

Office of Superintendent of Schools
Board Meeting of April 9, 2014

March 19, 2014

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: INITIAL READING: PROPOSED PROMULGATION OF NEW POLICY 8390, *ANIMALS ON DISTRICT PROPERTY*, AND AMENDMENTS TO SCHOOL BOARD POLICIES 7510, *USE OF DISTRICT FACILITIES*, 8400, *HEALTH AND SAFETY ISSUES*, AND 9160, *PUBLIC ATTENDANCE AT SCHOOL EVENTS*

COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY ENGAGEMENT

LINK TO STRATEGIC FRAMEWORK: STUDENT, PARENT AND COMMUNITY ENGAGEMENT

The Americans with Disabilities Act (ADA) and various other related federal and state laws and regulations require school districts to establish policies allowing the use of a service animal by an individual with a disability.

This item requests that the Board consider adopting new policy 8390, *Animals on District Property*, and amending Board Policies 7510, *Use of District Facilities*, 8400, *Health and Safety Issues*, and 9160, *Public Attendance at School Events*, to establish and clarify requirements for the use of animals in schools for educational purposes, in school security programs and assisting individuals with disabilities, including students, staff and members of the public. The new policy and the amendments establish the approval process and required documentation for the use of an animal on campus.

These policies were collaboratively developed and reviewed by several District offices, including Exceptional Student Education and Student Support, Human Capital, Office of Academics and Transformation, Transportation, Chief Operating Officer, Office of Civil Rights, and the School Board Attorney's Office.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

G-2
(Withdrawn)
April 1, 2014

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to adopt new policy 8390, *Animals on District Property*, and amend Board Policies 7510, *Use of District Facilities*, 8400, *Health and Safety Issues*, and 9160, *Public Attendance at School Events*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings pursuant to the Administrative Procedure Act to amend new policy 8390, *Animals on District Property*, and

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on April 9, 2014, its intention to promulgate new Board Policy 8390, *Animals on District Property*, and to amend Board Policies 7510, *Use of Facilities*, 8400, *Health and Safety Issues*, and 9160 *Public Attendance at School Events*, at its regular meeting on May 14, 2014.

PURPOSE AND EFFECT: The purpose of the new and amended policies is to establish to establish and clarify requirements for the use of animals in schools for educational purposes, in school security programs and assisting individuals with disabilities, including students, staff and members of the public. The new policy and the amendments establish the approval process and required documentation for the use of an animal on campus.

SUMMARY: The federal Americans with Disabilities Act (ADA) requires that school boards adopt policies to allow service animals on school property to assist individuals with disabilities, including students, employees and members of the public. The policies provide for principals or their designees to approve the use of animals in schools for educational purposes, school security programs and to assist individuals with disabilities under certain criteria. The policy also identifies required documentation and allows service animals to accompany students on District-provided transportation.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:
1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 1001.41 (1), (2); 1001.42 (25); 1001.43 (10); F.S.; 28 C.F.R. 35.104, 28 C.F.R. 35.136, F.S. 381.0056, 413.08, 1001.41, 1006.22, Section 504 of the Rehabilitation Act of 1973 (Section 504), The Americans with Disabilities Act (ADA), The Individuals with Disabilities Education Act (IDEA)

IF REQUESTED, A HEARING WILL BE HELD DURING THE SCHOOL BOARD MEETING OF May 14, 2014, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by May 5, 2014, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED POLICY AND POLICY AMENDMENTS is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Walter J. Harvey, School Board Attorney
Date: March 19, 2014

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