

SERVICE ANIMALS

Purpose

This policy addresses the use of service animals within school building and on school grounds as established and defined by the Americans with Disabilities Act.

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 task for the benefit of an individual with a disability, including 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 not limited to, assisting individuals who are blind or have low vision with navigation and other tasks alerting individuals who are deaf or 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, 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.

This definition shall be construed to include those terms currently defined in NHRSA 167-D:3

Permissible Inquires

The Laconia School 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 during the school day, the Laconia School District shall also require annual submission of current vaccinations and immunization of the service animal and a current veterinary health certificate.

Access to School Building and Grounds

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

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 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).

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 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 Laconia School 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 building, property and vehicles caused by the animal;
- Injuries to students, employees, volunteers and visitors caused by the animal
- Annual submission of 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 function of his/her position or to enjoy the benefits of the employment in a manner comparable to similarly situated non-disabled employees

Circumstances Under Which a 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 education 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

If an animal is properly removed or prohibited from the premises, the Laconia School 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.

A decision to remove or prohibit a service animal from the District school may be appealed to the Superintendent of School.

Adopted: November 1, 2011

Revised: October 1, 2019