

PENN MANOR SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

APPROVED: March 8, 2013

REVISED:

718-AR-1. EVALUATION OF REQUESTS BY STUDENTS AND EMPLOYEES

The following procedures and considerations will be used by the district administration when determining if an individual with a disability is making a legitimate request for use of a service animal in district schools and vehicles or on district property.

Step One – Determine whether the student or employee requesting use of a service animal is a qualifying individual with a disability.

Step Two – Determine whether a written request and all documentation have been submitted, as required by Board policy.

Step Three – Determine the qualifications of the particular service animal requested to assist the individual with a disability.

Establish if the requested service animal is a dog or miniature horse individually trained to do work or perform tasks for the benefit of an individual with a disability including, but not limited to, guiding individuals with impaired vision; alerting individuals with impaired hearing to intruders or sounds; providing minimal protection or rescue work; pulling a wheelchair; or fetching dropped items.

If the above standards are met, animals are considered service animals under the Americans With Disabilities Act (ADA), regardless of whether they have been licensed or certified. The district cannot require certification of formal training.

Based on the documentation submitted with the request, determine if the service animal has been trained to provide the specific tasks, services or functions required by the individual due to his/her disabilities and if the animal can actually provide that task, service or function. If the animal cannot perform the identified tasks, services or functions, the district may deny the request.

Step Four – Determine whether use of the service animal will cause a fundamental alteration to the program, service or activity.

This standard is generally limited. Prior to determining that there would be a fundamental alteration, the district must rigorously analyze whether the presence of the service animal would actually have a significant effect upon the program, service or activity involved.

If so, identify the fundamental alteration that would occur if the service animal is permitted to accompany the owner or handler prior to denying the request.

Step Five – Determine whether use of the service animal will pose a direct threat to the health and safety of others who participate in district programs, services or activities.

Direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practice or procedures, or by the provision of auxiliary aids or services.

In determining whether a service animal would pose a direct threat to the health and safety of others, administrators must make an individualized assessment, based on reasonable judgment that relies on current medical knowledge or the best available objective evidence, to establish the nature, duration and severity of the risk; the probability that the potential injury will actually occur; and if reasonable modifications of policies, practices or procedures will mitigate the risk.

A determination of direct threat may not be used to remove a service animal from a classroom where another individual has an allergy to that animal. Instead, the administration would meet with those involved to develop an alternative plan of accommodation or modification, such as assigning the individuals to different classrooms.

Step Six – Determine what alternatives can be provided if the district denies the request for use of a service animal.

The district may not be required in all cases of denial to offer modifications or accommodations, but the Board's commitment to provide access to district programs, services and activities for individuals with disabilities, and the Board's commitment to nondiscrimination on the basis of disability, are enhanced and supported by determination of an alternative plan.

If the administration determines that the use of a requested service animal will not be permitted, the district will take the following actions to ensure that the individual with a disability is not discriminated against on the basis of disability:

1. Establish if alternative modifications to current policies, practices or procedures can be made to permit the person to participate in district programs, services or activities.
2. Establish if academic adjustments or auxiliary aids are necessary for an individual with a disability to ensure that the student is not excluded from participation in or denied the benefits of district programs, services or activities.

As in all disability cases, actual offers of modifications or accommodations are determined on an individual basis.

Step Seven – Provide notice about the right to appeal.

If the district denies the request at any step in this procedure, the administration will provide to the individual with a disability notice about the means available to file a complaint about the decision, and will provide information about the Board's related policies and complaint procedure.