



Policy of the Board of Trustees

I Series

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SERVICE ANIMALS

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” 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. 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.

The 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:1.

"Emotional support," "therapy," or "comfort dogs" are generally not service animals for the purposes of this policy, except as may be provided under Paragraph B.2, below.

Miniature horses do not specifically fall within the state or federal statutory definitions for "service animal". However, miniature horses which have been individually trained to perform specific work or tasks may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability. Any such requests should be directed to the Superintendent or his/her designee, who in addition to the above will take into consideration the provisions of Paragraph B.2, and Section C, below. If a miniature horse is approved, all the conditions in this policy shall apply.



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Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition. "Comfort" animals/pets: Animals which do not meet the definition of Service Animal as provided above, are not entitled to protection under this policy and are subject to such other applicable policies or administrative regulations of the District or school.

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
- Animal submission documentation of vaccinations and immunizations.

Animals for Employees

Use of a service animal 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.

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 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).

As used in this policy, "service animal trainer" shall have the same definition as that provided under RSA 167-D:1 as the same may be amended or replaced from time-to-time. As of February 1, 2017 that statute defines "service animal trainer": (i) as any person who is employed to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities, (ii) or an individual trainer who helps a person with disabilities to train his or her own service animal, (iii) or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.



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Access to the School Buildings and Grounds

In accordance with federal regulations, individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of District schools, where members of the public, participants in services, programs, or invitees, as relevant, are allowed to go.

Permissible Inquiries

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. Whenever a service animal is in the school or on District property (and it is not obvious that the animal qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized District personnel may ask:

- a. Whether the service animal is required because of a disability;
- b. What work or task(s) the animal has been trained to perform;
- c. In the case of a service animal trainer, documentation of the individual's affiliation with a recognized organization as described in RSA 167.

Animals for Children with Educational Disabilities or a Section 504 Plan

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 and appropriate education (FAPE). After such review, if the animal is deemed necessary for the student to receive FAPE, then the animal shall be a service animal for the purposes of this policy.

When it is anticipated that a service animal is going to be in school on a regular basis with a third party (e.g., employee, volunteer, service animal trainer or other frequent visitor to the school), the individual using the service animal (or in the case of a student, the student's parent/guardian(s)) are strongly encouraged to notify the Superintendent or the Principal in advance.

- a. The school will not provide any staff support to care for or control a service animal, but may provide support to a student using a service animal as needed in a particular instance (i.e., accompanying a young student who takes a service animal outside to relieve itself).
- b. Any handler (service animal trainer, parent/guardian or other person) accompanying the service animal must have approval to work in the school from the New Hampshire Department of Education and undergo the State criminal background check.
- c. Service animals must be properly licensed and vaccinated in accordance with New Hampshire law (see RSA Chapter 466).



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Additional Considerations Relative to Service Miniature Horses.

In making a determination as to whether to allow a specific miniature horse as a service animal, the Superintendent/designee will consider pertinent factors, including, without limitation:

- a. The type, size, and weight of the miniature horse and whether the facility can accommodate these 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 a specific facility compromises legitimate safety requirements necessary for the safety of students or others.

Circumstances Under Which Service Animal Will Be Prohibited from Campus

The Superintendent or other designee 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 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 animal is to be used regularly during the school day or at school events, the 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 service animal poses a direct threat to the safety of individuals, causes a significant disruption of school activities or programs, fundamentally alters the nature of any school program, or otherwise jeopardizes the safe operation of the school in a manner that cannot be eliminated by modifications;
- The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform (which is required to be defined as a service animal);
- The service animal is sick (i.e., vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health (applying the standard that would be applied to any other animal allowed on school premises).

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 35-36; NH RSA 167-D and 466:

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2nd Reading & Adoption: March 17, 2022