

POLICY

SOMERSET COUNTY BOARD OF EDUCATION

Date Submitted: July 21, 2020	Number: 200-26
Date Reviewed:	
Subject: Service Animals	Date Approved: August 18, 2020
	Date Revised:
	Date Effective: August 18, 2020

1. **PURPOSE**

The purpose of this policy is to establish the proper accommodation and use of a service animal by students, employees, and visitors of Somerset County Public Schools (SCPS).

2. **Policy Statement**

The Somerset County Board of Education (SCBOE) acknowledges its responsibility to evaluate requests for service animals in its facilities and school buildings for individuals with disabilities. As a result, the SCBOE and SCPS will comply with all requirements regarding service animals as defined by the *Americans with Disabilities Act (ADA)* and the *American with Disabilities Act Amendments Act of 2008 (ADAAA)*.

3. **Definitions**

“Individual with a Disability” – A person with a physical or mental impairment that substantially limits one or more major life activities; A person with a record of such an impairment; or a person regarded as having such an impairment.

“Service Animal” – Any dog, or under specific circumstances a trained miniature horse, that is individually trained to do work or perform a task for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or task performed by a service animal must be directly related to the individual’s disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. An animal whose sole purpose is to provide comfort or emotional support is not included in this definition and does not qualify as a service animal under ADA.

“Miniature Horse Service Animal” – The type, size and weight of the miniature horse and whether the facility can accommodate these features is dependent upon the following: whether the handler has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the miniature horse’s presence in a specific facility

compromises legitimate safety requirements that are necessary for the safe operation of that facility.

“Service Dog In-Training” – A dog that does not currently meet the definition of a service animal but is undergoing a process of instruction designed to lead to its employment as a service dog. A service dog in-training is owned by an accredited organization that trains dogs for future employment as a service dog. A service animal and authorized service animal trainer may be excluded from an authorized facility if admitting the animal would create a clear danger of a disturbance or physical harm to any individual at the authorized facility.

“Liabilities” – An individual with a disability or a parent of a minor child with a disability who is accompanied by a service animal may be liable for any damages to the authorized facility caused by the service animal; and the service animal trainer organization that certifies the service animal may be liable for any personal injuries or damages to the premises or facilities caused by the service animal to the extent permitted under Human Services Article 7-705, Annotated Code of Maryland.

“Work or Tasks” – The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples 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.

Legal References:

Americans with Disabilities Act (ADA)

Americans with Disabilities Act Amendment Act 2088 (ADAAA)

COMAR Regulation 14.25.02.11