

**MURFREESBORO CITY SCHOOL BOARD POLICY**

<b>Descriptor Term:</b>  <p style="text-align: center;"><b>SERVICE ANIMALS IN DISTRICT FACILITIES AND VEHICLES</b></p>	<b>Descriptor No:</b>  <p style="text-align: center;"><b>SS 13</b></p>	<b>Date Adopted:</b>  <p style="text-align: center;"><b>9/11</b></p>
<b>Reviewed/Revision Adopted:</b>  		

1 a) It is the policy of the Murfreesboro City Schools (“MCS”) to comply with provisions of  
2 the Americans with Disabilities Act (“ADA”) and its implementing regulations by ensuring that  
3 individuals with disabilities are able to participate in and benefit from the district’s programs,  
4 activities, and services.

5 b) Title II (Public Services) of the ADA, 42 U.S.C. § 12131 *et seq.*, provides that, subject to  
6 the provisions set forth in title II itself, “no qualified individual with a disability shall, by reason  
7 of such disability, be excluded from participation in or be denied the benefits of services,  
8 programs, or activities of a public entity, or be subjected to discrimination by any such entity.”  
9 42 U.S.C. § 12132. To effectuate this policy, the U.S. Department of Justice has promulgated a  
10 regulatory requirement that a public entity “generally ... modify its policies, practices, or  
11 procedures to permit the use of a service animal by an individual with a disability.” 28 C.F.R. §  
12 35.136.

13 c) It is the policy of the Murfreesboro City Schools to permit individuals with disabilities to  
14 be accompanied by a “service animal” in MCS buildings, including classrooms, on MCS  
15 property, on vehicles owned, leased or controlled by MCS, and at MCS school functions, as  
16 required by the ADA and subject to the following requirements and limitations:

17 (1) **Service animal defined:** A service animal is any dog, or miniature horse if deemed  
18 appropriate in accordance with section (c)(13) of this policy, that is individually trained to  
19 perform specific tasks for the benefit of an individual with a disability, including physical,  
20 sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether  
21 wild or domestic, trained or untrained, are not service animals for purposes of this policy.

22 The work or tasks include but are not limited to, assisting individuals who are blind or have low  
23 vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the  
24 presence of people or sounds, providing non-violent protection or rescue work, pulling a  
25 wheelchair, assisting an individual during a seizure, alerting individuals to the presence of  
26 allergens, retrieving items such as medicine or the telephone, providing physical support and  
27 assistance with balance and stability to individuals with mobility disabilities, and helping persons  
28 with psychiatric and neurological disabilities by preventing or interrupting impulsive or  
29 destructive behaviors. The crime deterrent effects of an animal’s presence and the provision of  
30 emotional support, well-being, comfort, or companionship do not constitute work or tasks for the  
31 purposes of this definition.

32 (2) *Access:* Subject to the other provisions of this policy, an individual with a disability  
33 shall generally be permitted to utilize a service animal that is required because of the individual's  
34 disability and that has been individually trained to do work or a task for the individual.  
35 Individuals with disabilities can be accompanied by their service animals in all areas of MCS's  
36 facilities where members of the public, participants in services, programs, or activities, or  
37 invitees, as relevant, are allowed to go.

38 (3) *Inquiry into individual's need for and training of a service animal:* As provided by  
39 law, no MCS official or employee shall ask an individual using or wishing to use a service  
40 animal about the nature or extent of a person's disability. MCS officials may nevertheless make  
41 two inquiries to determine whether an animal qualifies as a service animal: (i) Is the animal  
42 required because of a disability; and (ii) what work or task has the animal been trained to  
43 perform? MCS shall not require, nor shall any MCS official request that an individual provide,  
44 documentation indicating that the animal has been certified, trained, or licensed as a service  
45 animal. In addition, MCS officials shall not make these inquiries about a service animal when it  
46 is readily apparent that an animal is trained to do work or perform tasks for an individual with a  
47 disability (e.g., the dog is observed guiding an individual who is blind or visually impaired).

48 (4) *Use of service animals by MCS students and employees:* Students and employees  
49 seeking to be accompanied by a service animal on an ongoing basis in MCS buildings and/or  
50 vehicles, shall make a written request to the Director of Schools at 2552 South Church Street,  
51 Murfreesboro, TN 37127. This written request must be delivered to the Director at least ten (10)  
52 business days before the student or employee uses the service animal on MCS property, and must  
53 include proof of current vaccinations for the service animal as required by section (c)(4) of this  
54 policy. In addition, students and employees using a service animal on an ongoing basis must  
55 submit to the Director before the beginning of each academic year written proof that the service  
56 animal's vaccinations are current and up to date.

57 (5) *Use of service animals by visitors to MCS facilities and events:* Visitors (e.g., parents  
58 and other family members of MCS students and employees) need not submit a written request  
59 before using a service animal at MCS facilities and events, but are nevertheless required to  
60 comply with all other requirements of this policy, copies of which are available at each facilities  
61 main office.

62 (6) *Vaccination of service animals:*

63 (a) All dogs used as service animals must have current vaccinations against:  
64 DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus,  
65 Coronavirus), Bordetella, and Rabies.

66 (b) All miniature horses used as service animals must have current vaccinations  
67 against: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus,  
68 Encephalomyelitis, Rhinoneumonitis, Influenza, and Strangles.

69 (7) *Hygiene:* All service animals must be:

70 (a) Treated for, and kept free of, fleas and ticks; and

71 (b) Kept clean and groomed to avoid shedding and dander.

72 (8) *Spaying/neutering of service dogs:* All service dogs must be spayed or neutered.

73 (9) *Housebroken:* All service animals must be housebroken.

74 (10) *Service animal under handler's control:* A service animal shall remain under the  
75 control of its handler. In addition, a service animal must have a harness, leash, or other tether,  
76 unless either the handler is unable because of a disability to use a harness, leash, or other tether,  
77 or the use of a harness, leash, or other tether would interfere with the service animal's safe,  
78 effective performance of work or tasks, in which case the service animal must be otherwise  
79 under the handler's control (e.g., voice control, signals, or other effective means). When on  
80 vehicles owned, leased, or controlled by MCS, service animals must be kept near the individual  
81 they are accompanying and out of any aisle, and must not disturb other passengers.

82 (11) *Care and supervision of service animal:* MCS is not responsible for the care or  
83 supervision of a service animal, including walking the animal or responding to the animal's need  
84 to relieve itself.

85 (a) MCS is not responsible for providing a staff member to walk a service animal  
86 or to provide any other care or assistance to the animal.

87 (b) Students with service animals are expected to care and supervise their animal.  
88 In the case of a young child or a student with disabilities who is unable to care  
89 for or supervise his service animal, the student's parents are responsible for  
90 providing care and supervision of the animal. Issues related to the care and  
91 supervision of service animals will be addressed on a case-by-case basis in the  
92 discretion of the facility's administrator.

93 (12) *Liability of owners:* Owners of service animals are liable for any harm or injury caused  
94 by an animal to students, staff, visitors, and/or property.

95 (13) *Miniature Horses:* Requests to permit a miniature horse to accompany a student or  
96 adult with a disability in school buildings, in classroom, or at school functions, will be handled  
97 on a case-by-case basis, considering:

98 (a) The type, size, and weight of the miniature horse and whether the facility can  
99 accommodate these features;

100 (b) Whether the handler has sufficient control of the miniature horse;

101 (c) Whether the miniature horse is housebroken; and

102 (d) Whether the miniature horse's presence in a specific facility compromises  
103 legitimate safety requirements that are necessary for safe operation.

104 All other provisions of this policy, with the exception of sections (6)(a) and (8), apply to  
105 miniature horses.

106 (14) *Removal of a Service Animal:* A school principal or other MCS administrator may ask  
107 an individual with a disability or a student's parent to remove a service animal from a school  
108 building, a classroom, or from a school function if any one of the following circumstances  
109 occurs:

110 (a) The animal is out of control and the animal's handler does not take effective  
111 action to control it;

112 (b) The animal poses a significant risk to the health or safety of others (e.g.,  
113 allergic or asthmatic reactions triggered by an individual's proximity to

114 animal) that cannot be eliminated by modification of policies, practices, or  
115 procedures, or by the provision of auxiliary aids or services;

116 (c) The animal is not housebroken; and/or

117 (d) The animal’s presence would “fundamentally alter” the nature of the service,  
118 program, or activity.

119 An individual whose service animal has been properly excluded in accordance with this policy  
120 shall be given the opportunity to participate without the animal in the service, program, or  
121 activity from which the animal was excluded.

122 (15) *Conflicting disabilities:* It is MCS policy to consider the safety, health and well being  
123 of each and every student and employee when making decisions regarding the introduction of  
124 animals to the classroom. Individuals with conflicting disabilities or health conditions (e.g.,  
125 asthma and/or other allergies to dogs and/or horses), or their parent or guardian, should inform  
126 the school’s principal in writing of any such conflict. The principal shall be responsible for  
127 resolving the matter in consultation with the affected parties, the school nurse, and other  
128 individuals as the administration deems appropriate. Use of a service animal in a classroom  
129 setting will be disallowed due to another individual’s conflicting disability only where the  
130 conflict cannot be eliminated by modification of policies, practices, or procedures, or by the  
131 provision of auxiliary aids or services.

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Reference:

ADA Regulations, 28 CFR Part 35 (as amended, 2010)