



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

6163.32 - Service Animals

Approved on January 7, 2019

The Board of Education (Board) adopts this policy to ensure that individuals with disabilities are permitted to participate in and benefit from district programs, activities and services, and to ensure that the District does not discriminate on the basis of disability.

Service animal means any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability.

A “service animal” per 28 C.F.R. 35.104, for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability.

Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purpose of this policy.

The Board shall permit individuals with disabilities to use service animals in District buildings; on District property; and on vehicles that are owned, leased or controlled by the School District, upon request and submission of required documentation.

The District shall not assume or take custody or control of, or responsibility for, any assistance dog or the care or feeding thereof. The owner or person having custody and control of the dog shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc.

Admission of Service Animals to Schools

A student or an employee with a disability may submit a request to bring a service animal to school for educational or employment purposes. However, there is no automatic right to be accompanied by a service animal in the school setting.

Parents/Guardians of students with disabilities who believe the student needs to bring a service animal to school in order to receive a free and appropriate public education shall notify the Building Principal or the Section 504 or IEP/PPT team. The appropriate team shall evaluate the request to use the service animal in school, gather necessary information and determine whether the student requires the service animal during the school day or at school activities. Any service animal accompanying a student with a disability to school or school activities shall be handled and cared for in a manner detailed in the student's IEP or Section 504 service agreement.

Trained service animals shall be permitted in District buildings and on District property and vehicles for non-educational reasons under the following circumstances:

- Totally or partially blind individuals may be accompanied by a trained guide animal.
- Deaf or hearing impaired individuals may be accompanied by a trained hearing animal.
- Mobility impaired or other disabled individuals may be accompanied by a trained service animal.
- Individuals conducting training of a service animal may be accompanied for the purpose of school business by a service animal in training, but training shall not normally occur in the classroom during instructional time.

Before a service animal shall be allowed in a District building, or on District property or vehicles, the owner or handler of the animal shall submit to the Building Principal a written request and the following documentation from a certified professional: (Note: Federal regulations pertaining to the Americans with Disabilities Act and Service Animals prohibits a public entity from asking about the nature and extent of a person's disability. However the following inquiry is permitted.)

- Verification of the need for a service animal because of a disability.
- Description of the function(s) the service animal is expected to perform in relation to the individual's disability. (What work or task the animal has been trained to perform).

Admission of Service Animals to Public Events

Individuals with disabilities may be accompanied by their service animals while on District property for events that are open to the general public. This right of access does not extend to the schools generally or to other activities that are not open to the general public.

School administrators may inquire of the owner or handler of an animal whether the animal is a trained service animal and the specific tasks that the animal has been trained to perform, but shall not ask questions about an individual's disability.

The District shall not require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged.

Delegation of Responsibility

The owner or handler of a service animal shall be solely responsible for:

- Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
- Leashing and properly restraining the animal at all times.
- Damages to district buildings, 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.

The Building Principal shall receive and forward to the Director of Pupil Services each completed request by an individual with a disability to be accompanied by a service animal. The Director of Pupil Services shall respond to the request.

District administrators may exclude a service animal from District buildings, property and vehicles under the following circumstances:

- Presence of the animal poses a direct threat to the health and safety of others.
- Owner or handler is unable to control the animal.
- Presence of the animal significantly disrupts or interferes with the educational process.
- Presence of the animal would require a fundamental alteration to the program.
- The animal is not housebroken.

The Superintendent or designee shall develop and disseminate administrative regulations to implement Board policy and accommodate individuals with disabilities requesting use of a service animal in District buildings and on District property and vehicles.

The designated administrator shall ensure that all individuals involved in a situation where a service animal will regularly accompany an owner or handler in District buildings or on District property or vehicles are informed of the Board policy and administrative regulations governing this issue. Involved individuals can include administrators, appropriate employees, student and parent/guardian.

Use of a Service Animal on School Property by School Visitors

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy #1250, "Visits to Schools." A service animal that is accompanying a school visitor may be properly excluded from school property for the following reasons:

- The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
- 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 or behavior of the animal fundamentally alters the service, program, or activity of the school system.

Legal References

Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies and procedures.

46a-42 Mobility impaired person

46a-44 through 46a-64 Public accommodations and transportation, admittance to. (Access of guide and assistance dogs to modes of public transportation and in places of public accommodation)

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b), 29 U.S.C. 705 (20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 article 1, 168A-3 through -7.

American Disability Act – 42 U.S.C. Sec. 12101 et seq. 28 C.F.R. pt. 35

28 C.F.R. Parts 35 & 36, "Nondiscrimination on the Basis of Disabilities in State and Local Government Services; Final Rules"