

Instruction

Live Animals in the Classroom

Service Animals (including Guide or Assistance Dogs)

The Board of Education does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The District will comply with Connecticut law concerning the rights of persons with guide or assistance dogs and with federal law and will permit such animals on school premises and on school transportation.

Connecticut law requires that a specially trained dog be allowed to accompany a blind, mental or physically disabled person in housing, in public accommodations, and on all common carriers. The dog must be identified by wearing an orange-colored harness or leash and in the direct custody of the individual. Public accommodations include public buildings and any other facility offered to the public.

Federal regulations speak to the use of service animals, including miniature horses.

A “service animal” per 28 C.F.R. 35.104, for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purpose of this policy.

Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Service animals are not pets. There are several kinds of service animals that assist individuals with disabilities. Examples include but are not limited to, animals that:

- assist individuals who are blind or have severe sight impairments as “seeing eye dogs” or “guide dogs;”
- alert individuals with hearing impairments to sounds;
- pull wheelchairs or carry and pick-up items for individuals with mobility impairments; and
- assist individuals with mobility impairments with balance.

Instruction

Live Animals in the Classroom

Service Animals (including Guide or Assistance Dogs) (continued)

The District shall not assume or take custody or control of, or responsibility for, any assistance dog or the care or feeding thereof. The owner or person having custody and control of the dog shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc.

If, in the opinion of the School Principal or authorized designee, any assistance dog or other 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 policy may be immediately revoked. The parent or guardian of the student having custody and control of the dog or other service animal will be required to remove the dog or other used animal from District premises immediately.

The Principal or his/her designee may also exclude a service animal from school property if the animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications; the animal is not housebroken; or the presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

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

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 policy, 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 an appropriate education (FAPE) or to have equal access to the educational program and, if not, whether the child needs other aids, services or accommodations.

Instruction

Live Animals in the Classroom

Service Animals (including Guide or Assistance Dogs) (continued)

If any student or staff member assigned to the classroom in which an assistance dog or other service animal is permitted suffers an allergic reaction to the dog or other service animal, the person having custody and control of the dog/service animal will be required to remove the dog/service animal to a different location designated by the Building 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 dog/service animal to a different classroom assignment. This will also apply if an individual on school transportation suffers an allergic reaction. In this case, an alternate plan will be developed in coordination with appropriate school, District, and transportation staff including the involvement of the parents/guardian of the students.

When a student will be accompanied by an assistance dog/service animal at school or in other District facilities on a regular basis, such staff member or such student's parent or guardian, as well as the dog's/service animal's owner and any other person who will have custody and control of the dog/service animal will be required to sign a document stating that they have read and understood the foregoing.

Miniature Horses

The District will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices or procedures can be made to allow a miniature horse into a specific facility, the following factors must be considered by the administration:

1. The type, size, and weight of the miniature horse and whether the 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 facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

Instruction**Live Animals in the Classroom****Service Animals (including Guide or Assistance Dogs) (continued)****Liability**

The Board of Education may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other Board policy or administrative regulations that impose liability for property damage. 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.

The Superintendent of Schools or his/her designee shall be responsible for developing procedures to accommodate a student's use of an assistance dog or other service animal in District facilities and on school transportation vehicles.

Use of a Service Animal on School Property by School Visitors

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy #1250, Visits to Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the animal's handler does not take effective action to control it.
3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

(cf. 1250 – Visits to the Schools)

(cf. 6163.3 – Live Animals in the Classroom)

Legal References: Connecticut General Statutes

10-221 Boards of education to prescribe rules, policies and procedures.

46a-42 Mobility impaired person.

46a-44 through 46a-64 Public accommodations and transportation, admittance to. (Access of guide and assistance dogs to modes of public transportation and in places of public accommodation.)

Instruction

Live Animals in the Classroom

Service Animals (including Guide or Assistance Dogs)

Legal References (continued)

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b), 29 U.S.C. 705 (20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 article 1, 168A-3 through -7.

American Disability Act 42 U.S. C12101 *et seq.*, 28 C.F.R. pt. 35.

Individuals with Disabilities Act, 20 U.S.C. 1400 *et seq.*

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

Policy Adopted from CABA:

BROOKFIELD PUBLIC SCHOOLS
Brookfield, Connecticut