

Policy 6.034 SERVICE ANIMALS

The C.E.S. Representative Council adopts this policy to ensure that students 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.

C.E.S. will comply with all state and federal laws and regulations concerning the rights of students with service animals.

A “service animal” is a dog, or in specific circumstances, a miniature horse, that has been individually trained to do work or perform tasks for the benefit of a student with a disability, and the work or tasks performed are directly related to the student’s disability or necessary to mitigate the disability. No other species of animal, whether wild or domestic, will be permitted in district schools, school activities or programs or school transportation vehicles as a “service animal” unless it is approved under the Americans with Disabilities Act in the future as such.

The Executive Director or designee shall be responsible for developing procedures regarding students’ use of service animals in accordance with this policy.

Legal References: Connecticut General Statutes

The Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973

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

Connecticut General Statutes 46a-42 Mobility impaired person; 46a-44 through 46a-64 Public accommodations and transportation

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Administrative Regulations

6034

Service Animals

This regulation is adopted pursuant to CES policy and in compliance with all state and federal laws and regulations concerning the rights of students with service animals.

Definitions

Partner/Handler: A person with a service animal. A person with a disability is called a partner; a person without a disability is called a handler.

Service Animal:

- 1) Any dog that has been individually trained to do work or perform tasks for the benefit of a student with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other disability;
- 2) A miniature horse that has been individually trained to do work or perform tasks for the benefit of a student with a disability, provided that permitting the horse as a service animal is appropriate, after considering the following factors:
 1. The type, size, and weight of the miniature horse and whether the district facility can accommodate these features;
 2. Whether the handler has sufficient control of the miniature horse;
 3. Whether the miniature horse is housebroken; and
 4. Whether the miniature horse's presence in a specific district facility compromises legitimate safety requirements that are necessary for safe operation.

The work or tasks performed by a service animal must be directly related to the student's disability or necessary to mitigate the disability. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained.

Emotional Support Animal: An animal whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent. Emotional support animals are not service animals for purposes of this regulation.

Team: A person with a disability, or a handler, and his or her service animal. The twosome works as a cohesive team in accomplishing the tasks of everyday living.

Functions of Service Animals

Service animals perform some of the functions and tasks that students with disabilities cannot perform themselves. Service animals are not pets.

There are several kinds of service animals that assist students with disabilities. Examples include but are not limited to, animals that:

- assist students who are blind or have severe sight impairments;
- alert students with hearing impairments to sounds;
- pull wheelchairs or carry and pick-up items for students with mobility impairments; and
- assist students with mobility impairments with balance.

Examples of service dogs include:

A *Guide, or Seeing Eye Dog* is a carefully trained dog that serves as a travel tool to students with severe visual impairment or who are blind.

A *Hearing or Signal Dog* is a dog who has been trained to alert a student with significant hearing loss or who is deaf when a sound, e.g., knock on the door, occurs.

A *Psychiatric Service Dog* is a dog that has been trained to perform tasks that assist students with disabilities to detect the onset of psychiatric episodes and lessen their effects. Tasks performed by psychiatric service dogs may include reminding the handler to take medicine; providing safety checks or room searches, or turning on lights for students with Post Traumatic Stress Disorder; interrupting self-mutilation by students with dissociative identity disorders; and keeping disoriented students from danger.

An *Assistance Dog* is a dog that has been trained to assist a student who has a mobility or health impairment. Types of duties the dog may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a student while walking, helping a student up after a fall, etc.

A *Ssig Dog (sensory signal dog or social signal dog)* is a dog trained to assist a student with autism. The dog alerts the partner to distracting repetitive movements common among those with autism, allowing the student to stop the movement (e.g., hand flapping). A student with autism may have problems with sensory input and need the same support services from a dog that a dog might give to a student who is blind or deaf.

A *Seizure Response Dog* is a dog trained to assist a student with a seizure disorder; how the dog serves depends on the student's needs. The dog may stand guard over the student during a seizure, or the dog may go for help. A few dogs have somehow learned to predict a seizure and warn the student in advance to sit down or to move to a safe place.

Admission of Service Animals to Schools

CES will permit students with disabilities to use service animals in district buildings, on district property, and in vehicles that are owned, leased or controlled by the district, upon request, submission of required documentation, and compliance with CES policy and legal requirements.

Requirements for service animals and their partners/handlers, include:

- a. **Vaccination:** The animal must be immunized against diseases common to that type of animal. Dogs must have had the general maintenance vaccine series, which includes vaccinations against rabies, distemper, and parvovirus. All vaccinations must be current.
- b. **Licensing:** Dogs are to wear an owner identification tag at all times. The dog must also wear a current rabies tag and dog license tag. Connecticut law requires dogs to wear a harness or an orange-colored leash and collar which makes them readily identifiable as licensed guide dogs.
- c. **Health:** The animal must be in good health.
- d. **Under Control of Partner/Handler:** The partner/handler must be in full control of the animal at all times. The care and supervision of a service animal is solely the responsibility of its partner/handler. A service animal must have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of such devices

would interfere with the service animal's safe, effective performance of work or tasks. In such cases the service animal must be otherwise under the handler's control using voice control, signals or other effective means.

A student with a disability (or his/her parent/guardian) who believes (s)he needs to bring a service animal to school in order to receive a free and appropriate public education shall complete and submit the written request form to the Principal or the Section 504 or IEP/PPT team.

The appropriate team shall review the form, gather any necessary information, and determine whether the request to use the service animal will be approved. If it is determined that an animal does not meet the definition of a service animal or that such animal is excluded for the reasons cited in this regulation, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive a free appropriate public education or to have equal access to the educational program, and, if not, whether the student needs other aids, services or accommodations.

Considerations when a Student has a Service Animal

When a request to use a service animal is approved, the Principal or designee will take the following steps:

- Notify appropriate staff that a service animal will be on campus.
- Provide a process for staff, students and parents to inform administrators of any animal allergies that may require accommodation. If any student or staff member assigned to the classroom in which a service animal is permitted suffers an allergic reaction to the service animal, the person having custody and control of the service animal will be required to remove the service animal to a different location designated by the Principal or designee and an alternative plan will be developed with appropriate district staff. Such plan could include the reassignment of the person having custody and control of the service animal to a different classroom. If any student or staff member suffers an allergic reaction to a service animal while on school transportation, an alternate plan will be developed in coordination with appropriate school, district, and transportation staff, and the parents/guardians of any affected students.
- Educate students and staff on proper behavior around a service animal.

Students and staff must:

- Allow a service animal to accompany the partner at all times and everywhere on campus except, where service animals are specifically prohibited.
- Not pet a service animal; petting a service animal when the animal is working distracts the animal from the task at hand.
- Not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
- Not deliberately startle a service animal.

- Not separate or attempt to separate a partner/handler from his or her service animal.
- Plan for transportation of the service animal, including on the bus and field trips.
- Develop an emergency evacuation plan to include the service animal.

Delegation of Responsibility

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

1. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
2. Leashing and properly restraining the animal at all times.
3. Damages to district buildings, property and vehicles caused by the animal.
4. Injuries to students, employees, volunteers and visitors caused by the animal.
5. Annual submission of documentation of vaccinations and immunizations.

Areas Off Limits to Service Animals

A. Mechanical Rooms/Custodial Closets: Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.

B. Areas where protective clothing is necessary: Any room where protective clothing is worn is off-limits to service animals. Examples impacting students include chemical laboratories, wood shops, metal/machine shops and photography dark rooms.

C. Areas where there is danger to the service animal: Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there are hot materials on the floor; where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

Access to off-limits areas may be granted on a case-by-case basis, if warranted under the particular circumstances of such case. For instance, a laboratory instructor in a classroom or teaching laboratory with moving equipment may grant entry to a service animal, depending on the nature of the equipment or class and the best interest of the animal. For example, the equipment may have moving parts at a height such that the tail of a large dog could easily be caught, and thus a large service dog would be kept out; on the other hand, a very small service dog may be shorter than any moving parts and, thus, permitted in the classroom or laboratory.

Exclusion of Service Animal

The Principal or designee may exclude a service animal from district buildings, property and/or vehicles under the following circumstances:

1. The presence of the animal poses a direct threat to the health and safety of others.

Service animals that are ill will not be permitted in district facilities.

Service animals that are unclean and/or bedraggled may be required to leave district facilities. An animal that becomes wet from walking in the rain or mud or from being splashed by a passing automobile, but is otherwise clean, should be considered a clean animal. Animals that shed in the spring sometimes look bedraggled. If the animal in question usually is well groomed, it will be considered tidy even though its spring coat is uneven and messy-appearing or it has become wet from weather or weather-related incidents.

2. The owner or handler is unable to control the animal.

If any service animal is out of control in the school setting or during district transportation and the animal's handler does not take effective action to control it, the permission granted pursuant to this regulation may be immediately revoked. The parent or guardian of the student having custody and control of the service animal will be required to remove the animal from district premises immediately.

3. The presence of the animal significantly disrupts or interferes with the educational process, and/or fundamentally alters the school program or activity.

A service animal that is unruly or disruptive (e.g., barking, running around, bringing attention to itself) may be excluded from district facilities. If the improper behavior happens repeatedly, the partner may be told not to bring the animal into any district facility until the partner takes significant steps to mitigate the behavior. Mitigation can include muzzling a barking animal or refresher training for both the animal and the partner. If the animal materially disrupts or interferes with the instructional program, school activities or student learning, or the animal's presence would result in a fundamental alteration of any school program; it may be excluded from school or school property. However, annoyance on the part of others is not considered an unreasonable risk to property or others to justify the removal of a service animal.

4. The animal is not housebroken.

If a service animal is excluded from district premises based upon the above reasons, the student with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises.

If the Principal or designee excludes a service animal from school property, the Principal or designee must document the reasons for such exclusion and notify the Executive Director. The Executive Director or designee will make a determination on whether a service animal will be allowed to return to school and, if possible, notify the student with the disability in writing of the decision within five school days of the initial exclusion.

Liability

CES may hold the owner or handler of a service animal liable for any property damage caused by the animal. In addition, either the owner or handler, or both, may be liable for personal injury caused by the animal or related to the presence of the animal on school property.