ACAC - Service Animals in Schools

SERVICE ANIMALS IN THE SCHOOLS

The Board recognizes that service animals may be used to provide assistance to some persons with disabilities. This policy governs the presence of service animals in the schools, on school property, including school buses, and at school activities.

DEFINITION

As applied to schools, federal and Maine laws define a "service animal" as a dog that is individually trained to do work 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 individual's disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability 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 tasks for the purposes of this definition.

USE OF SERVICE ANIMALS IN SCHOOLS

I. Use of a service animal by a qualified student with a disability will be allowed in school when it is determined that the student's disability requires such use in order to have equal access to the instructional program, school services and/or school activities.

II. 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 job or to enjoy benefits of employment comparable to those of similarly situated non-disabled employees.

III. The parent/guardian of a student who believes the student needs to bring a service animal to school, or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or Director of Special Services, as appropriate, and the Superintendent will determine whether or not to permit the service animal in school.

IV. Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal will be required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

V. The school unit may impose additional conditions on the presence of a service animal, depending upon the circumstances.

VI. The District will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school. It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.

VII. All service animals must be kept on a harness, leash, or tether unless this prevents the animal from performing the specific work or tasks with the individual with a disability. The animal must be under the control of the individual with a disability or designated handler at all times.

SERVICE ANIMALS AT SCHOOL-SPONSORED EVENTS

Individuals with service animals may access the same areas that individuals without disabilities are authorized to access. Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property. The use of a service animal may not be conditioned on the payment of a fee or security deposit, however the individual is liable for any damage done to the premises, facilities or personal property and any injuries to individuals caused by such an animal.

I. Administrative Review of Service Animals

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

    I. Whether the service animal is required because of a disability;

    II. What work or task(s) the animal has been trained to perform.

II. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer, 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) is expected to notify the building administrator in advance.

I. The school shall not provide 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).

II. Any handler (parent or other person) accompanying the service animal must have approval to work in the school from the Maine Department of Education and undergo the State criminal background check.

III. Service animals must be properly licensed and vaccinated.

II. Removal or Exclusion of Service Animals from School

The building principal or authorized school official may remove or exclude a service animal from the school or school property if the presence of the animal poses a direct threat to the health and safety of others or the student, employee or handler is unable to fully control the animal; or the animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school.

A parent or employee whose service animal has been removed or excluded may appeal the decision to the Superintendent. If dissatisfied with the Superintendent’s decision, the parent or employee may appeal to the Board.

A building administrator or other authorized school official may require that a service animal be removed from the school or other school property under any of the following circumstances:

I. The service animal poses a direct threat to the safety of individuals at school, causes a significant disruption of school activities, or otherwise jeopardizes the safe operation of the school;

II. The service animal demonstrates that students are unable to perform reliably the work or tasks which students were represented as being able to perform;

III. The service animal is not under the full control of the person with a disability, or the authorized handler.

IV. 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;

V. The service animal demonstrates that it is not sufficiently trained to relieve itself outside the school building; and/or

VI. The service animal's presence significantly impairs the learning of students and/or fundamentally alters the nature of any school program.

Legal References:

- 42 U.S.C. § 12101 et seq.
- 36 C.F.R. §§ 104, 302
- 5 M.R.S.A. §§ 4553; 4592
- Maine Human Rights Commission Rule Chapter 7

Cross Reference:

- AC – Nondiscrimination/Equal Opportunity and Affirmative Action
- IMG - Animals in Schools
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