



# Transportation

## Service Animals

# What Is a Service Animal?

*U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section*



Under the ADA, Americans with Disabilities Act, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task performed by the dog must be directly related to the person's disability.



This golden retriever provides stability for this boy with Cerebral Palsy.

# What Is a Service Animal?

## *Guidelines for School Division Policy and Procedures Regarding Service Animals in Va. Public Schools*



Similar to dogs, miniature horses can be trained as service animals. Miniature horses are not one specific breed and are different from ponies and full size horses. A mini horse is generally 24-34 inches in height and weighs between 70-100lbs



This miniature horse provides stability and guidance for this visually impaired person.

# What does VDOE regulation say?



“ A public entity shall not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal. Generally, a public entity may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability”

*28 CFR§35.136(f)*



This lab helps this little boy with Down Syndrome from having a “melt down”

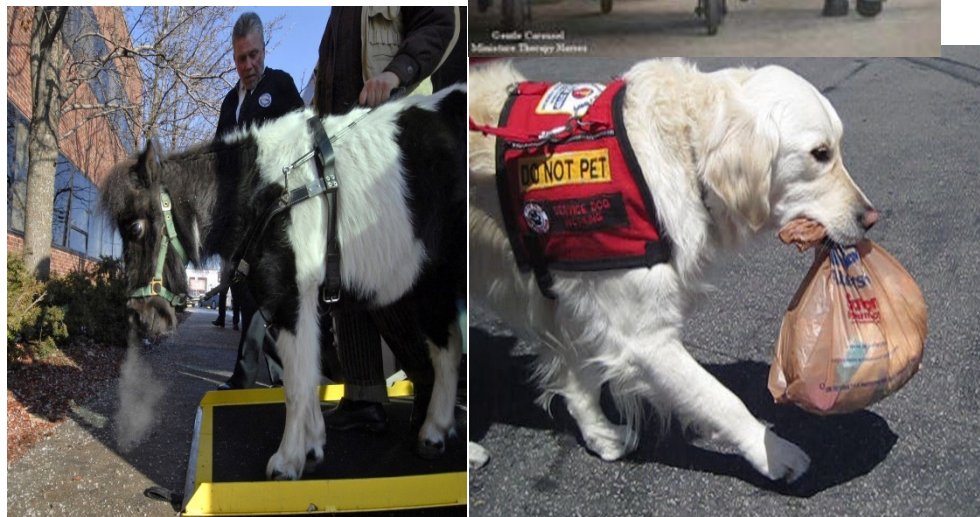
# What does VDOE regulation say?

Virginia Department of Education Division of  
Special Education and Student Services  
Web site: [www.doe.virginia.gov/VDOE/sess](http://www.doe.virginia.gov/VDOE/sess)

*Virginians with Disabilities Act*, at § 51.5-44 which governs what is known as the service dog's right of access, was amended to expand to include public schools in the group of public entities that must meet the requirements of this statute.



A Service Animal can only be a trained dog or a trained miniature horse.



By definition, the service animal must be trained.  
(for service dogs, see § 51.5-44 E of the Code of Virginia, and 28 CFR §§ 35.104; 36.104;  
for trained miniature horses, see 28 CFR §§ 35.104; 36.104).

# What does VDOE recommend?

VDOE recommends that every school district create a policy to include at minimum the following definitions:

- ❖ “Hearing dog” means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.
- ❖ “Mobility impaired” student means one who 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.
- ❖ “Service animal” means any dog (or trained miniature horse) 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.
- ❖ “Three-unit service dog team” means a team consisting of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog.

# What does VDOE recommend?

## **Sample Language:**

We are dedicated to protecting the health and well-being of our community. Some students are highly allergic to certain animals. Animals can also spread disease, or behave in dangerous or unpredictable ways that can cause injury to persons with whom they come into contact. Please help us maintain a safe environment for all students by respecting these policies

## **Sample Language:**

We do not discriminate on the basis of disability. Persons with disabilities have the same right as the able-bodied to the use and enjoyment of our school. We strive to make reasonable accommodations for a disabled person's use of a service animal on school property. We have established the following procedures for evaluating whether and how a request to bring a service animal on school property can be implemented under the circumstances on a case-by-case basis.

# What does VDOE recommend?

- ❖ The school division is not responsible for the care or supervision of the service animal. (28 CFR § 35.136(c))
- ❖ The school division may request removal of the service animal if the animal is out of control and the animal's handler does not take effective action to control it, or the animal is not housebroken. (28 CFR § 35.136(b))6

❖ **Factors that may be considered under this element are that the service animal:**

- ❖ is clean, well-groomed and does not have an offensive odor.
- ❖ does not urinate or defecate in inappropriate locations.
- ❖ does not solicit attention, visit or annoy any students or school personnel.
- ❖ does not vocalize unnecessarily; i.e., barking, growling, or whining.
- ❖ shows no aggression towards people or other animals.
- ❖ does not solicit or steal food or other items from the students or school personnel.
- ❖ must not interfere with the educational program of any student.





# Service Animal Access Request

## Service Animal Access Request Checklist

School Division: \_\_\_\_\_

Student: \_\_\_\_\_

School: \_\_\_\_\_

Date: \_\_\_\_\_

1. Is the dog a trained service dog? YES or NO
2. Does the dog perform task or functions that mitigate the student's disability?  
YES or NO
3. Do the dog and its primary handler have satisfactory proof of training? YES or  
NO
4. Does the dog have a current health certificate? YES or NO
5. Does the dog meet all the Minimum Standards for a service dog? YES or NO
6. If the primary handler is not the student, is the handler otherwise to be on  
school property? YES or NO

\*Any NO responses may support denial of access

# What a request could look like....

## BROWARD COUNTY PUBLIC SCHOOLS REQUEST FOR USE OF SERVICE ANIMAL IN SCHOOL DISTRICT FACILITIES

All requests for individuals (Student/Employee) with disabilities to be accompanied by a service animal in a school district facility (classrooms, school buildings, work locations and administrative sites) must be addressed in writing through this request/application and delivered to the Section 504 Liaison of the school where the request is being made, (if applicant is a Student) or to the Executive Director, Benefits & EEO Compliance (if applicant is an Employee) along with all required documentation. This request/application must be delivered at least fifteen (15) school days prior to bringing the service animal to a school district facility.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Student \_\_\_\_\_ Employee: \_\_\_\_\_

School/Department: \_\_\_\_\_

Name of the activity/function to be attended: \_\_\_\_\_

Date of the activity/function: \_\_\_\_\_

Location of the activity/function: \_\_\_\_\_

### Please respond to the following questions regarding the service animal:

1. Please identify the type of service animal:

Dog \_\_\_\_\_ Miniature Horse \_\_\_\_\_

2. Does the service animal perform task(s) or function(s) that mitigate the individual's disability?

Yes \_\_\_\_\_ No \_\_\_\_\_

Please explain: \_\_\_\_\_

\_\_\_\_\_

This is an example from Broward County Public Schools



# What are the requirements to allow a service animal to ride a school bus?

The use of service animals on the school bus should take into consideration seating arrangements and location of the animal, emergencies, evacuations and the needs of other students such as allergies.

For a child riding a school bus with a service animal, it is good practice to provide an orientation about the animal to the other children and parents and to address questions and concerns prior to initiating services. Positive communication and accurate information will foster receptiveness.

# IDEA , Section 504 of the Rehabilitation Act, ADA

❖ *Prohibiting a service animal to accompany a child on the bus can be illegal.*

❖ The United States Department of Justice, provides information about service animals at <http://www.usdoj.gov>

❖ National Network website at <http://adata.org/factsheet/service-animals>

❖ ADA website  
<http://www.ada.gov>



Date

Title of presentation