

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS
Board of Education
Upper Marlboro, Maryland

0113
Policy No.

BOARD OF EDUCATION POLICY

BASIC COMMITMENTS

Service Animals

I. POLICY STATEMENT

- A. The Prince George's County Board of Education (Board) is committed to providing all students, employees, and third parties with equal opportunity in Prince George's County Public Schools (PGCPS) workplaces, and educational programs and activities and promotes compliance with all federal and state nondiscrimination laws and regulations.
- B. The Board is deeply committed to providing every student with equitable access to the educational opportunities, rigor, resources, and supports that are designed to maximize the student's academic success and physical, psychological, and social/emotional well-being, and ensure all staff are empowered to do their best work.

II. PURPOSE

The purpose of this policy is to provide guidelines permitting the use of service animals by individuals with disabilities on PGCPS property and at school-related and school-sponsored activities.

III. DEFINITIONS

- A. *Animal in training* – A dog that does not currently meet the definition of “service animal” but is undergoing a process of instruction designed to lead to its employment as a service animal. An *animal in training* is owned by an accredited organization that trains dogs for future employment as service animals, and that organization is responsible for any damages or injuries caused by its dog.
- B. *Employee* – A full-time or part-time permanent or temporary worker, including a substitute teacher, employed by PGCPS. An *employee* also includes an independent contractor and vendor, contractors' and vendors' employees, and a volunteer.
- C. *Individual with a disability* is –
 - 1. A person with a physical or mental impairment that substantially limits one or more

major life activities;

2. A person with a record of such an impairment; or
3. A person regarded as having such an impairment.
 - a. An individual is regarded as having such an impairment if the individual is subjected to a prohibited action because of an actual or perceived physical or mental impairment, whether or not that impairment substantially limits, or is perceived to substantially limit, a major life activity, even if the Board asserts, or may or does ultimately establish, a defense to the action prohibited by the Americans with Disabilities Act.
 - b. An individual is not regarded as having such an impairment if the Board demonstrates that the impairment is, objectively, both transitory (lasting or expected to last six months or less) and minor.

D. School property – Any property owned or leased by PGCPS or used by PGCPS for school-related and/or school-sponsored activities. The concept of school property extends to school activities such as field trips, use of parks and recreation facilities, and school buses, etc. For the purposes of this policy, facilities scheduled by PGCPS for students' use are considered an extension of school property.

E. Service animal – Any dog, or under specific circumstances, a trained miniature horse, which 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. Work or tasks include, but are not limited to:

1. Guiding individuals with impaired vision;
2. Alerting individuals with impaired hearing to sounds;
3. Pulling a wheelchair;
4. Fetching dropped items; or
5. Detecting the onset of a seizure.

IV. STANDARDS

- A. Individuals with disabilities will be permitted to be accompanied by service animals in PGCPS where members of the public, participants in services, programs or activities, or invitees, as relevant, are normally allowed to go.
- B. When an individual with a disability brings a service animal to school property, a PGCPS employee shall not ask about the nature or extent of the individual's disability, but may make two inquiries to determine whether an animal qualifies as a service animal unless it is readily apparent that the animal is trained to do work or perform tasks for an individual

with a disability (e.g., the dog is observed guiding the individual who is blind or has low vision, is pulling a person's wheelchair, or is providing assistance with stability or balance and the individual has an observable mobility disability). The two (2) permitted inquiries are:

1. If the animal is required because of a disability; and
 2. What work or task the animal has been trained to perform.
- C. An individual with a disability may not be required to provide documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.
- D. Reasonable modifications to administrative procedures and practices shall be made to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual. In determining whether reasonable modifications in administrative procedures and practices can be made to allow a miniature horse on to school property, the following factors shall be considered:
1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for the safe operation of the facility.
- E. Fees
If an admission fee is charged for entry to a PGCPs event, the Board shall not require the purchase of a separate ticket or charge any additional amount for the admission of a service animal or an animal in training or being raised as a service animal.
- F. Liability and Care
1. The owner of a service animal is liable for any harm or injury caused by the service animal to students, employees, visitors, and/or PGCPs property.
 2. The care or supervision of a service animal is solely the responsibility of the owner or trainer. PGCPs is not responsible for the care or supervision of a service animal.

V. IMPLEMENTATION RESPONSIBILITIES

The Superintendent is responsible for developing an administrative procedure to implement this policy to ensure that federal and state laws and regulations are followed.

VI. REFERENCES

A. Legal

Americans with Disabilities Act of 1990 (ADA)
Americans with Disabilities Act Amendments Act of 2008 (ADAAA)
28 CFR §§ 35.104, 35.107, 35.108, 35.130(b)(7), and 35.136
§§ 7-701, 7-704, and 7-705, MD. CODE ANN., HUM. SERVS.

B. Other Board Policies

Board Policy 0125 – Nondiscrimination

VII. HISTORY

Policy Adopted – 08/24/2024