

## Use of Certified Service Dogs in Schools

### I. Service Dogs

The Bethel Board of Education (the “Board”) complies with all applicable federal and state laws prohibiting the exclusion of any person from any of its educational programs or activities, or the denial to any person of the benefits of any of its educational programs or activities because of a disability, subject to the conditions and limitations established by law. Accordingly, the Board shall make reasonable modifications to its policies, practices and procedures to permit an individual with a disability to use a service animal on school property and/or at school-sponsored programs or activities in accordance with Title II of the Americans with Disabilities Act (“ADA”), applicable state laws and this policy.

#### A. Definitions

1. “**Service animal**” means any dog regardless of breed or size (“service 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. The work or tasks performed by a service animal must be directly related to the individual's disability. In other words, the animal must be required for the individual with a disability, and must be individually trained to do work or a task for the individual with a disability. For purposes of this policy, 1) a service dog includes a *guide dog* or *assistance dog* for a blind, deaf or mobility impaired person as outlined in Conn. Gen. Stat. § 46a-44; 2) service animal is **not** a pet; 3) a service animal in-training is **not** a service animal except for a dog being trained to assist a blind, deaf or mobility impaired individual; 4) companionship, comfort, therapy or emotional support animals do **not** qualify as service animals and 5) other species of animals, whether wild or domestic, trained or untrained are **not** service animals.
2. “**Work or tasks**” include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; alerting individuals to the onset of medical conditions; alerting individuals to the presence of allergens; assisting individuals with limited use of their limbs with tasks such as carrying items, opening doors, turning on lights, retrieving items and/or pulling a wheelchair; assisting individuals with intellectual or cognitive disabilities locate places or misplaced items; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and/or performing tasks for

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individuals with psychiatric and neurological disabilities such as preventing or interrupting impulsive or destructive behaviors or reminding an individual to take prescribed medication. 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 policy.

3. “**Handler**” is an individual with a disability who is accompanied by a service animal, or a third party who accompanies an individual with a disability to assist with his or her service dog. For purposes of this policy, a handler includes a person training a *guide* or *assistance dog* for a blind, deaf or mobility impaired person provided the trainer is employed by and authorized to engage in designated training activities by a guide or assistance dog organization that complies with the criteria for membership in a professional association of guide dog or assistance dog schools and carries photographic identification indicating such employment and authorization, or a person who volunteers for a guide or assistance dog organization that authorizes such volunteers to raise dogs to become guide dogs or assistance dogs and causes the identification of such dog with (a) identification tags, (b) ear tattoos, (c) identifying bandanas on puppies, (d) identifying coats on adult dogs, or (e) leashes and collars, as outlined in Conn. Gen. Stat. § 46a-44.

#### B. Access to Board Property, Programs and/or Activities

Generally, a service dog shall be permitted to accompany a handler in all areas of Board property to the same extent that the handler has the right 1) to be present on school property or facilities; 2) to attend and/or participate in a Board-sponsored program or activity, including but not limited to, attending sporting events and student theatrical productions open to the general public; or 3) to be transported in a vehicle operated by or on behalf of the Board. Under no circumstances shall a handler be permitted to access a place where s/he would not otherwise be allowed access without the service dog.

The Board prohibits inquiries of a handler (or his/her parent(s)/guardian(s) in the case of a young child) about the nature of his/her disability. Additionally, Board personnel may not ask a handler (or his/her parent(s)/guardian(s) in the case of a young child) to pay an additional fee to comply with any condition not outlined in this policy and/or request documentation such as proof of licensure, certification or any other proof of the service dog training, including, but not limited to, demanding the animal perform a particular task.

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In instances where it is not readily apparent whether a dog qualifies as a *service dog*, Board personnel may **only** make the following **two** inquiries of a handler (or his/her parent(s)/guardian(s) in the case of a young child):

- *Is the dog a service animal required because of a disability?*
- *What work or task(s) has the dog been trained to perform?*

#### C. Management of Service Dog; Responsibilities of Handlers and Liability

1. Service animals are working dogs, **not** pets. Accordingly, service dogs should not be petted, provoked or otherwise distracted, including, but not limited: talking to or saying the dog's name.
2. A service dog must harnessed, leashed, or tethered while on school property or at a school-sponsored program or activity unless such devices interfere with the service animal's work or the handler's disability prevents use of such devices. In that case, the handler must use voice, signal, or other effective means to maintain control of the animal.
3. A service dog must be housebroken.
4. A service dog must be under the control of its handler at all times while on Board property or at a Board-sponsored program or activity. Where a service animal is out of control and the handler does not take effective action to control it, Board personnel may request that the dog be removed from the property or a Board-sponsored program or activity. In the event that the handler is unable or unwilling to remove a properly excluded dog, Board personnel are authorized to take appropriate action necessary to remove the dog and ensure the health and/or safety of individuals attending and/or participating in a Board-sponsored program or activity. In certain limited instances (e.g., younger children), the Board may provide reasonable accommodations to enable a handler to control his/her service animal. In such instances, the reasonable accommodations shall be determined on case-by-case basis at a meeting with school officials, parent(s)/ guardian(s) and the handler, where appropriate.
5. Service dogs are generally the sole responsibility of their handlers, who must take appropriate precautions to prevent damage or injury to persons or property from the actions of their service dogs. The Board

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shall not be responsible for the care or supervision of service animals, including but not limited to the cost of veterinary care, supplies or equipment; provision of food and/or water; walking the service animal; responding to the service dog's toileting needs, including accidents; and/or grooming the service animal. Accordingly, handlers (or if a minor, their parent(s)/guardian(s)) are liable for any harm, damage, or injury caused by the service animal to students, staff, visitors, and/or property to the same extent other individuals who cause harm, damage or injury to persons or property are responsible for such harm, damage or injuries.

6. Handlers shall ensure that service dogs comply with all generally applicable state and local animal control and public health requirements, including, but not limited vaccinations registration and/or licensure requirements.
7. All service dogs should be kept clean and groomed to avoid shedding and dander, where possible. All service dogs should be treated for, and kept free of, fleas and ticks.

D. Students with Individualized Education Programs (“IEPs”) and/or Section 504 Plans

An inquiry by a planning and placement team (“PPT”) and/or Section 504 team concerning whether a service dog is necessary for a student with a disability to receive a free and appropriate public education (“FAPE”) under the Individuals with Disabilities Education Act or the Section 504 of the Rehabilitation Act is separate from the analysis and inquiry related to service dog under the ADA and applicable state laws. Any decisions with respect to whether a service dog is necessary in order to provide a student FAPE will be made by the student's PPT or Section 504 team, as applicable. Where a service dog is not required for a student with a disability to receive a FAPE, the Board shall permit the use of a service dog in the Board's programs or activities in accordance with the law and this policy.

E. Exclusion and/or Removal of a Service Dog

The Board shall not exclude a service dog based on assumptions or stereotypes or general fears about how a service dog or particular breed of dog might behave. However, a school official may ask a handler to remove

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a service dog from Board property, or a Board-sponsored program or activity in the event of one of the following:

1. The service dog is out of control and the service dog's handler does not take effective action to control it;
2. The service dog is not housebroken;
3. The service dog's presence would "fundamentally alter" the nature of the service, program, or activity; and/or
4. The service dog's actual behavior poses a direct threat to the health and/or safety of others that cannot be eliminated by reasonable modifications to policies, practices or procedures; or has a history of such behavior.

Where a service dog is properly excluded, the Board shall permit the handler to remain on Board property and/or participate in the Board-sponsored program or activity without the service dog unless such handler otherwise violated a Board policy or state or federal law which warrants the removal of the individual. In the event that the handler is unable or unwilling to remove a properly excluded animal, Board personnel are authorized to take appropriate action necessary to remove the dog and ensure the health and/or safety of individuals attending and/or participating in a Board-sponsored program or activity.

G. Conflicting Disabilities

In instances where an individual has an allergy significant to qualify as a disability, or have another disability that conflicts with the disability requiring the use of a service dog, the individual shall immediately notify a building administrator or the school official in charge of Board-sponsored program or activity. The Board, through its administration, shall consider the needs of each individual and balance the rights of the individuals involved. The Board shall work to resolve the conflict as efficiently and expeditiously as possible in order to meet its obligations to reasonably accommodate individuals with disabilities.

H. Grievances

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Any person who believes s/he has been discriminated against because of his/her disability by a Board personnel or student, or has been aggrieved by a decision concerning a service animal may file a complaint or appeal to:

Mrs. Susan Budris  
Director of Special Education & Pupil Personnel Services  
1 School Street  
Bethel, CT 06801  
(203)794-8601

**Legal References:**

State Law:

Conn. Gen. Stat. § 22-339b  
Conn. Gen. Stat. § 46a-44  
Conn. Gen. Stat. § 46a-64

Federal law:

Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et. seq.*  
28 C.F.R. § 35.104  
28 C.F.R. § 35.136  
28 C.F.R. § 36.302(c)

Policy Adopted: 12/6/2018