

SERVICE ANIMALS IN SCHOOLS

The following rules shall govern the use of service animals by persons in the schools.

A. General Conditions

1. Only qualified individuals with disabilities are eligible to use service animals in school.
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. "Service animal" is defined in Maine law as follows:

A **dog** that is individually trained to do work 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 purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation or other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability, and helping a person with a psychiatric or neurological disability 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 purposes of this definition.

4. The District will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy (except in the limited circumstances described in Section B.2.a.2). It shall be the responsibility of the individual with a disability or designated handler to ensure the proper care and supervision of the service animal.
5. All service animals must be kept on a harness, leash or tether unless this prevents the animal from performing his/her specific work or tasks with the individual. The animal must be under the control of the individual with a disability or designated handler at all times.
6. The individual with a disability (or in the case of a student, the student's parent(s)) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal.
7. Individuals with service animals may access the same areas that individuals without disabilities are authorized to access.

B. Administrative Review of Service Animals

1. Whenever a service animal is in school or on school property (and it is not obvious that the dog qualifies as a service animal, e.g., guide dog for a blind person), a building administrator or other authorized school official 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.

2. When it is anticipated that a service animal is going to be in the school on a regular basis with an employee, student, volunteer or other frequent visitor to the school, the individual using the service animal (or in the case of a student, the student's parent(s)) are expected to notify the building administrator in advance.

a. 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 him/herself).

b. Any handler (parent or other person) accompanying the service animal must have approval to work in the school from the Maine Department of Education and undergo the State criminal background check.

3. Service animals must be properly licensed and vaccinated.

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 school 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 otherwise jeopardizes the safe operation of the school;
- b. The service animal demonstrates that he/she is unable to perform reliably the work or tasks which he/she was represented as being able to perform;
- c. The service animal is not under the full control of the person with a disability, or the authorized handler.
- 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; and/or
- f. The service animal's presence significantly impairs the learning of students and/or fundamentally alters the nature of any school program.

D. Miniature Horses

Miniature horses are not defined as service animals under state or federal law. However, miniature horses which have been individually trained to perform specific work or tasks may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a

disability. Any such requests should be directed to the building administrator for consideration. If a miniature horse is approved, all the conditions in this policy shall apply.

Legal References: 42 U.S.C. § 12101 et seq.

28 C.F.R. §§ 35.104; 35.130(h); 35.136

5 M.R.S.A. §§ 4553; 4592

Maine Human Rights Commission Rule Chapter 7

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