

SERVICE ANIMALS IN SCHOOLS

The following shall govern the use of service animals in the Windham School District schools:

A. General Conditions

1. Qualified individuals with disabilities and service animal trainers are eligible to use service animals in school.

As per RSA 167-D: 1 V, New Hampshire law defines “service animal trainer” as any person who is employed to train dogs for or is volunteering to raise dogs for a provider of service animals for persons with disabilities or an individual trainer who helps a person with disabilities to train his or her own service animal or an individual trainer who tests an animal to verify its eligibility for the New Hampshire service animal tag.

2. Use of a service animal by a person with a disability will be allowed in school when the animal is required to perform work or tasks directly related to the individual’s disability.

3. As per RSA 167-D: 1 IV “Service Animal” is defined as any dog individually trained to do work or perform tasks directly related to the individual’s disability, including a physical, sensory, psychiatric, and intellectual or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for purposes of this definition.

4. The work or tasks performed by a service animal must be directly related to the individual’s disability. Under state and federal law, work and tasks may include, but are not limited to: (1) assisting individuals who are blind or have low vision with navigation and other tasks; (2) alerting individuals who are deaf or hard of hearing to the presence of people or sounds (3) pulling a wheelchair; (4) assisting an individual during a seizure; (5) alerting individuals to the presence of allergens; (6) retrieving items such as medicine or a telephone; (7) providing physical support and assistance with balance and stability to individuals with mobility disabilities; (8) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or disruptive behaviors.

5. Crime deterrence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of the law.

Legal References: 42 U.S.C.;12101 et seq; 28 C.F.R.;35.104; 35130 (h)35.136;RSA Chapter 167-D

Cross Reference:AC-Nondiscrimination/Equal Opportunity and Affirmative Action

| | |
|--------------------------|-------------------|
| Windham School Board | Policy Code: IMGA |
| Approved: March 15, 2016 | |

6. The Windham School District will not be responsible for the training, feeding, grooming or care of any service animal in any circumstances.
7. All service animals must be under the control of the individual with a disability or designated handler at all times.
8. The individual (in the case of a student, the student's guardian(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal including, but not limited to, the proper disposal of waste.
9. Individuals with service animals may access the same areas that individuals without service animals are authorized to access.

B. Administrative Review of Service Animals

1. Whenever an animal is in the school or on school property and it is not obvious that it qualifies as a service animal, a building administrator or other school employee may ask:
 - a. Whether the service animal is required because of a disability;
 - b. What work or task(s) the animal has been trained to perform;
 - c. In the case of a service animal trainer, for documentation of how the individual meets the criteria described in Section A.1 above.
2. The individual using the service animal (or in the case of a student, the student's parent (s)) is strongly encouraged to notify the building administrator in advance.
3. The school shall not provide staff support to care for or control 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 himself/herself).
4. Service animals must be properly licensed and vaccinated in accordance with New Hampshire law.

C. Removal or Exclusion of Service Animals from School

1. A building administrator or other authorized school official may require that a service animal be removed from the school or other property under any of the following circumstances:
 - a. The service animal poses a direct threat to the safety of individuals at school, causes a significant disruption of school activities or programs, fundamentally alters the nature of any school program, or otherwise jeopardizes the safe operation of the school in a manner that cannot be eliminated by

Legal References: 42 U.S.C.;12101 et seq; 28 C.F.R.;35.104; 35130 (h)35.136;RSA Chapter 167-D
 Cross Reference:AC-Nondiscrimination/Equal Opportunity and Affirmative Action

| | |
|--------------------------|-------------------|
| Windham School Board | Policy Code: IMGA |
| Approved: March 15, 2016 | |

- modifications.
- b. The service animal demonstrates that he/she is unable to perform reliably the work or tasks he/she was represented as being able to perform, which is required to be defined as a service animal;
 - c. The service animal is not under the full control of the person with the disability or the authorized handler/trainer, and the individual does not take effective action to control the animal;
 - d. The service animal is sick (i.e. vomiting, etc.), infested with parasites, has an infection of the skin, mouth or eyes, or otherwise presents a threat to the public health;
 - e. The service animal demonstrates that it is not sufficiently trained to relieve him/herself outside the school building.

If a service animal is removed or excluded, the individual shall still be provided access to school facilities, programs and/or services. In the case of a student who requires a service animal, parents will be notified immediately if the animal is removed or excluded. In any case, written notification of the removal or exclusion and the reason(s) shall be promptly provided.

Legal References: 42 U.S.C.;12101 et seq; 28 C.F.R.;35.104; 35130 (h)35.136;RSA Chapter 167-D
 Cross Reference:AC-Nondiscrimination/Equal Opportunity and Affirmative Action

| | |
|--------------------------|-------------------|
| Windham School Board | Policy Code: IMGA |
| Approved: March 15, 2016 | |