

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

---

**Related Entries:** ACG, ACG-RA, ACG-RB, ECJ-RA, IOB  
**Responsible Office:** Office of the Chief Operating Officer, Office of the Chief Academic Officer, Office of the Chief of Human Resources and Development, Office of School Support and Well-being

## Service Animals in Schools

### I. PURPOSE

To establish procedures for the use of service animals by Montgomery County Public Schools (MCPS) students, employees, and visitors to MCPS properties

### II. BACKGROUND

MCPS acknowledges its responsibility to permit individuals with disabilities to be accompanied by service animals in its facilities, school buildings, classrooms, or at school functions, as required by the *Americans with Disabilities Act (ADA)* and the *Americans with Disabilities Act Amendments Act of 2008*.

### III. DEFINITIONS

A. *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.

B. A *service animal*, as defined under the ADA, means any dog or, under specific circumstances, a trained miniature horse, that is individually trained to do work or perform tasks for the benefit of an individual with a disability. The work or task that a service animal has been trained to provide must be directly related to the

person's disability. An animal whose sole function is to provide comfort or emotional support does not qualify as a service animal under ADA.<sup>1</sup>

- C. A *service dog in training* is 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 dog. A service dog in training is owned by an accredited organization that trains dogs for future employment as service dogs, and that organization is liable and responsible for any damages or injuries caused by its dog.

#### IV. PROCEDURES

##### A. Access to Public Services, Programs, or Activities

Individuals with disabilities are permitted to be accompanied by their service animals in all areas of MCPS properties, as relevant, where members of the public, students, and employees are allowed to go.

1. When an individual with a disability brings a service animal to an MCPS property, MCPS employees shall not ask about the nature or extent of a person's disability, but may make the following two inquiries to determine whether an animal qualifies as a service animal:
  - a) If the animal is required because of a disability
  - b) What work or task the animal has been trained to perform
2. MCPS employees shall not make these inquiries of an individual with a disability bringing a service animal to an MCPS property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.
3. 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.

---

<sup>1</sup> Emotional support animals and therapy dogs do not qualify as service animals under the ADA. "Emotional support animals," and "therapy dogs" are defined as follows:

- a) *Emotional support animals* provide their handlers with companionship, relieve loneliness, and sometimes help relieve depression and certain phobias. Emotional support animals do not meet the requirements of the definition of a service animal.
- b) *Therapy dogs* are not legally defined by federal law and do not have public access rights under the ADA. They provide therapeutic contact for people other than their handlers, and do not meet the requirements of the definition of a service animal.

B. Requirements

1. The animal must be a dog or, under certain conditions, a miniature horse.
2. The animal must be individually trained to do work or a task for the individual with a disability.
3. A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).
4. MCPS is not responsible for the care or supervision of a service animal.

C. Miniature Horses

1. In assessing whether a miniature horse may be permitted into a specific facility as a service animal, the following factors shall be considered:
  - a) The type, size, and weight of the miniature horse and whether the facility can accommodate those features;
  - b) Whether the handler has sufficient control of the miniature horse;
  - c) Whether the miniature horse is housebroken; and
  - d) Whether the miniature horse's presence in the specific facility compromises legitimate safety requirements that are necessary for safe operation.
2. Sections I through IV of this regulation shall also apply to miniature horses.

D. Making Arrangements for Service Animals Required by Employees or Students

1. The Office of Human Resources and Development is the resource for MCPS employees who may require service animals as an ADA accommodation and is responsible for assisting employees and schools, as necessary, with making arrangements for service animals required by employees.

2. The Office of Special Education (OSE) is the resource for eligible students and parents/guardians of students who may require service animals as an ADA accommodation and is responsible for assisting parents/guardians, students, and schools with making arrangements for service animals required by students. The OSE Resolution and Compliance Unit is available to support school administrators with questions regarding service animals for students.
3. Employees using service animals, eligible students, and parents/guardians of students with disabilities using service animals should proactively collaborate with school staff members to make arrangements for the service animal at school. The following are examples of arrangements that may be considered, as necessary:
  - a) A rest place and rest time for the service animal.
  - b) Appropriate areas and times of the day for the service animal to relieve itself.
  - c) Information, as needed, for employees and students about the service animal.
  - d) Clarification, as needed, of emergency procedures.
4. Individuals with disabilities, employees, or parents/guardians of students with disabilities, who are assisted by service animals, are responsible for providing supplies and equipment needed by the service animal.

**E. Liability and Care**

1. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
2. Students with service animals are expected to care for and supervise their animals. In the case of a young child or a student with disabilities who is unable to care for or supervise his/her service animal, the parent/guardian is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the discretion of the building administrator.

F. Removal or Exclusion of a Service Animal

A school administrator may ask an individual with a disability or parents/guardians of a student with a disability to remove a service animal from an MCPS property if any one of the following circumstances occurs:

1. The animal is out of control and the animal's handler does not take effective action to control it.
2. The animal is not housebroken or the animal's handler disregards designated areas and times of the day for the service animal to relieve itself.
3. The animal's presence would fundamentally alter the nature of the service, program, or activity.
4. If an animal is properly excluded, MCPS shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

G. Service Animals in Training

1. MCPS permits service dogs in training on MCPS property, under conditions specified below. The training cannot disrupt or interfere with a school's education process. It is not expected that training would normally take place in the classroom during instructional time.
2. No more than one service dog in training is permitted at a particular school at any time.
3. The organization that owns the service dog in training must provide the following:
  - a) Documentation of immunization, proof of liability insurance, and assurances that the dog is housebroken and at least six months old.
  - b) A plan, submitted to the principal, describing how the dog will be managed in the school, including arrangements detailed in section IV.D.3 above.
  - c) A harness, vest, or other appropriate equipment identifying the animal as a service dog in training, which the dog must wear at all times while on MCPS property.

4. A service dog in training may be excluded from an MCPS property as described in section IV.F. above.
5. At the discretion of the school's principal, MCPS may grant access to an MCPS school by a trainer from the organization who is part of a three-unit service dog team and is conducting continuing training of a service dog on school property for school-related business or activities.

**Related Sources:**

Americans with Disabilities Act of 1990 (ADA), Americans with Disabilities Act Amendments Act of 2008 (ADAAA); Code of Federal Regulations, Title 28, §35.104, §35.130(b)(7), and §35.136

**Regulation History:** New Regulation, July 24, 2013; revised May 16, 2014; revised January 26, 2024.

# MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.\*

- A. It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:
- (1) Title VI of the federal Civil Rights Act of 1964; and
  - (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
    - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
    - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
    - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.\*\*

<b>For inquiries or complaints about discrimination against MCPS students***</b>  Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215   SWC@mcpsmd.org	<b>For inquiries or complaints about discrimination against MCPS staff***</b>  Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888   DCI@mcpsmd.org
<b>For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973</b>  Section 504 Coordinator Office of School Support and Well-being Office of Well-being, Learning, and Achievement 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-5630   504@mcpsmd.org	<b>For staff requests for accommodations under the Americans with Disabilities Act</b>  ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888   DCI@mcpsmd.org
<b>For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***</b>  Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215   TitleIX@mcpsmd.org	

\*This notification complies with the federal Elementary and Secondary Education Act, as amended.

\*\*This notification complies with the Code of Maryland Regulations Section 13A.01.07.

\*\*\*Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mccr@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpainterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.