

Animals on School Property Policy

I. PETS ON SCHOOL GROUNDS

1. The Rockwell Charter High School Board will make every reasonable effort to maintain school grounds in a condition appropriate for the activities of school students.
2. Pet animals are not permitted on school grounds, except by the express permission of the Director. Without such permission, a pet owner who brings or permits his/her animal on school grounds has committed an act of trespass. If an animal is found running at large on school grounds, its owner will be deemed to have permitted the animal to enter school property.
3. The Board directs the Director to give notice regarding the prohibition of pets by posting appropriate signs on school property. The Director shall report to the appropriate municipal authorities any pet that runs at large on school property and any pet owner whose animal is present on school property is in violation of this policy.

II. SERVICE ANIMALS

1. Rockwell Charter High School in accordance with Utah State and Federal laws, prohibits discrimination against individuals with disabilities. As established and defined by The Americans with Disabilities Act (ADA) and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals, referring to dogs or miniature horses, on school property, to school events and functions, and in connection with transportation services.

RULES

1. A "service animal" means a dog or miniature horse that is individually trained to do or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.
2. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition.
3. The type of disability one must have in order to use a service animal is not limited, but there must be a direct link between the task a dog has been trained to provide and to the person's disability.
 1. Examples of such tasks include:
 1. Guiding people who are blind;
 2. Alerting people who are deaf;
 3. Pulling a wheelchair;
 4. Alerting and protecting a person who is having a seizure;
 5. Fetching dropped items
4. Service animals are working animals, not pets. Dogs whose sole function is to provide comfort or emotional support, companionship, or crime deterrent do not qualify as service animals under the ADA's revised regulations.
5. In accordance with the revised regulations, individuals with disabilities may be accompanied by miniature horses, to the extent necessary to avoid discrimination on the basis of disability unless allowing this accommodation would require the School to fundamentally alter its services, programs, or activities or is otherwise determined by the School to be unreasonable. In evaluating "reasonableness," the School shall consider these four assessment 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; and
 4. whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safety.

PROCEDURES

1. Due to the School's need to accommodate a variety of disabilities and conditions (which may include the competing needs of children and/or staff with animal allergies or fears), all requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Director of Rockwell Charter High School, at least 20 school days prior to bringing the service animal to a school site, school function, or workplace and must include:

1. The individual's name, school site, and a detailed description of the work or task(s) the service animal will perform for the individual;
2. An affirmation that the animal is required because of disability;
3. Annual proof of required vaccinations;
4. Annual proof of insurance. (see section 1.8)

2. Until approval is received, the service animal will not be permitted at the school, school function, or worksite. The use of the service animal will need to be included in the student's 504/IEP.

3. To avoid confusion about whether an animal is a permitted service animal, a person accompanied by a service animal while on school property or at school functions is requested and strongly encouraged to exhibit one of the following:

1. The animal's laminated identification card;
2. The animal's service vest; or
3. Another form of identification sufficient to put others on notice that the animal is a service animal.

4. Management of Service Animals

1. A service animal shall be under the control of its handler.
2. 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 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).

5. Care of and Responsibility for Service Animals

1. Permitted service animals must be:
 1. treated for, and kept free of, fleas and ticks;
 2. kept clean and groomed to minimize shedding and dander;
 3. spayed or neutered; and
 4. housebroken
2. The School, including school and classroom staff, is not responsible for the care, handling, or supervision of a service animal. The School is not responsible to provide a staff member to walk the service animal or to provide any care or assistance to the animal.
3. The owner or handler of the service animal shall be solely responsible for:
 1. supervision and care of the service animal, including feeding, exercising bathroom breaks, clean-up; and
 2. restraint of the service animal at all times.

6. Removal or Exclusion of Service Animal

1. The School may deny a request for use of a service animal, or ask an individual with a disability to remove a service animal from the School facility or vehicle, School grounds, or School function if:
 1. the service animal is out of control and the service animal's handler does not take effective action to control it;
 2. the presence of the service animal will require a fundamental alteration of the program or will significantly disrupt or interfere with the education process;
 3. the handler fails to submit proof of current vaccinations and proof of insurance when the service animal is to be used regularly during the school/work day or at school/work events.
2. If the service animal has been excluded or prohibited from the premises, the School will continue to give the individual with a disability the opportunity to participate in the School services, programs, or activities without having the service animal on the premises.

7. Conflicting Disabilities

1. Individuals with disabilities that are adversely impacted by service animals should contact their school administrator. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. (Certain individuals with animal dander or saliva allergies or fear of dogs may qualify as individuals with disabilities.) The school administrator shall strive to facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of the disabled individuals involved. However, the school administration may exclude the service animal if it poses a direct threat to the health or safety of others.

8. Liability and Insurance

1. The owner or the handler of a service animal is liable for any and all damages to property or injuries to persons caused by the service animal. The owner or the handler of a service animal must also indemnify, defend and hold harmless the School from and against any and all claims, actions, suits, judgments, and demands brought by any party arising on account of, or in connection with, any activity or damage or injury caused by the service animal. The service animal's owner must provide the School with annual proof of insurance. A copy of annual proof of insurance will be kept on file at the School with the written service animal request.

GRIEVANCE

1. A student with a service animal, who believes the School has discriminated against him or her on the basis of a disability, may file a grievance as provided in Policy 5310.
2. A student with a service animal, who believes the School denied him or her a Free and Appropriate Public Education (FAPE) under the Individuals with Disabilities Education Act (IDEA) by excluding the service animal, may appeal the decision in writing to the ADA/Section 504 Coordinator (Student Issues) within ten (10) school days from the date the service animal was excluded, outlining facts supporting the appeal; and/or file a state complaint with, or request a due process hearing from the Utah State Office of Education (USOE).

DEFINITIONS

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

"Direct threat" means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices or procedures, or by the provisions of auxiliary aids or services as provided 28 CFR 35.139.