

Introduction

Persons with disabilities have the same right as those without disabilities to the use and enjoyment of facilities in the Baldwin County Public School System. As required by federal and state law, an individual with a disability is permitted to be accompanied by his/her service animal on school property, subject to the conditions of this policy.

Furthermore, individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of a public entity's facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go.

The Baldwin County Public School System shall also give the individual with a disability the opportunity to participate in the service, program, or activity without the service animal on the premises if the school system has excluded the service animal in accordance with this policy and applicable law.

Definition of Service Animal

This policy applies to any dog, or—in limited circumstances—a miniature horse individually trained to do work or to perform tasks for the benefit of an individual with a disability, including, but not limited to, the following: guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, fetching dropped items, or other tasks that are directly related to the individual's disability or necessary to mitigate a disability.

No other type of service and/or facility animal will be permitted. Animals whose sole function is to provide emotional support, comfort, therapy, companionship or therapeutic benefits, to promote emotional well-being, or to act as a deterrent to crime are not service animals.

An animal must meet this definition to be considered a service animal for purposes of this policy, regardless of whether or not it has or has not been licensed or certified by a state or local government, or by a private agency.

Use of Service Animals by Visitors on School Campuses or at School-Sponsored Events

The Baldwin County Public School System adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. When not readily apparent, school officials may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. School visitors shall not be asked about the nature or extent of their disability or for documentary proof of certification or licensing of a service animal's training.

Service Dogs in Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business.

Persons who are a part of a three-unit service dog team may be accompanied by a service dog while on school property provided that the person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

A dog that is in training to become a guide dog, or a currently trained guide dog that is undergoing continuing training, must be in a harness.

A dog that is in training to become a hearing dog, or a currently trained hearing dog that is undergoing continuing training, must be on a blaze orange leash.

A dog that is in training to become a service dog, or a currently trained service dog that is undergoing continuing training, must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as health certificates, annual written requests, supervision, care and damages, also apply to dogs in training.

Procedures/Requirements for Use of a Service Animal by Students or School System Employee

Use of service animals by students or a school system employee with a disability is subject to the following procedures and requirements:

A. Application

1. Applications for the use of service animals on school system property during the school day must be in writing and must be submitted no less than ten (10) business days prior to the proposed use of the service animal.
2. Applications for use of a service animal by an employee shall be submitted to the Director of Human Resources and/or the school principal.
3. Applications for use of a service animal by a student shall be submitted to each school's Section 504 Coordinator and/or the school's principal.
4. All such applications must state whether the animal is required because of a disability and must identify what work or task the animal is trained to perform that is directly related to the individual's disability.
5. A service animal will not be permitted on school system property without the prior approval of the Section 504 team or the IEP team.

6. All applications for use of a service animal on school system property will be considered on a case-by-case basis. Approval of the use of a service animal on school system property is subject to periodic review, revision, or revocation by the school system. At a minimum, requests for the use of a service animal must be renewed annually—prior to the start of each subsequent school year. In addition, the request must be renewed whenever the student changes schools or the employee changes his/her place of assignment, or when the individual accompanied by the service animal desires to use a different service animal.

B. Use of Service Animal by Student or Employee

1. Service animals must be housebroken; must wear proper identification; must have received all vaccinations as required by state law; must wear a rabies tag; must be free of parasites and otherwise in good health; must be under the control of its handler; and must be on a harness, leash or other tether, unless the service animal is required to perform a task that it could not accomplish while on a leash/lead, or the handler is otherwise unable to maintain the animal on a leash/lead due to a disability. In such a case, the handler must still be able to maintain control over the animal.
2. The service animal must be immunized against diseases common to that type of animal.
3. The service animal must be in good health. The owner or handler of the animal must submit to the principal each school year documentation from a licensed veterinarian of the following: a current veterinary health certificate and proof of the service animal's current vaccinations and immunizations.
4. All costs related to the handling and care of the service animal are the responsibility of the parent/guardian of the student or the school system employee who uses the service animal
5. The school system is not responsible for the care or supervision of a service animal. A student or employee with a service animal is expected to care for and supervise the animal. In the case of a young child or a student with a disability who is unable to care for or supervise his service animal, the parent may be responsible for providing care and supervision to the service animal. In the case of a student with a disability under the IDEA or Section 504 who is unable to care for or supervise his service animal, the student's IEP team or Section 504 team will meet to determine what, if any, accommodations may be needed to assist the student in handling his or her service animal. In addition, in accordance with state law, in the case of a child with a disability, any aide assigned to assist the child shall be trained with the service animal in basic commands in order to assist the child as a team.
6. The use of a service animal on a school campus by a student or an employee will be subject to a plan which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the Baldwin County Public School System.
7. Service animals may be permitted on school district transportation vehicles if necessary to access educational services and programs and if consistent with safety requirements. Requests for

transportation will be considered on an individual basis and may include review by the student's IEP team and/or Section 504 team, if appropriate. A representative from the Transportation Department may meet with the animal's owner to determine whether and under what conditions the service animal can be transported safely.

Additional Considerations for Schools

Should it be determined that a service animal will be allowed with a student (or an employee) on a school campus, the following considerations should be so noted in regards to the service animal:

- Establish a resting place for the animal.
- Establish a rest time for the animal. Gym, lunch, and break may be especially difficult school periods for the service animal to successfully endure.
- Identify an alternate accommodation/plan in the event the animal's primary handler (if not the student) is unable to accompany the student with a disability to school.
- Establish an emergency evacuation plan for the animal.
- Establish protocol for the animal's participation in school safety drills, i.e., fire drill, tornado drill, lockdown drill, etc.

Extra Charges

The owner or handler of a service animal shall not be required to pay an admissions fee or a charge for the service animal to attend events for which a fee is charged.

Removal of Service Animal From School System Property

Any animal that causes injury to students or school system employees or that behaves aggressively will be immediately isolated and removed from the school premises. In addition, school system representatives retain the discretion of removing or excluding a service animal for any of the following reasons:

- The animal is out of control and/or the animal's handler does not take effective action to control the animal's behavior;
- The animal is not housebroken.
- The presence of the animal poses a direct threat to the health or safety of others.
- The presence of the animal would require a fundamental alteration to the service, program, or activity of the school system.

Liability

The owner or handler of a service animal may be liable for any damage to school system or personal property to the same extent required by other board policy or regulations that impose liability for property damage. The owner or handler of a service animal may also be liable for any physical damage or injuries caused by the service animal. The student and parent/guardian of a student who uses a service animal on school system property will hold the Baldwin County Public School System harmless and indemnify the Board from any such damages.

Miniature Horses

The Baldwin County Public School System will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or to perform tasks for the benefit of the individual with a disability. In

determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school system must consider the following factors:

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 comprises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

Appeals

If a request for use of a service animal or dog in training is denied, the student's parent/guardian may file a written grievance with the school system's Section 504 Coordinator or the school system's Special Services Coordinator. Likewise, school system employees may file a grievance by following the grievance process as outlined in Policy #848 and #889: Complaints and Grievances.