the service animal as required by this policy for all animals that are regularly present on District property.~~
- ~~C. Criminal background check for the handler, if the handler is not the student, in the same manner as required of vendors, individuals, or other entities under contract with the Board by Policy 8142 Criminal History Record Check for Contracted School Services.~~

~~The Director is responsible for determining whether the required documentation has been provided for the student's service animal. When the required documentation has been provided, the service animal will be permitted to accompany the student with a disability anywhere on the school campus where students are permitted to be.~~

### Removing and/or Excluding a Student's Service Animal

~~In instances when a service animal has demonstrated that it is not under the control of the student or its handler, the Director is also responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.~~ **If a service animal demonstrates that it is not under the control of the student or its handler, the Director is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.**

~~In instances when the service animal has demonstrated that it is not sufficiently housebroken, the Director shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.~~ **Similarly, in instances when the service animal demonstrated that it is not housebroken, the Director shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.**



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The Director shall notify the Superintendent when a service animal is removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Director's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in **Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity**. ~~AG 2260.01B - Section 504/ADA - Complaint and Due Process Procedures.~~

The procedures set forth in **Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity** ~~AG 2260B - Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access~~ are not intended to **do not** interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint with the United States Department of Education's Office for Civil Rights or the Department of Justice.

#### **Eligibility of a Student's Service Animal for Transportation**

~~In some cases, as identified on the student's IEP or Section 504 Plan, there may be a need for a student with a disability and his/her accompanying service dog to access School District transportation. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.~~ **A student with a disability shall be permitted to access School District transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.**



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**When** Before a service animal is **going** permitted to ride on a school bus or other Board-owned or leased vehicle, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall ~~comply with the following:~~

- A. The ~~( )~~ Director ~~( )~~ Transportation Supervisor ~~( )~~ shall meet with the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, and the driver and bus assistant, if any. The student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, is responsible for providing information to the driver and bus assistant, if any, regarding critical commands needed for daily interaction and emergency/evacuation. **meet with the** ~~X~~ Director ~~( )~~ Transportation Supervisor ~~( )~~ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.
- B. The Director shall make arrangements for the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, to provide an orientation for students who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal. **At the discretion of the** ~~X~~ Director ~~( )~~ Transportation Supervisor ~~( )~~ an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.
- C. The service animal must participate in bus evacuation drills with the student.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. **The service animal must participate in bus evacuation drills with the student.**

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet. ~~A representative of the Transportation Office will meet with the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, to determine whether the service animal should be secured on the bus/vehicle with a tether or harness.~~



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

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the

☒ Transportation Supervisor.

☐ ~~Director.~~

☐ \_\_\_\_\_

Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

**Service Animals for Employees**

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with **reasonable** accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. **The request will be handled in accordance with the ADA mandated interactive process.** ~~As required of all animals under this policy, an employee with a disability who utilizes a service animal as an accommodation must provide a current satisfactory health certificate or report of examination from a veterinarian for the animal.~~





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### **Service Animals for Parents, Vendors, Visitors, and Others**

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Director that their service animal will accompany them during their visit.

~~As required of all animals under this policy, an individual with a disability who has a service animal will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the District's facilities on a regular basis.~~

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events. ~~If the individual with a disability will attend a regularly scheduled series of events with his/her service animal, the individual with disabilities will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy.~~

28 C.F.R. 35.104

Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)

The Americans with Disabilities Act, as amended (ADA)

The Individuals with Disabilities Education Improvement Act (IDEIA)

R.C. 955.43

R.C. 1717.01

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