

ADMINISTRATIVE PROCEDURE FOR SERVICE DOGS IN SCHOOLS¹

In order to address requests for persons with disabilities to be accompanied by a service dog in school, the District will take steps outlined in this procedure.

A. Students

1. Parents/guardians of students with disabilities must notify the building administrator (or other authorized school official) of any request for the student to be accompanied, on a regular basis, by a service dog in school, on school property (including riding a school bus) or at a school-sponsored activity. Prior notice is required to allow the school to address the potential impact of the service dog on others in the school community (e.g., those with allergies or phobias to dogs).
2. Unless it is obvious that an animal is a service dog (e.g., a guide dog for a student who is blind), the building administrator or other school official should ask the parent/guardian the following two questions and should document the parent's/guardian's response:
 - a. Is the dog required because of the student's disability?
 - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog is a service animal, or if the parent/guardian answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then the student will be authorized to bring the dog to school, provided that the conditions in Policy ACAC are met and pursuant to the following procedural steps.

The school may not require the family to prove that the dog is trained, require a particular certification, or require a demonstration of the work or task the dog has been trained to perform.

3. The building administrator or other school official should confirm whether the student has been determined eligible for services under the Individuals with Disabilities Education Act (IDEA) or for accommodations under Section 504.
 - a. If the student has not been identified and determined eligible under IDEA or Section 504, they should be referred for evaluation under either of the laws, (while, in the interim, allowing the student to be accompanied by the service animal if Step 2 above has been satisfied).

¹ A miniature horse may qualify as a service animal. The administration should carefully review any such request and seek consultation on safety parameters that may need to be imposed. No other animal species qualifies as a service animal.

- b. Because only individuals with disabilities as defined by the Americans with Disabilities Act (ADA) are entitled to be accompanied by a service dog, if the student is found not to have a disability pursuant to these processes, then the school may at that point deny use of the service dog.
4. If the student has an Individualized Educational Plan (IEP), the student's IEP team may meet to determine whether the service dog is necessary for the student to receive a free appropriate public education (FAPE). If the IEP Team determines that the service animal is not required for the student to receive a FAPE, the service animal will not be addressed in the IEP or by the IEP team. The IEP team may refer the matter to a properly comprised 504 team to determine how to support the student's use of the service animal in school, on the bus and at school activities.
 5. The student's 504 team (or in those instances where the IEP team has determined that the student requires an assistance animal in order to receive a FAPE, the IEP team) may convene to address how the school will support the student's use of the service animal. If a parent/guardian declines an IDEA or 504 referral meeting, a school official should convene a team to meet with the family/student to discuss the parameters of the service dog's presence. The team (or school official) should closely review and follow Policy ACAC in deciding on any support, paying particular attention to the following:
 - a. The school will not be responsible for the handling, control, supervision, training, feeding, grooming or care of any service animal permitted to ride a school bus, attend school or school activities.
 - b. If the student is unable to control the service animal, the parent/guardian must provide a handler for the animal to ride the school bus, attend school or school activities [Note: a service animal must be under the control of a handler at all times; under no circumstances may a dog be controlled by a shock collar].
 - c. The building administrator or other school official will ensure that any person (other than the student) who accompanies the service animal for handling or other purposes has received approval to work in the school from the Maine Department of Education and has undergone the State criminal background check.
 - d. The school may provide limited assistance to a student using a service animal as needed in a particular instance. For example, a school employee may accompany a young student when the student is taking a service animal outside to relieve itself [Note: a service dog must be housebroken].
 - e. The building administrator or other school official should use their professional judgment in informing (in writing) other parents/guardians. The parents/guardians of children with allergies or phobias to dogs are encouraged to promptly notify a building administrator so that efforts may be undertaken to support all students. Proper notice should also be given to employees who may encounter the animal during the school day and may experience an adverse reaction. Efforts will be undertaken to support affected employees.

- f. The parent/guardian shall provide the school sufficient documentation to show that the service dog is properly licensed and vaccinated.
 - g. The school may impose other reasonable measures on the parent/guardian in support of the service dog. For example, a parent may need to provide a crate that houses the animal during physical education or other activities in which the student participates without being accompanied by the service dog. The dog also must be clean and free of ticks and fleas at all times.
 - h. Parents/guardians are strongly encouraged to work with the school on a plan to gradually introduce the service dog into the school environment (i.e., bringing the dog to school or riding the bus first when other students are not present, and gradually having the dog present for longer times and/or when many potential distractions are present.).
6. The building administrator or designee may monitor the student's use of a service dog to ensure that it is being successfully managed and is under control at all times. The administrator/designee may also periodically assess and document whether all other requirements in Policy ACAC and these procedures are being followed. School officials reserve the right to alter the service dog arrangements, including having the dog removed.

B. Employees

- 1. Any employee who wishes to request approval to be accompanied by a service dog at school should contact Human Resources [or other appropriate position/department] to establish that the criteria for a service dog have been met, prior to bringing the dog to school.
- 2. An employee may be asked to provide documentation to establish their disability and the necessity of the work/task to be performed at school.
- 3. The Human Resources representative [or other appropriate position/department], in consultation with the employee's supervisor, will determine the reasonableness of the request and what restrictions, if any, may need to be placed upon the dog's presence in light of the nature of the employee's position and working environment.
- 4. Prior to approving a service dog, the Human Resources representative [or other appropriate school official] may need to confer with employees and parents/guardians of students, who may be adversely affected by the presence of a dog in the school.
- 5. When a Human Resources or other representative approves the presence of a service dog for an employee, there will be an initial 30-day trial period to determine what impact, if any, the dog has had on the school. The District reserves the right to make adjustments as to the dog's presence, including declining to permit the dog to continue to come to the school.

C. Parents/Visitors/Third Parties

1. To the extent possible, any parent/guardian, visitor, or other person who wants to visit the school or school grounds accompanied by a service dog is encouraged to provide prior notice to the building administrator or other authorized official.
2. Unless it is obvious that the dog qualifies as a service dog (e.g., a guide dog for an individual who is blind), the building administrator or other school official should ask the parent/guardian, visitor, or other third party the following two questions:
 - a. Is the dog required because of the individual's disability?
 - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog qualifies as a service dog, or if the individual answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then they are authorized to be accompanied by the service dog on school grounds, subject to complying with the conditions set forth in Policy ACAC.

D. Removal or Exclusion of Service Animals from School

The building administrator or other authorized official may require that a service dog be removed from the school or other school property under any of the circumstances specified in Paragraph C of Policy ACAC. At any time that a dog acts aggressively toward any person in the school or harms a person, the dog shall immediately be removed.

Legal References: 42 U.S.C. § 12101 et seq.
28 C.F.R. §§ 35.104; 35.130(h); 35.136
5 MRS §§ 4553; 4592
Maine Human Rights Commission Rule Chapter 7

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