

**Florida Department of Education
Bureau of Exceptional Education and Student Services
Guidelines for School Districts on the
Use of Service Animals by Students with Disabilities**

Title II of the Americans with Disabilities Act (ADA) and its associated regulations require government entities, including public schools, to make reasonable modifications to programs and services in order to allow access for persons with disabilities. Service animals are recognized as reasonable modifications or accommodations under Title II of the ADA.

The rules regarding the use of service dogs or other service animals within a public school setting are unfortunately not as well established as those within public premises. The U.S. Department of Education has not issued guidelines and/or policies about service animals in schools. In order to provide further guidance adhering to the core principles of disability rights, the Department of Justice issued final regulations on July 23, 2010 for Title II. The new regulations clarified these rights with regard to service animals.

In light of the lack of clear guidance from federal agencies, the Governor's Commission on Disabilities, in its 2010 report, has recommended that the Florida Department of Education provide guidance to school districts addressing the rights and responsibilities of public schools as well as the expectations for students. The attached template provides a framework for the development of local school board practices and policies in the instance of a request for a student's service animal to accompany him/her to school.

Decisions regarding the accommodations required for any student are made on an individual basis. A school district cannot unilaterally prohibit the use of service animals or other accommodations or modifications deemed necessary for a student to access a public school program. When establishing a policy for the use of service animals, consideration for the need and integration of a service animal should be addressed in the student's individual educational plan (IEP) or developed under Section 504 of the Rehabilitation Act of 1973 (Section 504 plan), with documentation supporting the need for the service animal as an accommodation deemed necessary for the student to access the school program.

The information provided applies the legal standards as set forth in the following:

- Individuals with Disabilities Education Act (IDEA)
- Section 504 of the Rehabilitation Act of 1973, as amended (Section 504)
- Americans with Disabilities Act
- Section 413.08, Florida Statutes (F.S.), Rights of an individual with a disability; use of a service animal; discrimination in public employment or housing accommodations; penalties

Sample Template

I. **General Statement** (*Sample language below*)

A student's service animal is personal property and cannot be brought onto school property without prior knowledge and approval by the school and/or district administration. The student's need for and use of the service animal must be documented in the student's individual educational plan (IEP) or Section 504 Plan.

II. **Common terms**

Service Animal (*Sample language below*)

- Section 413.08, Florida Statutes (F.S.), defines a service animal as “an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet.”
- Section 35.104 of Title 28, Code of Federal Regulations (28 CFR 35.104), implementing the ADA, defines a service animal as “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 handler'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 purpose of this definition.”
- Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote general emotional well-being are not service animals. To be considered a service animal, the animal must be trained to perform tasks directly related to the person's disability.

Task (*Sample language below*)

- The term “task” generally refers to a minor job, chore, or piece of work. It may include guiding a person who is visually impaired or blind, alerting a person

- who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special defined tasks.
- Comforting or “giving love,” although clinically proven to be beneficial for an individual, are not “tasks” under the definitions above. Examples of trained tasks psychiatric service dogs perform can be found at http://www.iaadp.org/psd_tasks.html.

III. Service Animal Standards of Behavior

Provide a clear description of the required standards of behavior for the service animal. The sample language below has been adapted from Assistance Dogs International, Inc., Training Standards.

The service animal must not in any way interfere with the educational process of any student and must not pose a health or safety threat to any student, personnel, or other persons. If the standards for behavior are not met, the service animal will be excluded or removed from the school setting. The behavioral expectations for the service animal and standards by which the request to use the service animal on school premises will be evaluated are as follows:

- Public appropriateness – The animal
 - Is clean, well groomed, and does not have an offensive odor
 - Does not urinate or defecate in inappropriate locations
- Behavior – The animal
 - Does not solicit attention, visit, or annoy any member of the general public
 - Does not disrupt the normal course of business
 - Does not vocalize unnecessarily (i.e., barking, growling, or whining)
 - Shows no aggression toward people or other animals
 - Does not solicit or steal food or other items from the general public
- Training – The animal
 - Is specifically trained to perform more than one task to mitigate aspects of the client’s disability
 - Works calmly and quietly on harness, leash, or other tether
 - Is able to perform its tasks in public
 - Must be able to lie quietly beside the handler without blocking aisles, doorways, etc.
 - Is trained to urinate and defecate on command
 - Stays within 24” of its handler at all times unless the nature of a trained task requires it to be working at a greater distance

IV. Required Accommodation Documentation

Current IEP or Section 504 plan

Current health certificate or report of examination from a veterinarian

V. Procedures

Provide a description of the procedure for requesting approval for a student to use a service animal in a school setting. Procedures should include:

- Identify, by title or role, district/school administrative staff responsible for:
 - Determining whether the service animal meets the standards for acceptance in the school setting
 - Determining whether the student's IEP or Section 504 plan supports the need for a service animal in order to access educational services
 - Approving the use of a service animal in a school setting
 - Allowing for exclusion or removal of the service animal from the school setting, if determined necessary
 - Providing for the appeal of any decision regarding the use of the service animal

VI. Transportation of the Service Animal

In determining the necessity of a service animal for a student with a disability at school, the district may also need to provide directions for transporting the student and the service animal. Provide a clear description of the factors to be considered. (*Sample language below*)

Training

- The driver and assistant should meet with the animal's owner. The owner is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.
- The animal's owner should provide an orientation to students riding the bus with the service animal regarding the animal's functions and how students should interact with the animal.
- The service animal should practice the bus evacuation drills with the student.

Loading/Unloading

- The service animal should board the bus by the steps, not on a lift.

Seating Location

- The service animal should be positioned on the floor, at the student's feet.
- A representative of the Transportation Office will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

Cessation of Transportation

- Situations that would cause cessation of transportation of the service animal include:
 - The service animal's behavior poses a direct threat to the health or safety of others.
 - The service animal urinates or defecates on the bus.
 - The service animal does not remain in the designated area.
- If transportation is suspended due to any of the above reasons, transportation may be reinstated after additional training or medical issues are resolved.

Parents should be informed of these consequences prior to the first day of transportation.

- Although transportation may be suspended for the service animal, the school district maintains the responsibility of transporting the student.

VII. Implementation Plan (*Suggested*)

Upon approval, the school will work with the animal's owner/handler to:

- Familiarize the service animal with the campus prior to the actual start date
- Orient the service animal to school faculty and students
- Establish an educational program to educate others on proper behavior around a service animal
- Establish a place for the service animal to urinate/defecate
- Establish an evacuation plan to include the service animal and practice this plan

VIII. Additional Considerations (*Suggested*)

The school and/or district should include the following in an implementation plan:

- Establish a resting place for the animal.
- Establish a rest time for the animal. Gym, lunch, and recess may be especially difficult school periods for a service animal to successfully endure.
- Implement a schoolwide educational program to educate others on how to behave appropriately around the service animal.
- Identify an alternate accommodation/plan in the event the animal's primary handler (if not the student) or the animal is not able to accompany the student with a disability to school.
- Provide parents with the school district's written procedures for the inclusion of service animals in the school.

IX. Exception (*Suggested*)

A service animal is the personal property of the student. The district school board does not assume responsibility for training, daily care, or healthcare of service animals.

Additional Resources:

Guide Dog Foundation for the Blind

<http://www.guidedog.org>

Assistance Dogs International, Inc.

<http://www.assistedogsinternational.org>

Americans with Disabilities Act

<http://www.ADA.gov/>

U.S. Department of Education

Office for Civil Rights

<http://www2.ed.gov/about/offices/list/ocr/504faq.html>