

**PROPOSAL TO ADOPT A NEW
SCHOOL BOARD POLICY
“USE OF SERVICE ANIMALS IN SCHOOL
DISTRICT FACILITIES” (4001.2)**

**(Proposed School Board Policy “Use of service
Animals in School District Facilities”)**

EXHIBIT A

Use of Service Animals In School District Facilities

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA ACKNOWLEDGES ITS RESPONSIBILITY TO PERMIT INDIVIDUALS (STUDENTS, EMPLOYEES AND/OR VISITORS) WITH DISABILITIES TO BE ACCOMPANIED BY A "SERVICE ANIMAL" IN ITS FACILITIES (CLASSROOMS, SCHOOL BUILDINGS, WORK LOCATIONS AND ADMINISTRATIVE SITES), AS REQUIRED BY THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT OF 2008, (ADAAA), THE CODE OF FEDERAL REGULATIONS (28 CFR Part 35), ITS IMPLEMENTING REGULATIONS AND FLORIDA STATUTES, AS LONG AS, THE PRESENCE OF THE SERVICE ANIMAL DOES NOT INTERFERE WITH THE EDUCATIONAL ENVIRONMENT OF ANY STUDENT IN ANY SERVICE, PROGRAM, EVENT OR ACTIVITY, SUBJECT TO THE FOLLOWING:

Authority: Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
28 CFR Part 35
F.S. 413.08

I. Definitions:

A. Service Animal:

A "service animal" is any dog or miniature horse that has been 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. As defined by the ADAAA, and the Code of Federal Regulations (28 CFR 35.104).

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" and does not mitigate the effects of the disability is not a service animal. Other species of animals, whether wild or domestic, or trained or untrained, are not considered service animals for the purpose of this policy.

B. Work or Task:

"Work" or "task" performed by a service animal must be directly related to the individual's disability.

Examples 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.

II. Access for individuals with disabilities and their service animal to School District Facilities:

- A. Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of the School District's facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go. 28 CFR 35.136(g).
- B. Individuals with disabilities shall be permitted the same access to portions of the School District's facilities as any non-disabled individual.

III. Inquiries related to a service animal:

- A. When it is not obvious what work/task an animal provides, a District representative may only make two inquiries to the Student/Employee/Visitor or service animal's handler to determine whether an animal qualifies as a service animal (28 CFR 35.136 (f)):
 - 1. If the animal is required because of a disability, and;
 - 2. What work or task the animal has been trained to perform.
- B. A District representative 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., 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). 28 CFR 35.136(f).
- C. No District representative shall ask about the nature or extent of a person's disability.
- D. No District representative shall require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

IV. Responsibility of the service animal's handler/owner:

- A. A service animal shall be under the control of its handler, at all times. 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). 28 CFR 35.136(d).
- B. A service animal is the personal property of the Student/Employee/Visitor.
- C. The School District is not responsible for the care, supervision or handling of the service animal. 28 CFR 35.136(e).

- D. In the case of a young child, Student/Employee/Visitor with disabilities who is unable to care for or supervise his/her service animal, the parent (or legal guardian, as the case may be) or the service animal's handler is responsible for providing care and supervision of the service animal.
- E. The owner of the service animal must submit a health certificate or report of examination and appropriate vaccinations from a veterinarian licensed in the State of Florida, as required in the procedures for allowing service animals in school district facilities.
- F. Owners of a service animal are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or school board property.

V. Service Animal's Handler Background Screening:

Due to the need for a service animal's handler to have unaccompanied access to school grounds for the care and maintenance of the service animal, if the service animal's handler is not a student or employee with a disability, the service animal's handler must submit to and pass a fingerprint Level II background screening by school district officials, at the handler's expense.

VI. Exclusion of service animals from School District Facilities:

According to 28 CFR 35.136(b), a District representative may ask an individual with a disability to remove a service animal from School District Facilities, if:

1. A service animal is out of control and the animal's handler does not take effective action to control it.
2. A service animal is not housebroken.

If a service animal is properly excluded in compliance with 28 CFR 35.136(b), the School District shall give the individual with a disability the opportunity to participate in the service, program, event or activity without having the service animal on the premises.

VII. This policy shall apply to all official School Board sponsored activities, events and/or functions.

VIII. Procedures are incorporated by reference.

**PROPOSAL TO ADOPT A NEW
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“USE OF SERVICE ANIMALS IN SCHOOL
DISTRICT FACILITIES” (4001.2)**

**(Procedures for allowing service animals in
school district facilities & Request for use of
service animals in school district facilities)**

EXHIBIT B

**BROWARD COUNTY PUBLIC SCHOOLS
PROCEDURES FOR ALLOWING A SERVICE ANIMAL
IN SCHOOL DISTRICT FACILITIES**

All Principals/Department Heads and/or designees must comply with the following procedures when permitting individuals (students, employees and/or visitors) with disabilities to be accompanied by a "service animal" in school district facilities (classrooms, school buildings, work locations and administrative sites) at school/district sponsored events.

A "service animal" is defined as any dog/minature horse that has been trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability.

1. The service animal must be a dog or, in specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted in school district facilities as a "service animal."
2. The service animal must be "required" for the individual with a disability.
3. The service animal must be "individually trained" to do work or a task for the individual with a disability. A "therapy animal" is not a "service animal" for the purposes of these procedures.
4. **Service Animal Standards of Behavior:** A service animal must not interfere with the educational process or environment of any student and must not pose a health or safety threat to any student, employee or other person. If the standards of behavior are not met, a Principal/Department Head and/or designee may exclude a service animal and have them removed from the school setting. The behavioral expectations for the service animal and standards by which the request for a service animal to accompany and continue to accompany a student or employee on school premises will be evaluated as follows:
 - a. **Public appropriateness:** The service animal:
 - (1) must be clean, well groomed to avoid shedding and dander and without objectively offensive odor;
 - (2) must be kept free of fleas and ticks; and,
 - (3) does not urinate or defecate in inappropriate locations.
 - b. **Behavior:** The service animal:
 - (1) does not solicit attention or annoy other students or school personnel;
 - (2) does not vocalize unnecessarily by barking, growling or whinnying;
 - (3) does not show aggression towards people or other animals;

- (4) does not solicit or steal food or other items from students or school personnel;
- (5) does not interfere with the educational programming of any student; and,
- (6) does not disrupt the normal course of business.

c. **Training:** The service animal:

- (1) is specifically trained to perform a task to mitigate aspects a student's or employee's disability;
- (2) must have a harness, leash, or other tether, unless either the handler is unable because of his/her 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.
- (3) is able to perform tasks in public; and,
- (4) must be able to lie quietly beside the handler without blocking aisles, doorways, etc.

5. The school district is not responsible for the care or supervision of a service animal.
 - a. The school district is not responsible for providing a staff member to walk the service animal for exercise or so that the animal can relieve themselves or to provide any other care or assistance to the service animal.
 - b. Students/Employees/Visitors with a service animal are expected to care for and supervise their animal. In the case of a young child or a student with a disability who is unable to care for and supervise his/her service animal, a handler provided by the parent is responsible for providing care and supervision of the animal.
6. A service animal will not be allowed if the animal's presence would interfere with the nature of the service, program, or activity.

Students:

7. All requests for a student with a disability to be accompanied by a service animal must be addressed in writing and provided to the Section 504 Liaison at the school where the request is being made. This request must be provided at least fifteen (15) school days prior to bringing the service animal to the school. (Please use attached request form).

Note: Once the Request is received by the Section 504 Liaison of the school, he/she must inform the Principal of the request and contact the District's Section 504 Liaison/Director of Student Support Services Department, for the review and processing of the request (s).

THE FOLLOWING INFORMATION/DOCUMENTATION MUST BE ATTACHED TO THE REQUEST FORM PRIOR TO ANY REQUEST BEING PROCESSED, REVIEWED AND/OR A DETERMINATION MADE.

a. Service Animal (Dog)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus (DHLPP)), Bordetella, Roundworms, Hookworms and Rabies), had been secured and that the service animal has a vaccination license and is free of disease.

Service Animal (Miniature horse)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, Rabies, Tetanus, Encephelomyelitis, West Nile Virus, Rhinoneumonitis, Influenza, and Strangles), had been secured and that the service animal has a vaccination license and is free of disease.

This documentation must be provided annually.

b. Written proof that all service animals have been spayed or neutered.

c. If the service animal's handler is not the student, the handler must have completed a Level II background screening.

d. In as much as owners of a service animal are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property, and the owner must provide proof of current liability insurance coverage as required by the Risk Management Department of The School Board of Broward County, Florida. (Failure to provide proof of liability insurance in and of itself is not a reason to deny access to school facilities)

8. Once a Request, with all required documentation is received, the School's Section 504 Liaison will review the information with the School's Principal, District's Section 504 Liaison and ESE Program Supervisor, if the student has an IEP. A Section 504 and/or IEP meeting will be held to determine if the student needs to be accompanied by a service animal to access his/her education.

9. If it is determined that a service animal will accompany the student to school, the parent/guardian of the student will sign a Parent/Guardian Agreement regarding the service animal on school campus, which will contain the information in items 1 through 10.
10. **Implementation Plan:** Upon approval, the school will work with the student's parent and handler to:
 - a. familiarize the service animal and/or handler with the campus prior to actual start date;
 - b. orient the service animal to school faculty and students, particularly those in the student's classroom;
 - c. institute a schoolwide educational program to educate others on how to behave appropriately around the service animal; and
 - d. establish a water or feeding break for the service animal.
 - e. establish a place for the service animal to urinate/defecate and a location for the handler to properly dispose of the service animal's waste.
 - f. establish and practice a fire drill and an emergency evacuation plan to include the service animal.
11. **Transportation of service animals:** If a student with an approved service animal uses district transportation services, the following provisions shall apply:
 - a. **Training.** Prior to the first transport of the student and the service animal:
 1. The driver and any bus attendant shall meet with the service animal's owner. The owner is responsible for providing information to the driver and any bus attendant regarding critical commands needed for daily interaction and emergency/evacuation.
 2. The service animal's owner shall assist the school District's transportation Department staff in providing an orientation to other students riding the bus with the service animal regarding the animal's functions and how students should interact with the service animal.
 3. The service animal's owner shall ensure the service animal practices the bus evacuation drills with the student.
 4. The handler shall ensure the service animal is positioned on the floor, at the student's feet and must have a harness, leash, or other tether, unless either the handler is unable because of his/her 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.
 - b. **Cessation of Transportation.** Situations that would cause cessation of transportation of the service animal include, without limitation, the following:

1. The service animal's behavior poses a threat to the health or safety of others as determined by the school district
 2. The service animal urinates or defecates on the bus; or
 3. The service animal does not remain in the designated area
12. Allergies and fear of dogs are not valid reason for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

For additional questions or information regarding a request for a student with a disability to be accompanied by a service animal, please contact the District's Section 504 Liaison/Director of the Student Services Department at 754-321-2460 or via Teletype Machine TTY at 754-321-2158.

Employees:

13. All requests for an employee with a disability to be accompanied by a service animal must be addressed in writing and delivered to the Executive Director, Benefits & EEO Compliance and/or designee at 600 S.E Third Avenue, 14th Floor, Fort Lauderdale, Florida 33301. This written request must be delivered at least fifteen (15) school days prior to bringing the service animal to a school district facility. (Please see attached Request Form)
14. Items 1 through 6, 7(a-d) above, of the Procedures for Allowing Service Animals in School District Facilities apply equally for employees.

Visitors:

15. A visitor with a disability accompanied by a Service Animal will be permitted to access a school district facility at District/School functions.
16. Items 1 through 6 above, of the Procedures for Allowing Service Animals in School District Facilities apply equally for visitors.

For additional questions or information regarding a request for an employee or access for a visitor with a disability to be accompanied by a service animal, please contact the Executive Director, Benefits & EEO Compliance at 754-321-2150 or via Teletype Machine TTY at 754-321-2158.

**BROWARD COUNTY PUBLIC SCHOOLS
REQUEST FOR USE OF SERVICE ANIMAL
IN SCHOOL DISTRICT FACILITIES**

All requests for individuals (Student/Employee) with disabilities to be accompanied by a service animal in a school district facility (classrooms, school buildings, work locations and administrative sites) must be addressed in writing through this request/application and delivered to the Section 504 Liaison of the school where the request is being made, (if applicant is a Student) or to the Executive Director, Benefits & EEO Compliance (if applicant is an Employee) along with all required documentation. This request/application must be delivered at least fifteen (15) school days prior to bringing the service animal to a school district facility.

Name: _____

Address: _____

Phone number: _____

Student _____ Employee: _____

School/Department: _____

Name of the activity/function to be attended: _____

Date of the activity/function: _____

Location of the activity/function: _____

Please respond to the following questions regarding the service animal:

1. Please identify the type of service animal:

Dog _____ Miniature Horse _____

2. Does the service animal perform task(s) or function(s) that mitigate the individual's disability?

Yes _____ No _____

Please explain: _____

3. Does the service animal meet all of the minimum standards for a service dog?

- It is clean, well-groomed does not have an offensive odor
- Does not urinate or defecate in inappropriate locations
- Does not solicit attention, visit or annoy any member of the general public
- Does not vocalize unnecessarily, i.e., barking, growling or whining
- It shows no aggression towards people or other animals
- Does not solicit or steal food or other items from the general public

Yes _____ No _____

4. If the primary handler is not the individual (Student/Employee) with a disability, has the handler completed and passed a Level II background screening?

Yes _____ No _____

5. (if applicant is a Student) Does the Student have a current Individualized Education Program (IEP) or a Section 504 Plan?

Section 504 Plan: Yes _____ No _____

IEP: Yes _____ No _____

6. Please attach the following documentation:

- Service Animal (Dog)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus (DHLPP)), Bordetella, Roundworms, Hookworms and Rabies, had been secured and that the service animal has a vaccination license and is free of disease.

Service Animal (Miniature horse)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, Rabies, Tetanus, Encephelomyelitis, West Nile Virus, Rhinoneumonitis, Influenza, and Strangles), had been secured and that the service animal has a vaccination license and is free of disease.

- Proof that the Service Animal is covered by adequate liability insurance
- (If primary handler is not the individual with a disability Student/Employee) proof of completion and passing of Level II Background Screening Clearance

Please attach any additional relevant documents which you believe may assist us in processing this request/application.

If applicant is a Student, please forward your request to:
Section 504 Liaison of the school where the student attends

For any questions, please contact the Section 504 District liaison at:
Phone: 754-321-2460
TTY: 754-321-2158

If applicant is an Employee, please mail your request to:
Executive Director, Benefits & EEO Compliance
600 S.E Third Avenue, 14th Floor
Fort Lauderdale, Florida 33301

For any questions, please contact the Department of Equal Educational Opportunities (EEO) at:
Phone: 754-321-2150
TTY: 754-321-2158

**PROPOSAL TO ADOPT A NEW
SCHOOL BOARD POLICY
“USE OF SERVICE ANIMALS IN SCHOOL
DISTRICT FACILITIES” (4001.2)**

**(Agreement by parent/guardian of student with
disabilities to allow service animals in school
district facilities & Behavioral Guidelines for
service animals handler in school district
facilities)**

EXHIBIT C

**BROWARD COUNTY PUBLIC SCHOOLS
AGREEMENT BY PARENT/GUARDIAN OF STUDENT WITH A DISABILITY TO
ALLOW A SERVICE ANIMAL IN SCHOOL DISTRICT FACILITIES**

As the parent/Guardian of _____, I will adhere to the following responsibilities so that my child will be allowed to be accompanied to school by his/her service animal.

1. My child's "service animal" is a dog/miniature horse that has been trained to do work or perform tasks for the benefit of my child, including physical, sensory, psychiatric, intellectual, or other mental disability.
2. I understand that besides a dog or a miniature horse; no other species of animal, whether wild or domestic, will be permitted in school district facilities as a "service animal" for my child.
3. The service animal is "required" for my child to access his/her education.
4. The service animal is "individually trained" to do work or perform a task for my child. I understand a "therapy animal" is not a "service animal" for the purposes of these procedures.
5. **Service Animal Standards of Behavior:** I understand that my child's service animal must not interfere with the educational process or environment of any student and must not pose a health or safety threat to any student, employee or other person. I understand that if the following standards of behavior are not met and/or continue to be met, a Principal/Department Head and/or designee may exclude and have my child's service animal removed from the school setting.
 - a. **Public appropriateness:** My child's service animal:
 - (1) will be clean, well groomed to avoid shedding and dander and without objectively offensive odor;
 - (2) will be kept free of fleas and ticks; and,
 - (3) will not urinate or defecate in inappropriate locations.
 - b. **Behavior:** My child's service animal:
 - (1) will not solicit attention or annoy other students or school personnel;
 - (2) will not vocalize unnecessarily by barking, growling or whinnying;
 - (3) will not show aggression towards people or other animals;
 - (4) will not solicit or steal food or other items from students or school personnel;
 - (5) will not interfere with the educational programming of any student; and,
 - (6) will not disrupt the normal course of business.

c. **Training: My child's service animal:**

- (1) is specifically trained to perform a task to mitigate aspects of my child's disability;
- (2) will have a harness, leash, or other tether, unless either the handler is unable because of his/her 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.
- (3) is able to perform tasks in public; and,
- (4) will be able to lie quietly beside the handler without blocking aisles, doorways, etc.

6. I understand the school district is not responsible for the care or supervision of a service animal.

- a. The school district is not responsible to provide a staff member to walk my child's service animal for exercise or so that the animal can relieve themselves or to provide any other care or assistance to the animal.
- b. My child or the service animal's handler is expected to care and supervise the animal. I understand that if my child is unable to care for or supervise his/her service animal, I am responsible to provide a handler for the care and supervision of the service animal.
- c. I will provide annually the following documentation:

Service Animal (Dog)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, ((Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus) DHLPP, Bordetella, Roundworms, Hookworms and Rabies), had been secured and that the service animal has a vaccination license and is free of disease.

Service Animal (Miniature horse)

A health certificate or report of examination from a veterinarian licensed in the State of Florida. The certificate/report must indicate that the following vaccinations, (Equine Infectious Anemias (Coggins Test), Rabies, Tetanus, Encephelomyelitis, West Nile Virus, Rhinoneumonitis, Influenza, and Strangles), had been secured and that the service animal has a vaccination license and is free of disease.

I understand that if any vaccinations lapse, my child's service animal will not be allowed on a school campus until all vaccinations are current.

7. If my child's service animal has a handler that is not my child, I will ensure that the handler's Level II background screening is current.
8. Handlers must comply with the Behavior Guidelines for the Service Animal Handlers (attached) and shall not interfere with the educational process in the classroom or any other location in the school
9. I understand and agree that if my child's service animal causes any harm or injury to other students, staff, visitors, and/or property, I am liable for any injury and/or damage.
10. I agree that prior to my child's service animal being on the school campus full time, I will:
 - (1) assist school staff in familiarizing the service animal and/or handler with the campus prior to actual start date; and,
 - (2) orient the service animal to school faculty and students, particularly those in the student's classroom;

I understand that failure to adhere to the above responsibilities will jeopardize my child's service animal being allowed to accompany him/her to school.

Parent/Guardian Signature

Date

Print Parent/Guardian Name

Relationship to Student

Note: This agreement is valid until the end of the current school year. It must be renewed prior to the start of each subsequent school year or whenever a different Service Animal will be used.

Behavioral Guidelines for Service Animal Handlers In School District Facilities

A handler is a person designated with the control and care of the service animal in school district facilities and shall not interfere with the educational process in the classroom.

To make your experience as a service animal handler beneficial for the student with the service animal and for the school, please adhere to the following guidelines:

- A handler is not permitted to use, in any manner, a telephone or any electronic devices while in the classroom; unless, in an emergency situation and authorized by the teacher.
- A handler may not divulge individual student's¹ personal and confidential information. Students have a right to confidentiality under Florida Statute 1002.22, this includes, but is not limited to:

Academic work completed; Family background information; Standardized test scores; Health data; Grades; Teacher or Counselor ratings and observations; and/or, Report of serious or recurrent behavior patterns.

- A handler should set a good example for students by their manner, appearance and behavior.
- A handler is not permitted to interrupt the class with comments, questions, opinions or criticism regarding the teaching methods and/or the subject being taught by the teacher.
- A handler is not permitted to criticize the work performed by the staff assisting the teacher with students during class.
- A handler is not permitted to supervise a classroom or discipline students.
- A handler is not allowed to feed and/or give the students medication.
- A handler is not permitted to audio or video record activities in the classroom or to take still photographs of students and/or school personnel.
- A handler is required to pass a Level II background screening prior to being allowed in the classroom.
- A handler is required to wear an ID badge at all times.

I have read and agree to follow these Behavioral Guidelines. I understand that failure to adhere to the above guidelines may result in the handler's removal from the class/school.

Handler's Signature Date

Print Student's Name

Print Handler's Name

Parent's Signature Date

Print Parent's Name

¹ The term "Student(s)" throughout these guidelines refers to both the student with the service animal, as well as, all students in the classroom or in the school.