

ROCKWELL CHARTER SCHOOL

Animals and Service Animals on School Property

Purpose

The Board of Directors of Rockwell Charter School acknowledges the school's responsibility to manage how and when domestic animals are permitted on school grounds or in school buildings, and to set forth measures to be taken in the event that stray animals are found on campus or in the building. The Board of Directors delegates to the administration the responsibility of minimizing the likelihood of students' contact with stray animals using methods such as the installation of fencing at the school, taking appropriate actions to remove stray animals found on the school property, or the removal of students from areas where wild animals are spotted or remaining.

Animals Permitted Pursuant to Requirements Below

Privately owned animals are only permitted on school premises with explicit consent from the Executive Director. A request to bring a domestic animal onto campus must be provided in writing at least one week in advance for consideration by the Executive Director. The Executive Director will only consider granting permission for a domestic animal to come into the school or onto the school grounds for a school activity or event if the animal has been vaccinated with all vaccines available for the species, including rabies. With permission and appropriate vaccinations, domestic animals may be brought onto school grounds or into the school building for a school activity or event.

Police enforcement dogs and service animals on duty under the Americans with Disabilities Act or under the provisions of an individualized education plan made pursuant to the Individuals with Disabilities Education Act are allowed on the school grounds in accordance with law and the provisions of the Service Animal Policy below.

Trespass

Without the permission of the Executive Director, it is unlawful to bring domestic animals onto the grounds of any public school, regardless of whether the animal is restrained by a leash, chain, rope, cord, or similar device. A pet owner who brings or permits an 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. The Executive 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 without permission.

Service Animal Policy

The Board of Directors of Rockwell Charter School acknowledges the school's 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 (as amended, 2010).

Request for Service Animal On Campus

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 Executive Director at least 20 school days prior to bringing the service animal to a school site, school function, or workplace and must include:

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

Until approval is received, the service animal will not be permitted at the school building, on the school grounds, or at a school activity. In addition, the use of the service animal will need to be included in the student's Section 504 Plan or IEP as a decision of the Section 504 Plan or IEP Team.

Requirements for Service Animals on Campus

- The service 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.
- The animal must be "required" for the individual with a disability.
- The animal must be "individually trained" to do work or a task for the individual with a disability; there must be a direct link between the task a dog has been trained to provide and to the person's disability.
- Owners of a service dog must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, and Coronavirus), Bordetella, and Rabies, and any other vaccinations that meet veterinary standards of health.
- Owners of service miniature horses must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles, and any other vaccinations that meet veterinary standards of health.

- Owners of a service animal are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
- Owners are also solely liable for additional cleaning costs if the service animal defecates, urinates, or otherwise contaminates or makes the school's facility or grounds dirty or unsanitary, or for damage done by the service animal.

Management of Service Animals

- A service animal shall 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 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).
- A service animal must be treated for, and kept free of, fleas and ticks.
- A service animal must be kept clean and groomed to minimize shedding and dander.
- A service animal must be spayed or neutered and housebroken.

Service Animals as Defined by Title II and Title III of the ADA

Under Title II and III of the ADA, service animals are limited to dogs. However, entities must make reasonable modifications in policies to allow individuals with disabilities to use miniature horses if they have been individually trained to do work or perform tasks for individuals with disabilities:

- 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.
- Tasks performed by service animals include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button.
- Examples of animals that fit the ADA's definition of "service animal," because they have been specifically trained to perform a task for the person with a disability, include:
 - A Guide Dog or "Seeing Eye Dog:" a dog that has been carefully trained to serve as a travel support for persons who have severe visual impairments or are blind.
 - A Hearing or Signal Dog: a dog that has been trained to alert a person who has a significant hearing loss or is deaf when a sound occurs, such as a knock on the door.

- A Psychiatric Service Dog: a dog that has been trained to perform tasks that assist individuals with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service animals may include reminding the handler to take medicine, providing safety checks or room searches, or turning on lights for persons with Post Traumatic Stress Disorder, interrupting self-mutilation by persons with dissociative identity disorders, and keeping disoriented individuals from danger.
- A SSigDOG (sensory signal dogs or social signal dog): a dog that has been trained to assist a person with autism. The dog alerts the handler to distracting repetitive movements common among those with autism, allowing the person to stop the movement (e.g., hand flapping).
- A Seizure Response Dog: a dog that has been trained to assist a person with a seizure disorder. How the dog serves the person depends on the person's needs. The dog may stand guard over the person during a seizure or the dog may go for help. A few dogs have learned to predict a seizure and warn the person in advance to sit down or move to a safe place.

Emotional Support Animals

- Emotional support animals, comfort animals, and therapy dogs are **not** service animals under Title II and Title III of the ADA.
- Other species of animals besides dogs, whether wild or domestic, trained or untrained, are **not** considered service animals.
- The work or tasks performed by a service animal must be directly related to the individual's disability.
- A doctor's letter does not turn an animal into a service animal. The school will **not** allow an animal into the building or grounds because a doctor states that the person has a disability and needs to have the animal for emotional support.

Special Provisions/Miniature Horses

The administration will consider a request to permit a miniature horse to accompany a student or adult with a disability in school buildings, in classroom, or at school functions on a case-by-case basis, by considering the following:

- The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken;

- Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for the safe operation of the school.
- Whether permitting the miniature horse would require the school to fundamentally alter its services, programs, or activities or is otherwise determined by the school to be unreasonable.

Removal of a Service Animal

The administration may ask an individual with a disability or the student's 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:

- The animal is out of control and the animal's handler does not take effective action to control it;
- The animal is not housebroken;
- The animal's presence would "fundamentally alter" the nature of the service, program, or activity.

Limitations

- The school 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.
- The school is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance for the animal.
- Students with service animals are expected to care and supervise their animals. 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 school's administration.

Provisions When a Service Animal is Excluded

If the service animal has been excluded or prohibited from the school's 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.

Conflicting Disabilities

Individuals with disabilities that are adversely impacted by service animals should contact the administration. Such individuals will be asked to provide documentation that identifies their disabilities and their need for accommodations. For instance, individuals with animal dander, saliva allergies, or fear of dogs may qualify as individuals with disabilities. The administration shall strive to resolve competing needs for

accommodation concerning 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.

Liability and Insurance

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.

Claims of Discrimination

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 by the school's Dispute Resolution Policy. A student with a service animal, who believes the school has denied the student 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 Board of Education (USBE).

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