

AMHERST Policy

IMGA SERVICE ANIMALS FOR STUDENTS, EMPLOYEES AND GUESTS OF THE AMHERST SCHOOL DISTRICT

Purpose

This policy addresses the use of service animals within school buildings and on school grounds. As established and defined by the Americans with Disabilities Act and its accompanying regulations, individuals with disabilities shall be permitted to bring their service animals in school buildings or on school grounds in accordance with this policy.

Service animal request procedures accompany policy IMGA.

“Service Animal” Defined

In accordance with 28 CFR 35.104 (effective March 15, 2011) a “service animal” is defined as:

Any dog that is individually trained to do or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or who have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. This definition shall be construed to include a “hearing ear dog,” “guide dog,” or “service dog,” as those terms are currently defined in NH RSA 167-D:3.

Work and tasks are defined in accord with RSA 167-D:2, I. The crime deterrent effects of an animal’s presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or task for the purpose of this definition. (RSA 167-D:2, II).

Permissible Inquires

The District will not make the inquiry about the nature or extent of an individual’s disability in determining whether to allow a service animal in a school building or on school grounds. When it is not patently obvious as to the role of the service animal, the District may ask whether the animal is required because of a disability and what work or task the animal has been trained to perform.

When a student or employee’s disability requires the presence of a service animal in a school building or on school grounds regularly during the school day; or at school events, the District shall also require annual submission of proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate.

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Access to the School Buildings and Grounds

Guests of the school district attending school functions and events shall be allowed to be accompanied by their service animals where members of the public, participants in services, programs, or invitees, as relevant, are allowed to go. A guest may be asked to remove his/her service animal if the animal is not under the control of the guest and the guest does not take effective action to control it or if the animal poses a direct threat to the health or safety of others. In these situations, the guest should be given the opportunity to attend the school function/event without the service animal present.

The school district imposes some restrictions on service animals for health and safety reasons. Service animals may be excluded or have limited access to certain areas of school facilities or certain programs for health and safety reasons. Areas or programs which may be considered off-limits for service animals include, but are not limited to:

Laboratories, mechanical rooms, custodial closets, food preparation areas, areas where protective clothing is necessary, areas which have exposed sharp metal cuttings or other sharp objects which may pose a threat to the service animal's safety, areas with high levels of dust, and areas where there is moving machinery.

The determination to deny or limit the access of a service animal to specific programs or areas of that school facility will be on a case-by-case basis.

Animals for Children with Educational Disabilities or a Section 504 Plan

Use of a service animal by a student with a disability will be allowed in school when it has been determined by the IEP/504 team that the student's disability requires such use for the student to receive a free appropriate public education (FAPE).

If a student with an educational disability or a Section 504 Plan seeks to bring an animal on a school campus that is not a service animal, the request shall be referred to the IEP or Section 504 Team to determine whether the animal is necessary for the student to receive a free appropriate public education (FAPE).

Conflicting Disabilities

Employees or parents of students with medical issues that are impacted by animals (such as respiratory diseases) should contact the school principal if they have a concern about exposure to a service animal. The Building Administrator will facilitate a process to resolve the conflict that considers the conflicting needs/accommodations of all persons involved.

Management of Service Animals

Service animals must be under control of their handlers. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other

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tether, or the use of a harness, leash, or 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).

Care of and Responsibility for Service Animals

The District is not responsible for the care or supervision of a service animal. The owner or handler of the service animal shall be solely responsible for:

- Supervision and care of the animal, including feeding, exercising, clean-up and stain removal;
- Restraint of the animal at all times;
- Damages to the school buildings, property and vehicles caused by the animal;
- Injuries to students, employees, volunteers and visitors caused by the animal; and
- Annual submission of documentation of vaccinations and immunizations and a current veterinary health certificate.

Animals for Employees

Use of a service animal regularly during the school day or at school events by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

Circumstances Under Which a Service Animal Will Be Prohibited from Campus

The Building Administrator may ask an individual with a disability to remove a service animal from the campus or school event, or may even deny a request for use of a service animal on campus or at a school event if:

- The animal is out of control and the animal's handler does not take effective action to control it;
- The service animal's handler fails to care of the animal, including feeding, exercising, clean-up and stain removal; or the animal is not housebroken;
- The presence of the animal will require a fundamental alternation of the program or will significantly disrupt or interfere with the educational process;
- When the service animal's handler fails to submit proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate
- To the extent applicable, the handler fails to comply with NH RSA 167-D.

The Building Administrator shall have the right to require the immediate removal from school property of a service animal that poses a direct or immediate threat to the health or safety of persons at the school.

If an animal is properly removed or prohibited from the premises, the District will continue to give the individual with a disability the opportunity to participate in District services, programs, or activities without having the service animal on the premises.

Any employee or student with a service animal who believes that the school district has discriminated against him or her based on a disability because of an action prohibiting,

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removing, limiting or excluding a service animal, may file a complaint in accordance with Amherst School District Policy KED.

A decision to remove or prohibit a service animal from District schools may be appealed to the Section 504 Coordinator.

Legal References:

Section 504 of the Rehabilitation Act – 29 U.S.C. 794

Americans with Disabilities Act – 42 U.S.C. 12101 et seq.

Nondiscrimination on the Basis of Disability,

Title 28 CFR Part 35, Part 36

NH RSA 167-D

Service Animal Request Procedure

1. The decision to allow a service animal to accompany a student at school shall be made by the Building Administrator. Prior to making a decision, a Team meeting will be held. The Team should include, but not be limited to, the school principal, the student's parent(s) and/or the eligible student [for students under 18 years of age with parent(s) permission], the student's teacher, and any other persons with specialized knowledge regarding the student's disability and/or the training and capabilities of the service animal.

2. Requests by employees for the use of a service animal shall be made to the school principal in writing. The decision to allow the use of a service animal shall be made by the building administrator after meeting with the employee and reviewing the relevant information regarding the employee's disability and limitations and the purpose for the service animal.

3. The employee, eligible student or the student's parents shall provide the following information and documentation in support of their request:

- Documentation of adequate liability insurance with the Amherst School District named as a third party beneficiary of said policy. Additionally, agreement that the employee, or in the case of a student, the student's parents, are liable for any and all damages to school or personal property and any injuries to individuals caused by the service animal.
- Copy of current dog license;
- Certificate of current rabies, immunizations and vaccinations and a current veterinary health certificate by a licensed veterinarian.
- Documentation of a service animal's training, including the nature, duration and results of said training. Employee, or in the case of a student, the student's parents agree that the service animal shall wear a harness/saddle bag or vest that identifies them as service animals and shall always be on a leash. (*unless the harness, leash or tether condition listed in Policy IMGGA "Management of Service Animals" applies*).
- Appropriate documentation for any person other than the employee or student, who is proposed to care for this service animal at school; and
- Evidence that the employee or student can maintain appropriate care and control of the service animal while it is on school property.
- A draft schedule and plan regarding the care of the animal, including but not limited to feeding, exercising, and clean-up.

4. Should the request for a service animal be approved, the school district retains the right to require that updated or additional information be provided. The requirements regarding dog licensure, certification of current rabies and other vaccinations and certificate of good health from a licensed veterinarian shall be considered as ongoing requirements and it shall be the employee's or the student's parents' obligation to provide proof of said licensing, vaccinations and health information in a timely manner. Proof of insurance is also an annual requirement.

Arrangements for the transportation of students with service animals shall be initiated by the Building administrator through the SAU.

Limiting, Removing or Excluding Service Animals from School

1. In addition to the circumstances listed in Policy IMG A, the school district may limit, remove or exclude from school facilities or property any service animal for reasons, such as the following:

- The service animal poses a direct threat to the health or safety of the employee or student or others at school, causes a significant disruption of school activities or otherwise jeopardizes the safe operation of the school or a school event.
- The service animal is unable to perform reliably the service for which it has been approved.
- The student or employee with the disability cannot maintain appropriate care or control of the service animal.
- The service animal is a public health threat as a result of being infested with parasites or having a communicable disease of the skin, mouth or eyes.
- The service animal is unclean or unsanitary.
- The service animal lacks proof of current rabies and other appropriate vaccinations and/or is not properly licensed.
- The service animal is not properly trained to relieve itself outside the school building.
- The service animal's presence significantly impairs the learning of students.
- The service animal's presence fundamentally alters the nature of any school program.
- The employee, or in the case of the student, the student's parents, fail to provide or maintain current documentation required by this policy.
- The employee, student or student's parents fail to abide by any additional conditions or the terms of an individual plan regarding their service animal.

2. If the building principal recommends excluding, limiting or removing a student's service animal for any of the reasons noted above, the principal shall convene a meeting of the Team to discuss the reason(s) that may require the exclusion, placing of limitations or removal of the service animal and what alternative methods or actions may resolve the problem(s) presented by the service animal.

3. If the building principal is recommending excluding, limiting or removing a service animal of an employee for any of the reasons noted above, the principal shall meet with the employee to discuss the reason(s) that may require the exclusion, placing of limitations or removal of the service animal and what alternative methods or actions may resolve the problem(s) presented by the service animal. The building principal may also discuss the issue with other school district employees and administrators who may be able to assist in reaching a decision regarding the service animal's continued presence on school property.