

Newton Public Schools Protocol And Procedure On Service Animals In Schools

In accordance with state and federal law and the Newton Public Schools policy, the Superintendent of Schools implements the following procedures for the use of service animals by individuals with disabilities on NPS premises and transportation as follows:

1. All requests for an individual with a disability to be accompanied by a service animal must be addressed in writing to the Superintendent and must contain required documentation of vaccinations. This written request must be delivered to the Superintendent's Office at least 10 business days prior to bringing the service animal to school or to a school function.

2. Only a dog or a miniature horse may qualify as a service animal pursuant to Title II of the ADA. No other species of animal, whether wild or domestic, will be permitted in schools as a "service animal".

3. The animal must be "required" by the individual with a disability. The animal must be "individually trained" to do work or a task for the individual with a disability. The task performed by the service animal must address one of the following needs for the disabled individual: physical, sensory, psychiatric, intellectual and other mental disability.

4. Families seeking a student use of a service animal at school must provide the building principal with sufficient time to implement a plan for successfully introducing the service animal to the school. This will include but not be limited to, notification and training for staff and students for proper engagement with the animal. Both the owner and the handler of the service animal will be designated.

5. Owners of a service animal must provide annual proof that the animal is up to date on all of its required vaccinations as determined by the animal's veterinarian, or, if such proof is not available, then as determined by the school district's veterinarian of choice. In order to provide the required proof, the animal's veterinarian must certify in writing, signed by him/her, that all vaccinations are current¹.

If the service animal does not meet this requirement at any time, the service animal may be removed by Newton Public Schools. All costs associated with such removal and boarding, if necessary, will be borne by the owner of the service animal. The service animal will not be permitted to return to school property or any school activity until all costs associated with its removal have been paid.

6. All service animals must be spayed or neutered.²
7. All service animals must be treated for, and kept free of, fleas and ticks³.
8. All service animals must be kept clean and groomed to avoid shedding and dander.⁴
9. Owners of service animals are liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property. The student's parent or legal guardian will be required to sign a waiver of liability and indemnification agreement prior to the service animal coming to the school or to the school sponsored activity.
10. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.
11. Newton Public Schools is not responsible for providing a handler for a service animal, and is not responsible for the care or supervision of a service animal, including feeding, walking, toileting, and grooming.
 - a. Newton Public School is not responsible for providing a staff member to walk the service animal or to provide any other care or assistance to the animal.
 - b. Students with service animals are expected to care and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his/her service animal, the parent is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis in the discretion of the program administrator. Parents or third-party handlers will be required to undergo all CORI/SORI checks and sign waivers and agreements related to such matters as liability and student confidentiality.
12. Newton Public Schools is responsible for providing a safe learning

²See Footnote # 1.

³See Footnote # 1.

⁴See Footnote # 1.

environment for students, teachers and other staff. If a member of the Newton Public Schools requires reasonable accommodations relative to the presence of the service animal, Newton Public Schools will develop an alternative plan. This scenario is most likely to be raised in the context of a severe, life-threatening allergies.

13. Removal of a Service Animal: The service animal can be removed or excluded from a school or program, if, in the option of the building administrator: cumstances occurs:
 - a. The animal is out of control and the animal’s handler does not take effective action to control it.
 - b. The animal is not housebroken and/or has more than 1 accident in the building.
 - c. The animal’s presence would “fundamentally alter” the nature of the service, program, or activity.

14. Special Provisions/Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability in Newton Public Schools buildings, in classrooms, or at school functions, will be handled on a case-by-case basis, considering:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features.
 - b. Whether the handler has sufficient control of the miniature horse.
 - c. Whether the miniature horse is housebroken.
 - d. Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

Reference: ADA Regulations, 28 CFR Part 35 (as amended, 2010)

CROSS REF: [IMG-Animals in Schools Policy](#)