

OYSTER RIVER COOPERATIVE SCHOOL BOARD	Policy Code: IMGA
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SERVICE ANIMALS IN THE SCHOOLS

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

A. General Conditions

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

New Hampshire law defines a “service animal trainer” as any person who is employed to train dogs 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. “Service animal” is defined as follows:
 - a. Any dog 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 purposes of this definition.
 - b. 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) providing nonviolent protection or rescue work; (4) pulling a wheelchair; (5) assisting an individual during a seizure; (6) alerting individuals to the presence of allergens; (7) retrieving items such as medicine or a telephone; (8) providing physical support and assistance with balance and stability to individuals with mobility disabilities; (9) helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purposes of the law.
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). 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 its specific work or tasks with the individual) in which case the animal must be under other control (e.g., hand signals or voice commands), and under the control of the individual with a disability or designated handler at all times.

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6. The individual (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, consistent with any applicable laws.
7. Individuals with service animals may access the same areas that individuals without disabilities are authorized to access unless such access presents a legitimate safety risk to the animal and/or others or fundamentally alters the program.

B. Administrative Review of Service Animals

1. Whenever a service animal is in the 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;
 - c. In the case of a service animal trainer, documentation of the individual's affiliation with a recognized organization as described in Section A.1 above.
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, service animal trainer 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 strongly encouraged 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 limited assistance 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).
 - b. Any handler (trainer, parent or other person) accompanying the service animal must have approval to work in the school from the New Hampshire Department of Education and undergo the State criminal background check.
3. 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 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 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 reasonable modifications;

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- b. The dog demonstrates that it is unable to perform reliably the work or tasks which it 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 a 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 (applying the standard that would be applied to any other animal allowed on school premises); and/or
- e. The service animal demonstrates that it is not sufficiently trained to relieve itself outside the school building.

If a service animal is removed or excluded, the individual with a disability shall still be provided access to school facilities, programs and/or services.

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 on behalf of an individual with a disability may be permitted in the schools in certain circumstances as a reasonable accommodation for a qualified individual with a disability, subject to certain restrictions deemed necessary in a school setting. 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
RSA 167-D

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action
ACE & R – Non-Discrimination on the Basis of Handicap/Disability & Procedural Safeguards
IMGA-R – Service Animals in the School