

## Service Animals in Schools

### Service Animals (including guide or assistance dogs)

The McDowell County Public School District does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The District will comply with West Virginia and federal law concerning the rights of persons with guide or service animals. With proof of current rabies vaccination, the District will permit such animals on school premises and on school transportation.

Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Service animals are not pets. There are several kinds of service animals that assist individuals with disabilities. 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;
- Assist 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 behavior.

For purposes of this policy, a service animal must be “required” by the individual with a disability. In most instances, as defined by the Title II and Title III of the ADA, a service animal “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.”

Therapy dogs may be trained to provide affection and comfort to students in schools especially students with autism. Therapy dogs are usually not assistance or service dogs, but can one or both with some organizations. In the U.S., therapy dogs are not service animals and are not afforded the same privileges. Thus, McDowell County Schools reserves the right to approve therapy dogs in classrooms on a case by case basis.

Allergies and fear of dogs are not valid reasons for the school system to deny access or refuse service to individuals. 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 they both should be accommodated by assigning them, for example, to different locations within the room or the facility as needed.

The District is not required to assume responsibility for, or take custody or control of, or the care or feeding of any service animal. The owner or person having custody and control of the animal shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc.”

If, in the opinion of the School Principal or authorized designee, any service animal is not in the control of its handler, or if it is not housebroken, the service animal may be excluded from the school or program. The service animal can also be excluded if it presents a direct and immediate threat to others in the school. The parent or guardian of the student having custody and control of the animal will be required to remove the service animal from the District premises immediately.

If any student or staff member assigned to the classroom in which a service animal is permitted suffers an allergic or other adverse reaction to the animal, the building principal will take the necessary action to immediately ensure the safety of all involved. The building principal or designee will be responsible for developing an alternative plan with appropriate District staff. Such plan could include the reassignment of student(s), including the student with the service animal, to a different classroom. This will also apply if an individual on school transportation suffers an allergic or other adverse reaction. In this case, an alternate plan will be developed in coordination with appropriate school, District, and transportation staff including the involvement of the parents/guardian or the student.

When a student will be accompanied by a service animal at school or in other District facilities on a regular basis, such staff member or such student's parent or guardian, as well as the animal's owner and any other person who will have custody and control of the animal will be required to sign a document stating that they have read and understood the foregoing.

The Principal or his/her designee shall be responsible for developing procedures to accommodate a student's use of a service animal in District facilities and on school transportation vehicles.

#### Requirements

1. All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the building principal and must contain required documentation of vaccinations. This written request must be delivered to the Principal's Office at least 10 business days prior to bringing the service animal to school or to a school sponsored activity.
2. Owners of a service animal must provide annual proof that the animal is up-to-date on all of its required vaccinations as determined by the animal's veterinarian, or, if such proof is not available, then as determined by the school district's veterinarian of choice. In order to provide the required proof, the animal's veterinarian must certify in writing, signed by him/her, that all vaccinations are current.
3. All service animals must be spayed or 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. If the service animal does not meet requirements #2 through #6 at any time, the service animal may be removed by the school district. All costs associated with such removal and boarding, if necessary, will be borne by the owner of the service animal. The service animal will not be permitted to return to school property or any school activity until all costs associated with its removal have been paid.
7. Owners of service animals are liable for any harm or injury caused by the animals to other students, staff, visitors, and/or property. The student's parent or legal guardian will be required to sign a waiver of liability prior to the service animal coming to the school or to the school sponsored activity.
8. Removal of a Service Animal: A school administrator may ask an individual with a disability or his parents to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occur:

- a. The animal is out of control and the animal's handler does not take effective action to control it
  - b. The animal is not housebroken
  - c. The animal's presence would "fundamentally alter" the nature of the service, program, or activity
9. A service animal must 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.
10. The school system is not responsible for the care or supervision of a service animal, including feeding, cleaning or walking the animal, or responding to the animal's need to relieve itself.
  - a. 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.
  - b. Students with service animals are expected to care and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his 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 principal.

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