



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA  
**School Board Policy Executive Summary**  
 Form D

<b>Policy Number:</b>	8390
<b>Title of Policy:</b>	Animals on District Property
<b>Cabinet Member:</b>	Christine Moore, Assistant Superintendent, Student Services
<b>Purpose of Revisions:</b>	The purpose of the proposed adoption of this policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed adoption of this policy promotes transparency and accountability.
<b>Tentative Schedule:</b>	<ul style="list-style-type: none"> <li>• Cabinet – 12/16/19</li> <li>• Work Session – 1/14/20</li> <li>• Rule Development Workshop – 1/28/20</li> <li>• School Board Meeting Information – 1/28/20</li> <li>• School Board Meeting Approval – 2/11/20</li> <li>• Effective Date – upon approval</li> </ul>
<b>Summary of Proposed Policy Revisions:</b>	<ul style="list-style-type: none"> <li>• This is a proposed new policy.</li> <li>• There are currently a number of policies that mention animals on district property. The passage of this proposed new policy is in compliance with HB 71 in order to comply with F.S. 413.08 (titled, “Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.”).</li> <li>• The proposed new policy includes a definition of service animal, clarifies that service animals can be removed if their behavior poses a direct threat to the health and safety of others, and specifies that trainers of service animals are liable for damages.</li> <li>• The proposed new policy reflect the requirements set forth in current State and Federal law.</li> </ul>
<b>Specific Authority:</b>	§§381.0056, 413.08, 1001.41, 1006.22; F.S.; 28 C.F.R. 35.104, 28 C.F.R. 35.136, Section 504 of the Rehabilitation Act of 1973 (Section 504), The Americans with Disabilities Act (ADA), The Individuals with Disabilities Education Act (IDEA)
<b>Next Steps:</b>	<ul style="list-style-type: none"> <li>• Revisions to internal procedures</li> <li>• Training for BPS employees regarding the new policy and associated procedures</li> </ul>

**Current  
Version**

**This is a  
Proposed  
New  
Policy  
for BPS**

# Neola Template

## Neola Template - BPS has not Adopted this Policy

### 8390 - ANIMALS ON DISTRICT PROPERTY

#### Introduction

The School Board recognizes that there are many occasions when animals are present on District property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy shall apply to all animals on District property, including service animals.

#### Definitions

- A. "Animal" shall be held to include every living dumb creature.
- B. "Service animal", pursuant to 28 C.F.R. 35.104 and F.S. 413.08, "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. 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 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, reminding an individual with a mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks.. 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 purposes of this definition."

The Americans with Disabilities Act (ADA) and State law has also defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.

F.S. 413.08 also defines "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."

**[NOTE: The following section should be included in the policy only if the District intends to require this of any animal brought onto District property for official purposes or on a regular/recurring basis]**

#### **[ ] Vaccination, Licensing and/or Veterinary Requirements**

All animals housed on District property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and county regulation/ordinance, including but not limited to rabies vaccination or other inoculations required to be properly licensed. For example, all canines and cats must, at a minimum, be administered a rabies vaccine in accordance with F.S. 828.30.

#### **Non-Service Animals in Schools and Elsewhere on District Property**

Animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a non-service animal in his/her classroom shall
  1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  2. take precautions deemed necessary to protect the health and safety of students and other staff;
  3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
  4. keep the surrounding areas in a clean and sanitary condition at all times.
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

#### **Service Animals for Students**

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Board property or at District-sponsored events.

A service animal that meets the definition set forth in the ADA, State law, and this policy shall be under the control of the student with a disability or, a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability 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 student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board policy.

If the animal's trainer intends or is required to be on school grounds when students are present, the trainer will be treated as a volunteer subject to Board policy.

#### **Removing and/or Excluding a Student's Service Animal**

If a service animal demonstrates that it is not under the control of the student or its handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, in instances when the service animal demonstrates that it is not housebroken, the Principal will be responsible for documenting such behavior and for determining that the service animal is to be removed and/or excluded from school property.

In instances when the service animal's behavior poses a direct threat to the health and safety of others, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal should notify the Superintendent when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, the Equal Employment Opportunity Commission, or the Department of Justice.

#### **Eligibility of a Student's Service Animal for Transportation**

A student with a disability shall be permitted to access School District transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access School District transportation.

When a service animal is going to ride on a school bus owned or leased by the District, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall meet with the ( ) **Principal** ( ) **Transportation Supervisor** ( ) \_\_\_\_\_, and the driver and bus assistant, if any, to discuss critical commands needed for daily interaction and emergency/evacuation and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.

At the discretion of the ( ) **Principal** ( ) **Transportation Supervisor** ( ) \_\_\_\_\_, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus is in motion, the service animal shall remain positioned on the floor, at the student's feet. Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the

( ) Transportation Supervisor.

( ) Principal.

( ) \_\_\_\_\_.

Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

### **Service Animals for Employees**

In accordance with Policy 1122.01, Policy 3122.01, and Policy 4122.01 Prohibition of Disability Discrimination in Employment, the District shall provide a reasonable accommodation for a qualified individual with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA-mandated interactive process.

### **Service Animals for Parents, Vendors, Visitors, and Others**

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 Public Attendance at School Events.

Any trainer of a service animal, while engaged in the training of such an animal, has the same right of access to public schools and the same liabilities for damage as is provided for those persons who are accompanied by service animals.

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## Legal

28 C.F.R. 35.104

28 C.F.R. 35.136

F.S. 381.0056

F.S. 413.08

F.S. 1001.41

F.S. 1006.22

Section 504 of the Rehabilitation Act of 1973 (Section 504)

The Americans with Disabilities Act (ADA)

The Individuals with Disabilities Education Act (IDEA)

## Cross References

po1122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

po2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

po3122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT



po4122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN  
EMPLOYMENT

ap8390 - USE OF SERVICE ANIMALS

**Proposed  
New  
Policy**

## **8390 - ANIMALS ON DISTRICT PROPERTY**

### **A. Introduction.**

The Board recognizes that there are many occasions when animals are present on property owned or operated by the Board and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents/legal guardians, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

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### **B. Definitions.**

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including but not limited to rabies vaccination or other inoculations required to be properly licensed. For example, all canines and cats must, at a minimum, be administered a rabies vaccine in accordance with F.S. 828.30.

**D. Non-Service Animals in Schools and Elsewhere on Property Owned or Operated by the Board.**

1. Animals permitted in schools and elsewhere on property owned or operated by the Board shall be limited to those necessary to support specific curriculum- related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law. The principal or site administrator is authorized to determine what animals are permitted in these instances.
2. Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the principal or designee may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:
  - a. the staff member seeking approval to have a non-service animal in his/her classroom shall
    - i. take precautions deemed necessary to protect the health and safety of students and other staff;
    - ii. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and,
    - iii. keep the surrounding areas in a clean and sanitary condition at all times.
  - b. other staff members and parents/legal guardians of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.
3. Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

**E. Service Animals for Students.**

1. A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.
2. A service animal is the personal property of the student and/or parents/legal guardians. The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on property owned or operated by the Board or at District-sponsored events.
3. A service animal that meets the definition set forth in the ADA, State law, and this policy shall be under the control of the student with a disability or, a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability 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 student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

4. If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board policy.
5. If the animal's trainer intends or is required to be on school grounds when students are present, the trainer will be treated as a volunteer subject to Board policy.

**F. Removing and/or Excluding a Student's Service Animal.**

1. If a service animal demonstrates that it is not under the control of the student or its handler, the principal or designee is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.
2. Similarly, in instances when the service animal demonstrates that it is not housebroken, the principal or designee will be responsible for documenting such behavior and for determining that the service animal is to be removed and/or excluded from school property.
3. In instances when the service animal's behavior poses a direct threat to the health and safety of others, the principal or designee shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.
4. The principal or designee should notify the Superintendent or designee when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.
5. The principal's or designee's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Board Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity.
6. The procedures set forth in Board Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents/legal guardians or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, the Equal Employment Opportunity Commission, or the Department of Justice.

**G. Eligibility of a Student's Service Animal for Transportation.**

1. A student with a disability shall be permitted to access District transportation with his/her service animal. There may also be a need for the service animal's handler, if the handler is someone other than the student, to also access District transportation.
2. When a service animal is going to ride on a school bus owned or leased by the District, the student and his/her parents/legal guardians, or eligible student, and the handler, if he/she is someone other than the student, shall meet with the Transportation Supervisor, and the driver and bus assistant, if any, to discuss critical commands needed for daily interaction and emergency/evacuation and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.
3. At the discretion of the Transportation Supervisor, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal's functions and how students should interact with the animal.
4. The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

5. While the bus is in motion, the service animal shall remain positioned on the floor, at the student's feet.
6. Situations that would cause cessation of transportation privileges for the service animal include:
  - a. The student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others; or
  - b. The service animal's behavior poses a direct threat to the health or safety of others.
  - c. The service animal urinates or defecates on the bus.
  - d. The service animal does not remain in the designated area.
7. The student and his/her parents/legal guardians shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.
8. If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Transportation Director.
9. Although transportation may be suspended for the service animal, it remains the District's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

#### **H. Service Animals for Employees.**

In accordance with Board Policy 3122 Equal Employment Opportunity, the District shall provide a reasonable accommodation for a qualified individual with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA-mandated interactive process.

#### **I. Service Animals for Parents/Legal Guardians, Vendors, Visitors, and Others.**

1. Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the principal or site administrator that their service animal will accompany them during their visit.
2. If it is not readily apparent that the service animal is performing a task for a person with a disability, principals or site administrators may only ask the following questions of those parents/legal guardians, vendors, visitors, or others who bring a service animal onto property owned or operated by the Board:
  - a. Is the animal required because of a disability?
  - b. What work or task has the animal been trained to perform?
3. An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Board Policy 9160 Public Attendance at School Events.

4. Any external (non-employee) trainer of a service animal, while engaged in the training of such an animal, has the same right of access to public schools and the same liabilities for damage as is provided for those persons who are accompanied by service animals.

Adopted \_\_\_\_\_

Legal

F.S. 381.0056

F.S. 413.08

F.S. 1001.41

F.S. 1006.22

28 C.F.R. 35.104

28 C.F.R. 35.136

Section 504 of the Rehabilitation Act of 1973 (Section 504)

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The Individuals with Disabilities Education Act (IDEA)

Cross References

po2260 – NON-DISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

ap8390 - USE OF SERVICE ANIMALS

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