

THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM
10910 Clarksville Pike
Ellicott City, MD 21042

Circular No. 21
Series 2015-2016

October 1, 2015

Chief Operating Officer

Animals on School System Property

To: All Staff

From: Camille B. Jones, Chief Operating Officer

Animals in schools or offices, leashed or not, present safety, environmental, and liability issues. Students and staff may be exposed to potential physical hazards, such as bites, and/or allergy related health problems. As a result, animals are prohibited within HCPSS buildings. Animals are also prohibited on school system property during arrival, dismissal, recess or other HCPSS sponsored outdoor activities. Service animals or service animals in training per MD Annotated Code Section 7-705 (Service Animals) and the Americans with Disabilities Act (ADA) as well as animals approved for instructional purposes are exempt from this prohibition.

In accordance with Maryland law, no HCPSS employee shall “deny or interfere with the admittance of a service animal that accompanies an individual with a disability or a parent of a minor child with a disability”. As a general rule, employees should not “deny or interfere with the admittance of an animal being trained as a service animal that accompanies a service animal trainer”. However, a service animal in training may be denied entry into a facility per MD Annotated Code Section 7-705 “if admitting the animal would create a clear danger of a disturbance or physical harm to an individual” on site.

According to the US Department of Justice Civil Right Division, a service animal under the ADA is defined as a dog that has been individually trained to do work or perform tasks for people with disabilities. When it is not immediately obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task. Service animals whose sole function is to provide comfort or emotional support do not qualify as under the ADA.

No additional fees shall be charged for a service animal or a service animal in training at events where paid admission is required. However, the disabled individual or the parent of a minor child will be responsible “for any damages to the premises or facilities caused by the service animal.” The service animal trainer organization will be responsible for any personal injuries as well as damages to the premises or facilities caused by an animal in training.

Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

A person with a disability cannot be asked to remove his service animal from the premises unless: (1) the dog is out of control and the handler does not take effective action to control it or (2) the dog is not housebroken. When there is a legitimate reason to ask that a service animal be removed, staff must offer the person with the disability the opportunity to obtain goods or services without the animal's presence.

HCPSS staff is responsible for the proper control of animals brought to school for instructional purposes. Prior approval for these activities must be received from the Office of Safety, Environment & Risk Management and the appropriate academic coordinator.

If you need additional information on this matter, please contact Terry Street, Manager of Safety, Environment and Risk Management at 410-313-6739.

CBJ/TS/dmc