

*Carroll County Public Schools
Service Animal Information*

NOTICE OF NON-DISCRIMINATION

The Carroll County Public Schools (CCPS) is firmly committed to creating equal employment and educational opportunities for all persons with regard to its employment practices and in the provision of services, programs, and activities. The CCPS does not discriminate on the basis of age, color, genetic information, marital status, mental or physical disability, ancestry or national origin, race, religion, sex, or sexual orientation. The CCPS provides non-discriminatory access to school facilities in accordance with its policies and regulations regarding the community use of schools (including, but not limited to, the Boy Scouts).

The following person has been designated to handle inquiries regarding the non-discrimination policies and all appeals:

Chantress Baptist
Director of Human Resources
125 North Court Street
Westminster, Maryland 21157
410.751.3078

The following person has been designated to handle Service Animal inquiries and provide guidance to families and school administrators for students and staff desiring to be accompanied by a Service Animal:

Dona Foster
Supervisor of Student Supports
125 N. Court Street
Westminster, Maryland 21157
410.386.1822

PROCEDURES FOR SERVICE ANIMALS IN SCHOOLS

The Carroll County Public Schools acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35, subject to the following:

1. All requests for an individual with a disability to be accompanied by a service animal should be addressed in writing to the Office of Student Services, at 125 N. Court Street, Suite 307J, Westminster, MD 21157. This written request should be received by the Carroll County Public Schools at least 10 business days when possible, prior to bringing the service animal to school or a school function.
2. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
3. The 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 schools as a "service animal".
4. The animal must be "required" for the individual with a disability.
5. The animal must be "individually trained" to do work or a task for the individual with a disability.
6. Special Provisions/Miniature Horses: Request to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classrooms, or at school functions, will be handled on a case-by-case basis, considering:
 - a. The types, size, and weight of the miniature horse and whether the facility can accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
7. 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 occurs:
 - 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.
8. 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.
9. The school system is not responsible for the care or supervision of a service animal, including 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, subject to discussion and approval on case-by-case basis by the Superintendent or his designee. Issues

related to the daily care and supervision of service animals will be addressed in the discretion of the building administrator.

The Americans with Disabilities Act (ADA) established new regulations regarding comprehensive guidelines for public entities to follow in dealing with the special circumstances of students requiring a service animal. The ADA is a civil rights law and pertains to “*equal access*” for individuals with disabilities. The nature and use of service animals are not part of the Individuals with Disabilities Education Act (IDEA) and are therefore not specific to special education or Section 504. The new regulations became effective as of March 15, 2011 and affect not only students seeking to bring a service animal to school, but any disabled person desiring to bring a service animal to a public school or school function.

These ADA regulations cover the definition of service animal, and the qualifications required for a disabled student, staff member or visitor to use service animals at schools. While the regulations exempt the school district from any damage, liability or responsibility for animal care, the new rules limit the school district’s authority and discretion in setting policies for service animals. The new federal rules specify that only a dog or miniature horse is allowed as a service animal and that the animal must be “individually trained to do work or perform tasks for the benefit of an individual with a disability.” However the regulations do not stipulate any specific type of training and in fact prohibit the school district from requiring documentation that the dog or miniature horse has been certified or licensed as a service animal.

The new regulations charge the owner of the service animal with all liability for any damage or injury as a result of the animal’s presence, as well as total responsibility for the animal’s behavior and care. Carroll County Public Schools at its discretion may allow for some staff involvement with the care of the animal as determined on a case-by-case basis by the Superintendent or his designee.

- A. This process complies with regulations established by the Americans with Disabilities Act (ADA) for public entities to follow with regard to special circumstances involving service animals. This regulation affects students seeking to bring a service animal to school, as well as any disabled person desiring to bring a service animal to a public school or school function.

- B. Definition of Service Animal
 - 1. Typically, a service animal is 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.

 - 2. A service animal may include the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made to allow a miniature horse into a specific facility, the following shall be considered:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - b. Whether the handler has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse’s presence in a specific facility

compromises legitimate safety requirements that are necessary for safe operation.

C. Role of a Service Animal

Service animal is one that is required, and specifically trained, because of a disability. The work or tasks performed by a service animal must be directly related to the individual'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.

D. Restrictions on Inquiries

Staff should not make inquiries regarding 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). However, the following questions may be asked:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

Staff may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Staff cannot inquire about the nature or extent of a person's disability.

E. Responsibilities of the Owner

The care or supervision of a service animal is solely the responsibility of his or her owner. A service animal must be under the control of its handler. 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).

Effective March 15, 2011 -Correction to the Federal Register: *"...the individual with a disability does not necessarily need to be the animal's handler in order to be covered by the rule's provisions."*

F. Access Provided in a School Setting/School Bus

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

An individual with a service animal cannot be refused transportation service nor can the individual be segregated from other passengers. The service animal must be permitted to accompany its owner on school buses or other school use vehicles. However, service animals may not block aisles or exits, or otherwise interfere with other passengers reaching them.

G. Conditions for Exclusion of a Service Animal

Staff may ask an individual with a disability to remove a service animal from the premises if:

- (1) The animal is out of control and the animal's handler does not take effective action to control it; or
- (2) The animal is not housebroken; or
- (3) The service animal may also be excluded from a school building, school function, or school sponsored activity if permitting the service animal would fundamentally alter the nature of the service, program, or activity.

If staff properly excludes a service animal, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

H. Responsibilities of Students and Staff Regarding a Service Animal

Service animals work and perform tasks and are not pets. The recommended 'best practices' when interacting with service animals include:

- Do not touch or feed a service animal unless invited to do so.
- Do not deliberately distract or startle a service animal.
- Do not physically separate, or attempt to separate, a service animal from the individual using the animal's service.

- I. In general, allergies and fear of animals are not valid reasons for denying access to people with service animals. In the event allergies or fear of animals is an issue for another person, reasonable accommodations will be evaluated to resolve the issue.

J. Service Animal 'In Training'

A service animal trainer may accompany a service animal in training to any facility where a person with a disability would be permitted to bring a service animal. Service animals in training may only be excluded if there would be a clear danger of disturbance or physical harm to those in the facility.

Reference: ADA Regulations, 28 CFR Part 35 (as amended, 2010)