

REGULATION

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SERVICE ANIMAL REGULATION**I. Policy:**

It is the policy of the Pennsville School District Board of Education (“Board”) to provide equal access and reasonable modifications for individuals with disabilities to participate in any program, service, activity, or opportunity provided by the Board; and to comply with applicable state and federal law related to service animals for persons with disabilities, including any such person who is a student at, employed at, and/or visiting the Board’s schools or its school grounds. As used in this policy, disability means a physical and/or mental impairment that substantially limits one or more major life activities of an individual.

Visitors, students, faculty, staff, or other persons with a service animal shall be provided with this policy and referred to Pennsville School District for more information and/or advice on using a service animal in District facilities or on school grounds. Board employees should contact the Director of Student Services office for more information at: 856-540-6200 ext. 7122.

**II. “Service Animal” Defined:**

In accordance with Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (Revised 2009), and its implementing regulation, New Jersey law and the Policy of the Board, a “service animal” is defined as *any dog 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.*

Service dogs are animals trained to do specific “works or tasks” for the benefit of a person with a disability. The work or task that the service animal performs must be directly related to the individual’s disability. A service animal is sometimes called an assistance animal. Examples of work or tasks performed by service animals 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 present of people or sounds, providing non-violent protection or rescue

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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.

Examples that **do not** constitute “work or tasks,” as those words are defined, include, but are not limited to: crime-deterrent effect of animal’s presence and the provision of emotional support, well-being, comfort, or companionship.

The law and this Policy distinguish between a “service animal” and a “therapy” or “emotional support” animal. A service animal is individually trained to do work or perform a task for people with disabilities.

Unless the animal is individually trained to do something that qualifies as work or a task, the animal is a pet or support animal and does not qualify for coverage under this Policy as a service animal. A pet or support animal may be able to discern that the individual is in distress, but it is what the animal is trained to do in response to this awareness that distinguishes a service animal from an observant pet or support animal.

If there are any questions as to whether an animal qualifies as a service animal, determination will be made by the Director of Student Services. The Director of Student Services shall be permitted to make this determination based on the individual’s response to the following questions:

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

**III. Service Animals Generally Permitted In Facilities and On School Grounds:**

In accordance with federal and state law, use of a service animal in school facilities and on school grounds, including attendance at a Board-sponsored concert or special events, may not be challenged except if the use of the animal poses a direct threat to the health or safety of other persons, the user/handler is incapable of exercising effective control over the service animal, or if the presence of the service animal will result in a fundamental alteration of the service, program, or activity involved. (Title II of the ADA Regulations, 28 C.F.R. –35.130(b)(7)).

As a result, a service animal must be permitted to accompany any associated person with a disability anywhere in the Board’s facilities and on school grounds that members of the public are allowed, except in areas and situations where it is unsafe to do so or where the

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presence of the service animal fundamentally alters the nature of the service, program, or activity.

**IV. Requested Documents for Service Animals and Their Owners on School Grounds and In Facilities:**

The Board recognizes that service animals can play an important and necessary role in fostering the independence of some individuals with disabilities. Consequently, a trained animal, under the effective control of the service animal's user/handler, may be allowed in Board facilities where animals would typically not be permitted. The safety and health of the Board's students, faculty, staff, and the service animal are important concerns; therefore, only service animals and users/handlers that meet the specific criteria below will be exempt from regulations that otherwise restrict or prohibit animals. The care and supervision of a service animal is the responsibility of the person benefitting from the animal's services (user/handler).

To maintain the safety and health of the Board's students, faculty, and staff, requested documents for service animals and their users include the following:

- Dogs must be licensed in accordance with local city or county regulations, which require proof of current rabies vaccination and/or rabies tags.
- Service dogs must be on a leash at all times (except where the dog must perform a task requiring it to travel beyond the length of the restraint, or the owner is unable to maintain the dog on a leash due to a disability).
- The user/handler must be in full control of the animal at all times.
- The user/handler shall answer all questions contained in the Board's Service Animal Request Form concerning what task or work the service animal has been trained to do for the benefit of the individual with a disability.
- When entering Board facilities or Board vehicles with a service animal, the owner is strongly encouraged to use an identifying vest, tag, leash, or other visible method to indicate to the general public that the animal is a service animal.

**V. Students, Faculty, and Staff with Service Animals:**

Students, faculty, staff, or other persons desiring the use of a service animal in school facilities or on school grounds shall complete the Board's Service Animal Request form and submit it to the Director of Student Services. The Director of Student Services will evaluate the request and notify the student, faculty, staff, or other person with a service

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animal within five (5) business days of Receipt of the Service Animal Request Form whether the service animal will be permitted on school property.

Although the Board recommends that all visitors planning a short-term visit to school property provide advance notice in accordance with the foregoing, the Board also recognizes practical limitations with regard to advance notice requirements for short-term visitors. Accordingly, an administrator shall modify this Policy for a short-term visitor (*e.g.*, on school grounds to watch a school play or for a basketball game) to exempt him/her from the advance notice requirements of this Policy.

**VI. Expectations of Service Animals and Their Users/Handlers:**

A person with a disability may be asked to remove his service animal from the premises if: (1) the animal is out of control and the user/handler does not take effective action to control it; or (2) the animal is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

Cleanliness of the service animal is preferred. Daily grooming and occasional baths (at a veterinarian, pet store or owner's home) should keep animal odor to a minimum. Flea control is essential and adequate preventative measures should be taken. If a flea problem develops, it should be dealt with immediately and in an effective manner. Considerations of others must be taken into account when providing maintenance and hygiene of service animals.

The Board has the authority to require removal of a service animal from its grounds or facilities if the service animal becomes unruly or disruptive, unclean, and/or unhealthy to the extent that the animal's behavior or condition poses a direct threat to the health or safety of others, or otherwise causes a fundamental alteration in the Board's services, programs, or activities. If such behavior persists, the owner (user/handler) may be directed not to bring the animal into Board-controlled areas until the direct threat or fundamental alteration is no longer present.

**VII. Areas Restricted to Service Animals:**

The Board may prohibit the use of service animals in certain locations due to health or safety restrictions or where service animals may be in danger. Such restricted locations include, but are not limited to, food preparation areas, certain research laboratories, mechanical rooms/custodial closets, classrooms with demonstration/research animals, areas where protective clothing is necessary and other areas where the animal's presence may constitute a danger or a fundamental alteration of the program or activity conducted

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in the area. Access to restricted areas may be granted on a case-by-case basis by contacting the Director of Student Services.

**VIII. Conflicting Disabilities:**

If another person on campus has a covered disability under the ADA and it includes an allergic reaction to animals, and that person has contact with a service animal approved for presence on campus, a request for assistance should be made to the Director of Student Services who will consider all facts surrounding the contact and make an effort to resolve the issue.

**IX. Board Evaluation Procedures:**

Should there be questions or concerns about permitting the presence of a service animal in facilities or on school grounds, the matter should be referred to the Director of Student Services. Any questions regarding this policy should be directed to the Director of Student Services.

**X. Grievances:**

In the event of a dispute about a modification relating to a service animal, the concerned party who is a member of the Board's community (faculty, employee, or student) should follow the applicable Board's ADA Accommodation Requests and Appeal/Grievance Procedures, which are available at the Director of Student Services. All others should contact the U.S. Office for Equal Opportunity or the New Jersey Division on Civil Rights to file a complaint.

**XI. REMOVAL OF SERVICE ANIMAL:**

As per ADA regulations, there are two reasons for asking a user/handler to remove a service animal or not to bring the service animal on school property. One is where the presence of a service animal poses a "direct threat" to the health and safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of an auxiliary aids and services. In determining whether an individual assessment, based on reasonable judgment that relies on current medical knowledge or on the best available objective evidence, to ascertain: the nature, duration, and severity of the risk: the probability that the potential injury will actually occur: and whether reasonable modification of policies, practices, or procedures or the provision of auxiliary aides or services will mitigate the risk. The second is where the presence of a service animal would "fundamentally alter" the nature of its service, program or activity. If either of these circumstances is present, the service animal may be subject to removal.

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