

## 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.