

## SERVICE ANIMALS

### Purpose

This policy addresses the use of service animals within school buildings and on school grounds. As established and defined by the Americans with Disabilities Act and its accompanying regulations, as well as NH RSA 167-D, individuals with disabilities shall be permitted to bring their service animals in school buildings or on school grounds in accordance with this policy. Conditions relative to pets and non-service animals within the school building and on school grounds are found in Board Policy IMG.

### “Service Animal” Defined

In accordance with 28 CFR §35.104, a “service animal” is defined as:

Any dog that is individually trained to do 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 purpose of this definition. The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or who have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities 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 for the purpose of this definition.

See also RSA 167-D:1, IV.

### Permissible Inquires

The District will not make an inquiry about the nature or extent of an individual’s disability in determining whether to allow a service animal in a school building or on school grounds. When it is not patently obvious as to the role of the service animal, the District may ask whether the animal is required because of a disability and what work or task the animal has been trained to perform. The District will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

When an individual’s disability requires the presence of a service animal in a school building or on school grounds during the school day, the District shall also require annual submission of proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate.

## SERVICE ANIMALS (continued)

### Access to the School Buildings and Grounds

In accord with federal regulations, individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of District schools, where members of the public, participants in services, programs, or invitees, as relevant, are allowed to go.

### Animals for Children with Educational Disabilities or a Section 504 Plan

If an individual with an educational disability or a Section 504 Plan seeks to bring an animal on a school campus that is not a service animal, the request shall be referred to the IEP or Section 504 Team to determine whether the animal is necessary for the individual to receive a free and appropriate education (FAPE).

### Management of Service Animals

Service animals must be under control of their handlers. A service animal shall 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 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 (e.g., voice control, signals, or other effective means). Consistent with NH law and District policy, the District may require any third-party handler (e.g., service animal trainer, parent/guardian or other person) accompanying the service animal to undergo the State criminal background check.

### Care of and Responsibility for Service Animals

The District is not responsible for the care or supervision of 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 itself). The owner or handler of the service animal shall be solely responsible for:

- Supervision and care of the animal, including feeding, exercising, clean-up and stain removal;
- Restraint of the animal at all times;
- Damages to the school buildings, property and vehicles caused by the animal;
- Injuries to individuals caused by the animal; and
- Annual submission of documentation of vaccinations and immunizations.

### Animals for Employees

Use of a service animal by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

## SERVICE ANIMALS (continued)

### Miniature Horse

A miniature horse may constitute a service animal, provided that it otherwise meets the definition of “service animal” and reasonable modifications can be made to the District’s policies, practices and procedures to permit the use of the miniature horse as a service animal. When deciding whether reasonable modifications can be made, the District shall consider:

- The type, size, and weight of the miniature horse and whether the facility can accommodate those features;
- Whether the handler has sufficient control over the miniature horse;
- Whether the miniature horse is housebroken, and;
- Whether the miniature horse’s presence in the school or at a school-sponsored event compromises legitimate safety requirements that are necessary for safe operation.

### Circumstances Under Which a Service Animal Will Be Prohibited from Campus

The Superintendent, Building Principal, or other designee may ask an individual with a disability to remove a service animal from the campus or school event, or may even deny a request for use of a service animal on campus or at a school event if:

- 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 of the animal will require a fundamental alternation of the program or will significantly disrupt or interfere with the educational process;
- When the animal is to be used regularly during the school day or at school events, the handler fails to submit proof of current vaccinations and immunizations of the service animal and a current veterinary health certificate;
- To the extent applicable, the handler fails to comply with NH RSA 167-D; or for any other reason permitted under state or federal law.

If an animal is properly removed or prohibited from the premises, the District will continue to give the individual with a disability the opportunity to participate in District services, programs, or activities without having the service animal on the premises.

A decision to remove or prohibit a service animal from District schools may be appealed to the Superintendent of Schools.

**SERVICE ANIMALS  
(continued)****Legal References**

Section 504 of the Rehabilitation Act – 29 U.S.C. § 794  
Americans with Disabilities Act – 42 U.S.C. § 12101, et seq.  
28 C.F.R. § 36.302  
C.F.R. § 35.136  
NH RSA 167-D  
NH RSA 466:8, VIII

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