TRAINED SERVICE ANIMALS

A. Definitions

1. **Trained service dog** - dogs that have been individually trained to provide services to persons with disabilities including: hearing dogs; guide dogs; assistance dogs; seizure alert dogs; mobility dogs; psychiatric service dogs; autism service dogs; and other service dogs. “**Trained service dogs**” do not include the following: skilled companion animals; therapy dogs; social dogs; facility dogs; agility dogs; police dogs; search and rescue dogs; helping dogs; support dogs; family or companion dogs or pets. “**Trained service dogs**” may include categories of service dogs recognized in future amendments to Virginia Code §51.5-44 or as determined by courts of applicable jurisdiction. A trained service dog is not a pet. The work or task performed must be directly related to the individual’s disability.

2. **Trained service miniature horse** - miniature horses are generally 24-34 inches in height (measured to the withers or shoulders) and generally weigh between 70-100 pounds. The School Division reserves the right to consider the following factors in determining whether a trained service miniature horse can be approved for access to a school or school sponsored event: 1) the type, size and weight of the miniature horse and whether the facility can accommodate those features; 2) whether the handler can demonstrate sufficient control of the miniature horse; 3) whether the miniature horse is housebroken; and 4) whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation. They are not pets and the work or task performed must be directly related to the individual’s disability.

3. **Health certificate** - means certification by a veterinarian licensed to do business in Virginia that the trained service dog or service miniature horse is currently in good health, free of parasites, and has all required vaccinations up to date. Evidence of the same shall be provided with any request.

4. **Three-unit service dog or miniature horse team** - means a team consisting of a trained service dog or miniature horse, a disabled person, and a person who is an adult and who has been trained to handle the service dog or miniature horse.

5. **Mobility-impaired person** - means a person who has completed training to use a dog or miniature horse for service or support because he is unable to move about without the aid of crutches, a wheelchair or any other form of support or because of limited functional ability to ambulate, climb, descend, sit, rise or perform any related function.
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6. **Person with disability** - means a person with a disability or a person who requires accommodations under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act to address a condition affecting a major life activity.

B. **Access to school buildings, School Administration buildings, and school-sponsored events by visitors with trained service dogs or miniature horses**

1. Individuals with disabilities accompanied by trained service dogs or miniature horses who are visiting schools or School Administration buildings shall be granted access to school buildings, School Administration sites or school-sponsored events provided that such trained service dogs or miniature horses are identified by the individuals as trained service dogs or miniature horses in accordance with Virginia Code § 51.5-44E, as amended.

2. Trained service dogs or miniature horses that create disruptions that fundamentally alter the nature of the program or service, create a direct threat to the health or a safety concern to the school or work environment may be required to leave.

3. Dogs or miniature horses who are in training to become trained service dogs or miniature horses, are at least six months of age, and are under the control of a person who is an experienced trainer of the organization sponsoring the dog’s or miniature horse’s training or a three-unit service dog or miniature horse team will be allowed access.

C. **Requests for trained service dogs or miniature horse to access school sites or school sponsored events by students or employees**

1. A student or employee with a disability seeking approval for a trained service dog or miniature horse to accompany the disabled person while in a school, School Administration building, school bus or at a school-sponsored event will make such request to the building principal or building administrator. Such requests can be made on the disabled person’s behalf by persons other than the disabled person. The building principal or building administrator may request additional information to support the request and will forward such request and supporting documentation for an administrative review. The requester will not be asked for proof the animal is certified, trained or licensed as a service animal, but may be asked for a health certificate. If it is not apparent the animal is trained, inquiry may be made of the handler or family.

2. A service animal’s handler is required to clothe his or her service animal in a backpack, harness, or vest identifying the animal as a service animal, with appropriate identifiers specified by Virginia law:
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(a) Harness – guide dog for the blind.
(b) Blaze orange leash – dog for the hearing impaired.
(c) Backpack, harness or vest identifying the dog as trained – dog for those with mobility impairments or other disabilities.

3. School officials may not charge a fee or other surcharge for admitting the service animal on school property.

4. The student or employee with a disability requesting approval for a trained service dog or miniature horse to be present in schools, school administration buildings, school buses or at school-sponsored events will be responsible for all costs, certifications and equipment associated with the trained service dog or miniature horse. The student or employee with a disability must be the dog’s or miniature horse’s primary handler and must demonstrate the ability to care for, control, restrain and otherwise meet the needs of the trained service dog or miniature horse without assistance from other persons. A three-unit service dog or miniature horse team will be allowed access for the purpose of training the student or employee provided that such access is for a temporary period and the training does not interfere with the work or educational environment.

5. A trained service dog or miniature horse must have up-to-date health certification at all times.

6. Trained service dogs or miniature horses approved for access may be denied access if at any time the following conditions are not maintained:

   a. The dog or miniature horse is not clean, well-groomed or has an offensive odor;
   b. The dog or miniature horse urinates or defecates in inappropriate locations, handler shall dispose of the waste;
   c. The dog or miniature horse solicits attention, visits or annoys any member of the student body or school personnel;
   d. The dog or miniature horse vocalizes unnecessarily, i.e., barking, growling, howling or whining;
   e. The dog or miniature horse shows aggression toward people or other animals;
   f. The dog or miniature horse solicits or steals food or other items from the student body or school personnel; or
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g. The dog or miniature horse interferes with the educational program of any students.

7. Trained service dogs or miniature horses must not in any other way interfere with the educational process of any student, disrupt the work environment of employees or otherwise interfere with the school or work environment.

8. Trained service dogs or miniature horses must not pose a direct threat to the health or safety of any student, school personnel or other persons. In consideration of the safety and welfare of the disabled student, the dog or miniature horse and other persons, trained service dogs or miniature horse must not be tethered or otherwise tied or secured by a locking device to the student. If a student is unable to manage the dog or miniature horse without a continuous, secured tether, an administrative review may conclude that the student is unable to safely manage the dog or miniature horse in a school setting. This restriction does not apply to mobility dogs or miniature horses that may be required to be tethered to a wheelchair.

D. Review Process

1. For each request, an administrative committee will review the request on a case-by-case basis. The committee will generally include a representative from the Director of Special Education, a teacher who is familiar with the student’s needs, and administrators from the facility where the trained service dog or miniature horse is being requested.

2. The committee may request additional information regarding the trained service dog or miniature horse and the primary handler’s ability to meet the needs of the dog or miniature horse. If necessary to meet the unique needs of the dog or miniature horse, the employee or the student, the building or other persons who may come in contact with the dog or miniature horse, the committee may develop additional conditions or procedures to be used with the dog or miniature horse. These conditions or procedures may change to address new circumstances. All parties will strive to provide reasonable accommodations regarding the dog or miniature horse.

a. The committee may request information to substantiate that the trained service dog or miniature horse is actually providing a service to the student or employee with disability-related conditions as opposed to being a companion animal.
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b. In the event access is granted, the committee will consider and establish a plan to address the following issues:

(i) A rest place for the dog or miniature horse, if necessary;

(ii) Opportunities for the dog or miniature horse to go outside to relieve itself and the designated areas here the dog or miniature horse may relieve itself. How defecation or urination in inappropriate areas will be cleaned and disposed;

(iii) Rest times for the dog or miniature horse (gym, lunch, and recess);

(iv) Water or feeding breaks for the dog or miniature horse;

(v) Emergency evacuation plan participation; and

(vi) Fire drill or other disaster plan participation.

c. Access plans developed by the committee will not be considered contracts between the School Board and the student or employee but rather a guide for the parties involved. *Access plans for service dogs or miniature horses will not be considered an accommodation under Section 504 of the Rehabilitation Act or a service or accommodation under a student’s Individual Education Plan (IEP).*

d. The committee may consider the impact that the dog or miniature horse will have on other students or employees in the same building or event when developing the plan. Allergies to or fear of the dog or miniature horse alone will not constitute reasons to deny the dog or miniature horse access to the building. The parties affected will strive to accommodate the needs of all affected parties.

e. In the situation where a request is made for access by a trained service dog or miniature horse to a building that is already allowing another trained service dog or miniature horse to access, the School Administration reserves the right to make or change assignments to rooms or programs
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based on the needs of the building, the student body or the staff. Should a building administrator determine that the number of service dogs or miniature horses seeking access to the building creates an undue hardship on the educational or work environment that fundamentally alters the nature of the services performed, or poses a direct threat to the safety of others, the School Administration reserves the right to deny a new request for access by another primary handler of a trained service dog or miniature horse. The School Administration will refer such denials to the review committee to explore other options to address the request for access by the dog or miniature horse.

f. Students seeking access for dogs or miniature horses in training to become service dogs or miniature horses will be allowed access for the dog or miniature horse if the dog or miniature horse is in training to be placed with the student. Instruction time will not be used for training purposes. The School Administration reserves the right to place this restriction on students because students attend school for the purpose of obtaining educational services and training dogs or miniature horses for placement with other persons may interfere with the student’s educational experience or disrupt the educational environment. The building administrator may make limited exceptions to this restriction. Employees seeking access for dogs or miniature horses in training to become trained service dogs or miniature horses may be granted access under the conditions set forth by the building administrator. The building administrator may deny access if the presence of the dog or miniature horse interferes with the employee’s or other employees’ ability to perform job functions.

E. Appeal of denial of request or withdrawal of approval for trained service dog or miniature horse access

1. In the event that a committee or building administrator has denied the request for a trained service dog’s access or approval for a trained service dog’s or miniature horse’s access has been withdrawn, the primary handler or a designee may appeal that decision. Pending the resolution of the appeal, the service dog or miniature horse will not be allowed on school property or at school-sponsored events.
2. Appeals by students will be sent to the Assistant Superintendent for Pupil Services. Appeals by employees will be sent to the Assistant Superintendent for Personnel Services. Visitors with trained service dogs or miniature horses may file complaints with the Assistant Superintendent of Personnel Services. The Assistant Superintendent for Pupil Services and the Assistant Superintendent for Personnel Services may designate other persons to handle an appeal on their respective behalf.

3. All documentation of the denial of request or withdrawal of approval will be forwarded with the appeal. Additional evidence may be requested to substantiate the information provided. Upon request by the Assistant Superintendent and at the School Administration’s expense, an expert may be consulted with regard to resolution of the issues in dispute. Such expert may be an employee or agent of the School Board or the County with no direct involvement with the trained service dog or miniature horse.

4. Within ten (10) working days of the date of receipt of the appeal, the Assistant Superintendent or designee will render a written decision. The decision of the Assistant Superintendent or designee will be final.

F. Responsibility for the dog or miniature horse. The School Board does not assume responsibility for the care or conduct of a trained service dog or miniature horse that has been given access to a school, School Administration building, a school bus or a school-sponsored event. The student, employee or visitor with the dog or miniature horse will remain liable for any damages to facilities, equipment or other persons caused by the dog or miniature horse.

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