



# FOOTHILLS

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## EDUCATION CHARTER HIGH SCHOOL

**Policy: JAA  
Use of Service Animals**

**Board Approved: Pending**

Students in Foothills have the right to be accompanied by a Service Animal trained to assist them with their disability, subject to this procedure.

### **I. Definitions**

**Handler:** An individual with a disability for whose benefit a service animal has been trained to do work or perform tasks. The Site Director 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.

**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. 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.

### **II. Requirements for Service Animals and Handlers**

Foothills 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). Foothills 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:

#### **A. Control**

1. 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, absent the prior written approval of Foothills. 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.
2. 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).
3. 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 Foothills until such time as the Handler is capable of exercising control over the Service Animal, as determined by Foothills.
4. 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.

#### **B. Housebroken**

1. All Service Animals must be housebroken.
2. 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.
3. 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.
4. 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.

#### **C. Vaccinations, Illness, and Grooming**

1. 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.
2. A Handler shall not bring a Service Animal to Foothills facilities whenever the Service Animal is ill. Whenever a Service Animal becomes ill while at Foothills facilities, the Service Animal shall be removed immediately.
3. 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 Foothills facilities with the Service Animal until the Service Animal has been appropriately treated, cleaned or groomed.

#### **D. Liability**

1. The Handler and his/her parents are liable for all damages caused by the Service Animal, including, but not limited to, injuries to other students or staff, damages to Foothills property, damages to staff or student property, cleaning costs, etc.
2. The Handler shall report all incidents of property damage or personal injury caused by the Service Animal at Foothills facilities or events to the local school Site Director within twenty-four (24) hours.

#### **E. Exceptions**

1. 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.

### **III. Access**

#### **A. General Rule**

1. Student Handlers accompanied by Service Animals shall generally be permitted to be accompanied by their Service Animals in all areas of Foothills facilities where the student would otherwise be permitted, subject to the same terms and conditions applicable to other students.
2. Handlers will not be subject to any additional fee or surcharge because they are accompanied by a Service Animal.
3. Foothills staff may ask if the Service Animal accompanying a Student Handler is required because of a disability and what work or task the animal has been trained to perform.
4. Foothills staff shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

#### **B. Exceptions**

1. Control: A Service Animal may be removed from Foothills facilities where the Handler fails to exercise control over the Service Animal.
2. Housebroken: A Service Animal may be removed from Foothills facilities where the Service Animal is not housebroken. Isolated accidents and illness will be tolerated on a case by case basis.
3. Illness: A Service Animal may be removed from Foothills facilities where the Service Animal is ill.
4. Grooming: A Service Animal may be removed from Foothills facilities where the Service Animal is not clean and well groomed, including free of fleas and other insects, and free of foul odors.

#### **C. Health and Safety of the Handler, Animal or Other Persons**

1. Where the presence of the Handler or the Service Animal would pose a threat to the health, or safety of the Handler, the Service Animal or others, the Handler or the Service Animal may be denied access. Examples: Food Preparation Areas, and Science Laboratories. These areas should be identified in the service implementation plan discussed in Section V.
2. In determining whether a Handler or a Service Animal pose a direct threat to the health or safety of others, the Henry County Schools' Executive Director of Student Support Services (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.

#### **D. Fundamental Alteration**

1. A Service Animal may be removed from Foothills facilities 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.

#### **E. Opportunity to Participate**

1. Where a Service Animal is denied access to Foothills facilities 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.

### **IV. Implementation Plan For All Service Animals**

#### **A. Notification**

1. Foothills encourages parents and guardians of Student Handlers to notify the Site Director 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 (but not less than ten days for miniature horses).

#### **B. Implementation Plan**

1. Upon receipt of notification that a student seeks to be accompanied by a Service Animal trained to assist them with their disability, the Site Director of the local school, or designee, should invite the parent(s), guardian(s), and Student Handler to the school to assist in the development of an Implementation Plan to facilitate the Handler and the Service Animals school attendance.
2. The Implementation Plan should be developed with the input and assistance of appropriate Foothills staff members. Implementation Plan Team members may include, but not be limited to, administrators, teachers, paraprofessionals, cafeteria staff, and transportation staff.
3. The Implementation Plan may include but is not limited to:
  - plans to familiarize the Handler and Service Animal with the school campus;
  - plans to orient the Service Animal to school faculty and students;
  - plans to educate others on proper behavior around a Service Animal;
  - plans, procedures and locations for the Service Animals bodily functions;
  - plans to accommodate the Service Animals need for rest time;
  - plans to accommodate the Service Animals need for water;
  - plans to evacuate the Service Animal and the Handler in the event of an emergency; and,
  - the existence and location of animal free zones in the school building (i.e. school cafeteria).
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## **V. Implementation and Disputes**

This procedure shall be implemented by the Site Director of the local school, or the individual in charge of the Foothills facility where the Student Handler and Service Animal seek access.

In the event that a parent or guardian of a Student Handler believes that a Student Handler and his or her Service Animal have been improperly denied access to Foothills facilities, the parent or guardian shall first notify the Site Director of the local school, or individual in charge of Foothills facility where the Student 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 Foothills facility where the Student 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) days from the receipt of the parent or guardian's complaint.

In the event that the Parent or Guardian of a Student Handler believes that the decision of the principal of the local school or the individual in charge of the Foothills facility where the Student Handler and Service Animal seek access is in error, then a parent or guardian shall file a written complaint with Foothills Regional Director for Student Services. Upon receipt of a complaint the Director shall conduct an investigation to determine whether a Student Handler or his or her Service Animal have been improperly denied access to Foothills facilities. The Regional Director's investigation, shall, in the discretion of the Director, include discussions with the parent, guardian, Student Handler, Foothills staff members, medical and veterinary professionals, and any other relevant source.

The Regional Director 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.

## **VI. IDEA and Section 504 Remedies**

In the event that a parent, guardian of eligible Student Handler contend the additional accommodations are necessary to provide a disable 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.