

SERVICE ANIMAL REGULATIONS FOR ENROLLED STUDENTS, AUTHORIZED VISITORS, AND EMPLOYEES OF GUNTER INDEPENDENT SCHOOL DISTRICT

The following regulations are designed to provide guidance regarding the use of service animals by enrolled students, employees and authorized visitors with disabilities on the campuses and other facilities of Gunter Independent School District and at school-sponsored events. This policy reflects the Americans with Disabilities Act (ADA) regulations regarding service animals effective March 15, 2011.

The District does not purchase or otherwise provide service animals or handlers of service animals for students, employees, or visitors.

Service animals are defined as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or tasks performed must be directly related to the individual's disability. 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. 28 C.F.R. §35.104. A service animal is not a pet.

Animals that do no work or perform tasks for the benefit of an individual with a disability are not permitted on campus. The School District permits service animals on campus and in its public facilities, subject to the following conditions:

- (1) The service animal must be under the control of the individual with a disability at all times. The school district may ask the individual to remove a service animal from the premises if the animal is out of control and the individual does not take effective action to control it. 28 C.F.R. §35.136(b).
- (2) The individual, not the School District, is responsible for the care, supervision and handling of the service animal. 28 C.F.R. §35.1369(e). Service animals must not be left unattended on campus at any time.
- (3) The service animal shall have a harness, leash, or other tether unless either: (a) the individual is unable because of a disability to use a harness, leash, or other tether; or (b) the use of such device would interfere with the service animal's safe, effective performance of work or tasks. In such circumstances, the service animal must be under the individual's control through another effective means such as voice control or signals. 28 C.F.R. §35.136(d).
- (4) The service animal must be housebroken. 28 C.F.R. §35.136(b)(2). The service animal must be walked, exercised, and allowed to eliminate waste only in designated areas. The individual is responsible for cleaning up after the animal.

- (5) The individual, not the School District, is responsible for any damage done by the animal and for the upkeep and cleanliness of any area traversed or occupied by the animal. Texas Human Resources Code Section 121.005.
- (6) The School District may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. 28 C.F.R. §35.136(f). If the animal does not perform work or tasks directly related to the individual's disability, the School District may instruct the individual to remove the animal from the premises. 28 C.F.R. §35.104.
- (7) The School District may ask the individual to remove the animal if the animal poses a direct threat to the health or safety of others. 28 C.F.R. §35.139.
- (8) The School District may ask the individual to remove the animal if the animal's presence or behavior fundamentally alters the nature of the School District's service, program, or activity. 28 C.F.R. §35.130(b)(7).
- (9) Special provisions regarding miniature horses: requests to permit a miniature horse to accompany an individual with a disability in school buildings, classrooms, or at school functions will be handled on a case by case basis considering the type, size and weight of the horse and whether the facility can accommodate these features; whether the individual has sufficient control of the miniature horse; whether the miniature horse is housebroken; and whether the presence of the miniature horse in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Individuals proposing to be served by miniature horses must provide annual written report of the following vaccinations: equine infectious anemia, rabies, tetanus, encephalomyelitis, rhinoneumonitis, influenza and strangles and any other vaccinations required by law in the State of Texas.

The Gunter Independent School District and its employees shall be held harmless in the event that the animal damages property or causes harm to anyone on campus. It is the individual's responsibility to inform others that the animal is a service animal and should not be petted, bothered, harassed or fed. The use of a collar or harness that identifies the animal as a service animal is strongly recommended to communicate the animal's status.

Gunter Independent School District follows all applicable laws and regulations to protect the health and safety of the campus community and those animals which it permits on campus. Any individual who believes that he/she is being denied access to buildings or programs should immediately inform the District's Superintendent at [address] or [telephone number].

Use of Service Animal on a Regular Basis

The following provisions apply only if the individual requests to be accompanied by a service animal on a regular basis, such as if the individual is a student, employee, or regular visitor.

1. The individual must provide annual proof in writing of the following vaccinations: DHLPPC (distemper, hepatitis, leptospirosis, parainfluenza, parvovirus, coronavirus), bordetella, and rabies and any other vaccinations required by law in the State of Texas.
2. The request to be accompanied by a service animal on a regular basis must be addressed in writing to the Superintendent of Schools. The written request must attach required documentation of vaccinations.
3. The School District requests, but does not require, that service animals wear an orange collar and a leash or a vest at all times that identifies it as a service animal to students and staff.
4. If the individual is a student with a disability, the request shall be considered by the student's ARD Committee or Section 504 Team as appropriate. The ARD Committee or Section 504 Team, as appropriate, will determine the appropriate use of the service animal taking into account all relevant factors. A service animal will not be identified as a related service or a supplementary aid or service unless the ARD Committee or Section 504 Team, as appropriate, determines that such a designation is necessary for the provision of appropriate services.

Any disputes or complaints by any person involving service animals should be made in writing to the Superintendent of Schools at 213 N. 8th Street, P.O. Box 109, Gunter, TX 75058. Some disputes may be subject to the grievance process outlined by School Board policy and/or in the Student Handbook.

Last Revised: June 20, 2011