

## **ANIMALS ON SCHOOL PROPERTY**

**FILE: IMG**

**TITLE:** Animals on District Property

### **POLICY:**

In accordance with District Goals for a safe learning and working environment, personnel of The School Board of Orange County, Florida shall endeavor to follow applicable State and Federal law as it relates to the fair treatment of animals and to accommodate persons with disabilities and his/her service animal.

- (1) Orange County Public Schools ("OCPS") shall permit service animals on District Property in accordance with State and Federal Law used by persons with disabilities, as defined by State and Federal laws and regulations.
  - a. Where such service animal shall accompany a student or personnel on a daily basis, accommodations shall be made in advance through Legal Services Department. The handler/owner of the service animal shall be the person with disability requiring the service animal and shall maintain proper control of the animal and proper veterinary and grooming care at all times.
  - b. Where such service animal shall accompany any other person with disability while visiting OCPS property or participating in an OCPS sponsored activity or event, OCPS personnel shall make reasonable accommodations. The handler/owner shall adhere to all other school board policies while visiting OCPS property, participating in OCPS activity or event and shall maintain proper control of the animal and proper veterinary and grooming care at all times.
  - c. OCPS takes the position that OCPS property is not open to the public and therefore, shall not be utilized for the sole purpose of training or fostering a service animal.
  - d. Animals used for therapeutic or other companion purposes, "Therapy animals", shall not be permitted on OCPS property without written approval from Risk Management department.
- (2) In order to be the top producer of successful students, OCPS incorporates live animals into the learning process, including, but not limited to, observation purposes, agricultural sciences, presentations by third parties, and services related to ESE. Animals for these purposes shall not be permitted onto District Property without written approval from the Risk Management department.
  - a. Upon approval, handler and owner shall maintain humane treatment of the animal, including proper nutrition, grooming and veterinary needs as recommended by the American Veterinary Medical Association.
  - b. Procedures for the implementation, use, and handling of these animals shall be governed by Risk Management department in coordination with other OCPS departments with the expertise in the purpose of the animal.
- (3) Standards of Behavior for Handler and their Service Animal. Service Animal shall not in any way interfere with the educational process of any student and shall not pose a health or safety threat to any student, staff member, or other person. Any service animal not meeting the standards of behavior set forth in this policy shall be excluded or removed from the school setting. The behavioral expectations for the service animal, and the standards

by which a request to use a service animal on school premises shall include, without limitation, the following:

- a. Condition of Service Animal. The service animal:
    - (i) Shall be clean, well-groomed (to avoid shedding and dander), and not have an offensive odor;
    - (ii) Shall not urinate or defecate in inappropriate locations;
    - (iii) Shall be free from pests or infectious disease; and
    - (iv) Shall be spayed or neutered (dogs only).
  - b. Behavior. The service animal:
    - (i) Shall not solicit attention, visit, or agitate any member in/on District Property;
    - (ii) Shall not disrupt the normal course of business;
    - (iii) Shall not vocalize unnecessarily (i.e., barking, growling, or whining);
    - (iv) Shall show no aggression toward people or other animals; and
    - (v) Shall not solicit or steal food or other items from any member in/on District Property.
  - c. Training. The service animal:
    - (i) Shall be in the control of the Handler at all times;
    - (ii) Shall be specifically trained to perform appropriate tasks to mitigate aspects of the Handler's disability;
    - (iii) Shall work calmly and quietly on a harness, leash, or other tether;
    - (iv) Shall be able to perform its tasks in public;
    - (v) Shall be able to lie quietly beside the Handler without blocking aisles, doorways, etc.;
    - (vi) Shall be trained to reasonably urinate and/or defecate on command; and
    - (vii) Shall stay within 24 inches of its Handler at all times, unless the nature of a trained task requires it to be working at a greater distance.
    - (viii) 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.
  - d. Removal of a Service Animal. In coordination with OCPS Legal Services, an OCPS administrator may require the removal of a service animal from District Property if any one of the following circumstances occurs:
    - (i) The service animal is out of control and the Handler does not take effective action to control it;
    - (ii) The service animal poses a direct threat to the health or safety of others;
    - (iii) The service animal is not housebroken; or
    - (iv) The service animal's presence would "fundamentally alter" the nature of the service, program, or activity.
- (4) Procedure for Requesting Approval of Service Animals. All requests for approval of a service animal shall be submitted to the Office of Legal Services, and shall include any

documentation requested. In addition, the delegated staff member from the Office of Legal Services shall:

- a. determine whether the service animal meets the standards for acceptance onto District Property as set forth in this policy and current Federal and State laws;
- b. coordinate with the administration supervising the District Property that will be accommodating the person with disability and service animal to enable a smooth transition into the new environment.
- c. when necessary, determine whether an approved service animal should be excluded or removed from District Property for violation of the requirements set forth in this policy.

(5) Implementation Plans for Service Animals. Following approval of a service animal by Legal Services, the Handler, District Property administrator for the location that will accommodate the service animal, and designated personnel from Exceptional Student Education Services (ESE) shall coordinate together the following:

- a. Familiarize the Service Animal with the site prior to the actual start date;
- b. Reasonably orient the Service Animal to appropriate administration, other personnel, and other students (when on a school campus setting);
- c. Establish a place for the Service Animal to urinate/defecate;
- d. Establish an evacuation plan to include the Service Animal;
- e. Establish a resting place for the Service Animal; and
- f. Identify alternative accommodations for the Handler as may be required in the event the Service Animal is not able to accompany the Handler on District Property.

(6) Transportation of Service Animals. If a student with an approved Service Animal uses district transportation services, the following provisions shall apply:

- a. Training. Prior to the first transport of the student and the service animal:
  - (i) The driver and any bus aide shall meet with the service animal's Handler. The Handler is responsible for providing information to the driver and any bus aide regarding critical commands needed for daily interaction and emergency/evacuation.
  - (ii) The service animal's Handler shall assist the OCPS Transportation Department personnel in providing an orientation to other students riding the bus with the service animal regarding the animal's functions and how students should interact with the animal.
  - (iii) The service animal's Handler shall ensure the service animal practices the bus evacuation drills with the student.
  - (iv) The Handler shall ensure the service animal is positioned on the floor, at the student's feet.
  - (v) The OCPS Transportation Department, OCPS Office of Legal Services, and the service animal's Handler shall determine whether the service animal should be secured on the bus with a tether or harness.
- b. Cessation of Transportation. Situations that would cause cessation of transportation of the service animal include, without limitation, the following:
  - (i) The service animal's behavior poses a threat to the health or safety of others as determined by OCPS;

- (ii) The service animal urinates or defecates on the bus; or
    - (iii) The service animal does not remain in the designated area.
  - c. Reinstatement. If transportation of the service animal is suspended, it may be reinstated after additional training. Suspension of transportation of the service animal shall not affect transportation services for the student.
  
- (7) Responsibility for Service Animals. A Service Animal is the personal property of the Handler. The School Board of Orange County, Florida (the "Board") does not assume responsibility for the handling, training, daily care, supervision or health care of any Service Animal approved to accompany a student on a school campus. OCPS is not responsible for walking the animal or responding to the animal's need to relieve itself. Handlers with Service Animals are expected to care for and supervise their Service Animals. In the case of a young child or a student with disabilities who is unable to care for or supervise his/her Service Animal, the parent (or legal guardian, as the case may be) is responsible for providing care and supervision of the Service Animal. Issues related to the care and supervision of Service Animals will be addressed on a case-by-case basis.
  
- (8) Liability for Service Animals. By requesting the approval of the Service Animal, the Handler assumes all liability for any losses, damages, claims, actions, legal proceedings, settlements, judgments, recoveries, costs, and expenses damage to property, injury or death of persons, in any way arising out of or in connection with the Service Animal District Property, including transportation.
  
- (9) Definitions. As used in this policy:
  - a. "District Property" is any property owned, used or maintained by The School Board of Orange County, Florida, whether its purpose is a school, learning center, business and services office, work location, athletic field and other property used for sports and extracurricular activities, parking garage and parking lot, or bus depot.
  - b. "Handler" means the person with a disability using the service animal. If the Handler is a minor (under age 18) or severely handicapped, whereas an adult or alternative person is the owner, then "Handler" and "Owner" shall mean the same.
  - c. "Service Animal" shall be the animal that performs a task as a service to the person with disability, as defined by current federal and state laws and regulations.

**SPECIFIC AUTHORITY:** Sections 413.08; 1001.32; 1001.41; 1001.42; 1001.43; 1006.07; and 1006.08, Florida Statutes.

29 U.S.C. Section 794, as amended.

28 C.F.R. Sections 35.104; 35.136; and 36.104; as amended.

ADOPTED: 09/10/13

REVISED: 04/10/18