

EAST MILLINOCKET SCHOOL BOARD POLICY SERVICE ANIMALS IN SCHOOLS

The East Millinocket school 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.

A. General Conditions

Only qualified individuals (students and/or employees) with disabilities are eligible to use service animals in school.

Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual's disability.

Maine law defines 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 purposes 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 or 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 with the individual.

The East Millinocket School Department will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a). 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.

The service animal must be kept on a harness, leash or tether unless this prevents the animal from performing his/her specific work or tasks with the individual.

The animal must be under the control of the individual with a disability or designated handler at all times.

The individual with a disability (or in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal.

Individuals with service animals may access the same areas that individuals without disabilities are authorized to access.

B. Administrative Review of Service Animals

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:

- a. Whether the service animal is required because of a disability;
- b. What work or task(s) the animal has been trained to perform.

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(s)) must submit a written request to the building principal in advance. 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.

Before a service animal shall be permitted in school or on school property, the student's parent or the employee must provide:

1. A description of the function(s) the service animal is expected to perform in assisting the person with a disability;
2. A copy of the animal's current license and tag identifying it as a service animal (if applicable);
3. Current certification from a veterinarian that the animal is in good health;
4. Proof of current rabies and/or other appropriate vaccination;
5. Evidence that the student or employee can appropriately supervise, care for, and control the animal at school, or, depending upon the circumstances, involved, that there is a plan for some other person, other than East Millinocket School Department staff, to be present to care for and control the animal.
6. Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal must have approval to work in the school from the Maine Department of Education and undergo the State criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.
7. 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 him/herself).

C. Removal or Exclusion of Service Animals from School

The building principal may remove or exclude a service animal from the school or school property if:

1. 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;
2. 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;

3. The service animal is not under the full control of the person with a disability, or the authorized handler.
4. 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;
5. The service animal demonstrates that is not sufficiently trained to relieve him/herself outside the school building; and/or
6. The service animal's presence significantly impairs the learning of students and /or fundamentally alters the nature of any school program.

A parent or employee whose service animal has been removed or excluded may appeal the decision to the Superintendent.

D. Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animal 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, but the individual is liable for any damage done to the premises or facilities by such an animal.

The building administrator may revoke or exclude the service animal only if the animal poses a direct threat to the health and safety of others, the use of the animal would result in substantial physical damage to the property of others, or would substantially interfere with the reasonable enjoyment of the event or activity by others.

Legal Reference: 42 U.S.C. § 12101 et seq.
28 C.F.R. §§ 35.104; 35.130 (b), 35.136
5 M.R.S.A. §§ 4553, 4592
Me. Human Rights Commission Rule Chapter 7

Cross References: AC – Nondiscrimination, Equal Opportunity, and Affirmative Action

First reading: December 14, 2016

Second reading and adoption: 1.11.17