

IFD-R Animals in Schools

12/8/22

RATIONALE/OBJECTIVE:

The Cobb County School District (District) recognizes that the use of animals in schools can provide a benefit to students and staff and adheres to the requirement of the Americans with Disabilities Act (ADA) in reference to animals in schools.

RULE:**A. DEFINITIONS:****1. Handler:**

An individual with a disability for whose benefit a service animal has been trained to do work or perform tasks. The principal or other designated building supervisor may consider on a case-by-case basis requests from parents for another person to be the animal's handler if the disabled person is physically or mentally unable to exercise the proper amount of control over the animal.

2. Service Animal:

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. (See, however, Section G below). 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. 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.

B. REQUIREMENTS FOR SERVICE ANIMALS AND HANDLERS:

The District and its employees are generally not responsible for the care and supervision of a Service Animal. A Service Animal is the personal property of the Handler and/or his parent(s) or guardian(s). The District does not assume responsibility for training, daily care, or healthcare of Service Animals. The Handler shall be responsible for ensuring that the Service Animal complies with each of the following requirements:

1. Control:

- a. A Handler must exercise control over their Service Animal at all times. A Handler shall be prohibited from transferring control of a Service Animal to another person for any period of time. In addition, a Handler's control over a Service Animal shall be sufficient to prevent the Service Animal from engaging in unruly or disruptive behavior, including but not limited to barking, biting, growling, whining, attacking, jumping at others, jumping on others, or running around.
- b. 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 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 (e.g., voice control, signals, or other effective means).

- c. If a Service Animal is out of control and the Handler does not take effective action to control it, the Handler may be asked to remove the Service Animal from District facilities until such time as the Handler is capable of exercising control over the Service Animal.
- d. In the event the Handler is not capable of exercising control over their Service Animal, the Handler shall be responsible for providing an individual to assist the Handler in exercising and maintaining control over the Service Animal.

2. Housebroken:

- a. All Service Animals must be housebroken.
- b. Handlers, in coordination with local school or location staff, shall identify an appropriate location isolated from student activities for a Service Animal to eliminate liquid and solid waste. All solid waste generated by the Service Animals shall be collected in a plastic bag, removed and disposed of in a trash receptacle immediately by the Handler. It is the responsibility of the handler to provide plastic bags or other materials required to implement this provision in a sanitary manner.
- c. Where a Service Animal fails to control its bodily functions due to an isolated illness or accident, the Handler shall immediately clean and disinfect the exposed area and dispose of all fluid and solid waste.
- d. In the event that the Handler is not capable of attending to the bodily functions of the Service Animal, the Handler shall be responsible for providing an individual to assist the Handler.

3. Vaccinations, Illness, and Grooming:

- a. All Service Animals shall be inoculated for the prevention of rabies and all other vaccines required by local law or ordinance. School officials shall be provided, upon request, copies of inoculation or vaccination certificates from the animal's veterinarian.
- b. A Handler shall not bring a Service Animal to a District facility whenever the Service Animal is ill. Whenever a Service Animal becomes ill while at a District facility, the Service Animal shall be removed immediately.
- c. Handlers shall ensure that their Service Animal is clean and well groomed. Service Animals shall be free of fleas and other insects, free of foul odors, and appropriately groomed. Where a Handler is notified that a Service Animal is not clean and well groomed, the Handler shall not return to a District facility with the Service Animal until the Service Animal has been appropriately treated, cleaned or groomed.

4. Liability:

- a. The Handler and his/her parents/guardians are liable for all damages caused by the Service Animal, including, but not limited to, injuries to other students or staff, damages to District property, damages to staff or student property, cleaning costs, etc.
- b. The Handler shall immediately report all incidents of property damage or personal injury caused by the Service Animal at a District facility or a District event to the local school principal.

5. Exceptions:

In the event that the Handler is incapable of exercising control over their Service Animal or attending to the bodily functions of the Service Animal the appropriate school-based team may consider accommodations on a case-by-case basis.

C. ACCESS:

1. General Rule:

- a. Handlers accompanied by Service Animals shall generally be permitted to be accompanied by their Service Animals in all areas of a District facility where the student would otherwise be permitted, subject to the same terms and conditions applicable to other students.
- b. Handlers will not be subject to any additional fee or surcharge because they are accompanied by a Service Animal.
- c. If it is obvious what service the Service Animal provides to the individual with a disability, then District staff should not make any further inquiries regarding the tasks performed by the service animal (i.e. a guide dog for an individual with impaired

vision). Only limited inquiries are allowed by District staff to determine if a dog is a service animal when it is not obvious what service the dog provides, and staff may ask only the following two questions:

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

d. District staff shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

2. Exceptions:

a. Control:

A Service Animal may be removed from a District facility where the Handler fails to exercise control over the Service Animal.

b. Housebroken:

A Service Animal may be removed from a District facility where the Service Animal is not housebroken. Isolated accidents and illness will be tolerated on a case-by-case basis.

c. Illness:

A Service Animal may be removed from a District facility where the Service Animal is ill.

d. Grooming:

A Service Animal may be removed from a District facility where the Service Animal is not clean and well groomed, including free of fleas and other insects, and free of foul odors.

3. Health and Safety of the Handler, Animal or Other Persons:

- a. Where the presence of the Service Animal would pose a direct threat to the health, or safety of the Handler, students, staff, or others, the Service Animal may be denied access. Examples: Food Preparation Areas, and Science Laboratories. These areas should be identified in the service implementation plan (see Paragraph D below).
- b. In determining whether a Service Animal pose a direct threat to the health or safety of others, the Teaching and Learning Support and Specialized Services Assistant Superintendent (or designee) will conduct an individualized 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 modifications of policies, practices, or procedures or the provision of auxiliary aids or services will mitigate the risk.

4. Fundamental Alteration:

A Service Animal may be removed from a District facility where the presence of the Service Animal would cause or require a fundamental alteration of a program or activity. For example, an animal that continually interrupts the classroom or educational program may be removed from the building. However, isolated events of misbehavior from an otherwise controlled animal will not give rise to a removal.

5. Opportunity to Participate:

Where a Service Animal is denied access to a District facility on any of the foregoing grounds, the student Handler shall be given the opportunity to participate in the service, program, or activity without having the Service Animal on the premises.

D. IMPLEMENTATION PLAN FOR ALL SERVICE ANIMALS

1. Notification:

The District encourages parents and guardians of Handlers to notify the principal of the local school they will be attending as far in advance as possible of the fact that their child intends to be accompanied by a Service Animal while attending school.

2. Implementation Plan:

- a. Upon receipt of notification that a student seeks to be accompanied by a Service Animal trained to assist them with their disability, the principal of the local school, or designee, should invite the parent(s), guardian(s), and Handler to the school to assist in the development of an Implementation Plan to facilitate the Handler and the Service Animals school attendance.
- b. The Implementation Plan should be developed with the input and assistance of appropriate District staff members. Implementation Plan Team members may include,

but not be limited to, administrators, teachers, paraprofessionals, cafeteria staff, and transportation staff.

- c. The Implementation Plan may include but is not limited to:
 - (1) Plans to familiarize the Handler and Service Animal with the school campus;
 - (2) Plans to orient the Service Animal to school faculty and students;
 - (3) Plans to educate others on proper behavior around a Service Animal;
 - (4) Plans, procedures and locations for the Service Animal's bodily functions;
 - (5) Plans to accommodate the Service Animals need for rest time;
 - (6) Plans to accommodate the Service Animals need for water;
 - (7) Plans to evacuate the Service Animal and the Handler in the event of an emergency; and,
 - (8) Areas where the presence of the Service Animal may pose a direct threat, as outlined above.

E. IMPLEMENTATION AND DISPUTES:

1. This procedure shall be implemented by the principal of the local school, or the individual in charge of District facility where the Handler and Service Animal seek access.
2. In the event that a parent or guardian of a Handler believes that a Handler and his or her Service Animal have been improperly denied access to District facility, the parent or guardian shall first notify the principal of the local school, or individual in charge of specific facility where the Handler and Service Animal seek access in writing of the facts or circumstances under which they contend access was improperly denied. The principal of the local school or individual in charge of the facility where the Handler and Service Animal seek access shall review the facts and circumstances of the parent or guardian's complaint and issue a decision in a reasonable time, not to exceed twenty (20) school days from the receipt of the parent or guardian's complaint.
3. In the event that the parent or guardian of a Handler believes that the decision of the principal of the local school or the individual in charge of the facility where the Handler and Service Animal seek access is in error, then a parent or guardian shall file a written complaint with the Teaching and Learning Support and Specialized Services Assistant Superintendent. Upon receipt of a complaint the assistant superintendent (or designee) shall conduct an investigation to determine whether a Handler or his or her Service Animal have been improperly denied access to the District's facilities. The investigation shall, in the discretion of the investigator, include discussions with the parent, guardian, Handler, District staff members, medical and veterinary professionals, and any other relevant source.
4. The investigator shall issue a written decision on the complaint within a reasonable time, not to exceed twenty (20) days from the receipt of the parent or guardian's complaint.

F. IDEA AND SECTION 504 REMEDIES:

1. In the event that a parent, guardian of eligible Handler contend the additional accommodations are necessary to provide a disabled student with a Free Appropriate Public Education, beyond those offered by this policy, the Student's IEP Committee and/or 504 Committee shall address those concerns on a case-by-case basis.

G. MINIATURE HORSES

1. Reasonable modifications in policies, practices, or procedures will be made to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.
2. In determining whether reasonable modifications in policies, practices, and procedures can be made to allow a miniature horse into a specific District facility, the District must consider the following factors:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - b. Whether the Handler has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

3. All additional requirements for Service Animals in these regulations shall apply to miniature horses.

H. EMOTIONAL SUPPORT/COMFORT ANIMALS:

1. An emotional support/comfort animal is an animal that's function is to provide comfort, companionship, therapeutic benefits, or to promote general emotional well-being. Emotional support/comfort animals are not trained to perform a disability-specific task and are not Service Animals as defined by law or this rule.
2. An emotional support/comfort animal may be used at the discretion of the principal as part of a specific crisis intervention program.
3. The use of an emotional support/comfort animal is subject to the same guidelines and expectations as outlined for service animals as listed above.

I. CLASSROOM PETS:

Classroom pets can provide opportunities to achieve a variety of learning objectives. Due to the issues such as allergies, injuries, and zoonotic diseases, however, teachers should exercise restraint and take appropriate measures to limit the risks associated with classroom pets.

1. Classroom pets shall be allowed at the discretion of the building principal.
2. Classroom pets should be limited to animals that are bred in captivity, and necessary to achieve the learning objectives. Animals appropriate for the classroom include fish, psittacine birds, reptiles and amphibians, and pocket pets (e.g., hamsters, guinea pigs, gerbils).
3. Students should not be permitted to handle any pet or be given caring or cleaning duties without prior parent/guardian consent.
4. Cleaning of pet enclosures should be done as often as necessary following procedures outlined below, to keep the animal healthy, prevent odors from building up, and eliminate any unsanitary conditions.
5. Procedures:
 - a. Fish – Use disposable gloves when cleaning aquariums, and do not dispose of aquarium water in sinks used for food preparation or for obtaining drinking water.
 - b. Psittacine birds – Because these birds (parrots, parakeets, budgies, cockatiels) can carry disease, they cannot be handled by students. Staff members should clean cages when students are not present. Birds must be treated or test negative for psittacosis (chlamydia).
 - c. Reptiles and Amphibians – Because of the risk of Salmonella bacteria, special precautions must be taken when students handle these animals. Students under the age of five should not have contact with reptiles and amphibians. No turtles with a carapace length less than four inches are allowed in schools. Any child handling a reptile or amphibian must wash his/her hands thoroughly with warm water and soap afterwards. Hand sanitizer or "wet wipes" can only be used as an adjunct to soap and water.
 - d. Hamsters, Guinea pigs, and Gerbils – Because these "pocket pets" can carry Salmonella bacteria and Lymphocytic choriomeningitis virus, special care must be taken when students handle these animals. Students under the age of five must not handle these animals. Any student handling a "pocket pet" should be instructed to wash his/her hands thoroughly with warm water and soap afterwards. Hand sanitizer or "wet wipes" can only be used as an adjunct to soap and water.
6. Any animal bites or scratches from a classroom pet should be immediately reported to the school nurse.

Adopted: 12/8/22

Legal Reference:

O.C.G.A. 20-2-1160

O.C.G.A. 30-4-2

28 CFR 35.136

34 CFR 104.7

LBOE tribunal power to determine local school controversies; appeals; special ed provisions
Equal accommodations for blind and deaf persons, and persons with visual or physical disabilities; use of guide or service dogs; rights of dog trainers and raisers
Non-Discrimination in State and Local Government Services: Service Animals
Section 504 - Designation of responsible employee and adoption of grievance procedures

34 CFR 100.7(c)

34 CFR 106.8

20 USC 1681

Title VI - Conduct of investigations

Title IX - Designation of responsible employee and adoption of grievance procedures for sex discrimination

Title IX of the Education Amendments of 1972