

ADMINISTRATIVE PROCEDURE FOR SERVICE DOGS IN SCHOOLS¹

NOTE: This procedure must be read in conjunction with the School Board's policy addressing service animals in schools, which sets forth definitions, requirements, and other policy considerations related to service animals. As noted under the policy, this procedure involves complex issues and we recommend consulting with legal counsel before making changes to this sample procedure or any time service dog issues arise that are not specifically addressed here.

In order to address requests for persons with disabilities to be accompanied by a service dog in school, the School Department will take steps outlined in this procedure.

A. Students

1. Parents/guardians of students with disabilities must notify the building administrator (or other authorized school official) of any request for the student to be accompanied, on a regular basis, by a service dog in school, on school property (including riding a school bus) or at a school-sponsored activity. Prior notice is required to allow the school to address the potential impact of the service dog on others in the school community (e.g., those with allergies or phobias to dogs).
2. Unless it is obvious that a dog qualifies as a service dog (e.g., a guide dog for a student who is blind), the building administrator or other school official should ask the parent/guardian the following two questions and should document the parent's/guardian's response:
 - a. Is the dog required because of the student's disability?
 - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog qualifies as a service dog, or if the parent/guardian answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then the student will be authorized to bring the dog to school, provided that the conditions in Policy ACAC are met and pursuant to the following procedural steps.

¹ A miniature horse may qualify as a service animal. The administration should carefully review any such request and seek consultation on safety parameters that may need to be imposed. No other animal species qualifies as a service animal.

The school may not require the family to prove that the dog is trained, require a particular certification, or require a demonstration of the work or task the dog has been trained to perform.

3. The building administrator or other school official should confirm whether the student has been determined eligible for services under the Individuals with Disabilities Education Act (IDEA) or for accommodations under Section 504.
 - a. If the student has not been identified and determined eligible under IDEA or Section 504, s/he should be referred for evaluation under either of the laws, (while, in the interim, allowing the student to be accompanied by the service dog if Step 2 above has been satisfied).
 - b. Because only individuals with disabilities as defined by the Americans with Disabilities Act (ADA) and Section 504 are entitled to be accompanied by a service dog, if the student is found not to have a disability pursuant to these processes, then the school may at that point deny use of the service dog.
4. The school should convene a 504 team to address how the school will support the student's use of the service dog. The team should closely review and follow the School Board's service animal policy in deciding on any support, paying particular attention to the following:
 - a. The school will not be responsible for the handling, control, supervision, training, feeding, grooming or care of any service dog permitted to ride a school bus, attend school or school activities.
 - b. If the student is unable to control the service dog, the parent/guardian must provide a handler for the dog to ride the school bus, attend school or school activities [Note: a service dog must be under the control of a handler at all times; under no circumstances may a dog be controlled by a shock collar.].
 - c. The building administrator or other school official will ensure that any person (other than the student) who accompanies the service dog for handling or other purposes has undergone the State criminal background check.
 - d. The school may provide limited assistance to a student using a service dog as needed in a particular instance. For example, a school employee may accompany a young student when the student is taking a service dog outside to relieve itself [Note: a service dog must be housebroken.].
 - e. The building administrator or other school official should use his/her professional judgment in informing (in writing) other parents/guardians of the anticipated presence of a service dog. In response to such notice, the parents/guardians of children with allergies or phobias to dogs are encouraged to promptly notify a building administrator so that efforts may be undertaken to support all students. The building administrator/school official should also consider providing notice to employees who

may encounter the dog during the school day, so that efforts can be undertaken to support affected employees.

- f. The parent/guardian shall provide the school sufficient documentation to show that the service dog is properly licensed and vaccinated.
 - g. The school may impose other reasonable measures on the parent/guardian in support of the service dog. For example, a parent may need to provide a crate that houses the dog during physical education or other activities in which the student participates without being accompanied by the service dog. The dog also must be clean and free of ticks and fleas at all times.
 - h. Parents/guardians are strongly encouraged to work with the school on a plan to gradually introduce the service dog into the school environment (i.e., bringing the dog to school or riding the bus first when other students are not present, and gradually having the dog present for longer times and/or when many potential distractions are present.).
5. The building administrator or designee may monitor the student's use of a service dog to ensure that it is being successfully managed and is under control at all times. The administrator/designee may also periodically assess and document whether all other Board policy and these procedures are being followed. School officials reserve the right to alter the service dog arrangements, including having the dog removed if warranted.

B. Employees

1. Any employee who wishes to request approval to be accompanied by a service dog at school should contact Human Resources [or other appropriate position/department] to establish that the criteria for a service dog have been met prior to bringing the dog to school.
2. An employee may be asked to provide documentation to establish his/her disability and the necessity that the work/task performed by the service dog be performed at school.
3. The Human Resources representative [or other appropriate position/department], in consultation with the employee's supervisor, will determine the reasonableness of the request and what restrictions, if any, may need to be placed upon the dog's presence in light of the nature of the employee's position and working environment.
4. Prior to approving a service dog, the Human Resources representative [or other appropriate school official] may need to confer with employees and parents/guardians of students who may be adversely affected by the presence of a dog in the school.
5. When a Human Resources representative [or other appropriate school official] approves the presence of a service dog for an employee, there will be an initial 30-day trial period to determine what impact, if any, the dog has had on the school. The school reserves the

right to make adjustments as to the dog's presence, including declining to permit the dog to continue to come to the school.

C. Parents/Visitors/Third Parties

1. To the extent possible, any parent/guardian, visitor, or other person who wants to visit the school or school grounds accompanied by a service dog is encouraged to provide prior notice to the building administrator or other authorized official.
2. Unless it is obvious that the dog qualifies as a service dog (e.g., a guide dog for an individual who is blind), the building administrator or other school official should ask the parent/guardian, visitor, or other third party the following two questions:
 - a. Is the dog required because of the individual's disability?
 - b. What work or task(s) has the dog been trained to perform?

If it is obvious that the dog qualifies as a service dog (e.g., a guide dog for a student who is blind), or if the individual answers affirmatively to the first question and sufficiently describes the work/task(s) in response to the second question, then he/she is authorized to be accompanied by the service dog on school grounds, subject to complying with the conditions set forth in Policy ACAC.

D. Removal or Exclusion of Service Dogs from School

The building administrator or other authorized official may require that a service dog be removed from the school or other school property if the individual fails to abide by the Board policy or these procedures. At any time that a dog acts aggressively toward any person in the school or harms a person, the dog shall immediately be removed.

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: IMGA – Service Animals in the School
ACE & R – Non-Discrimination on the Basis of Handicap/Disability & Procedural Safeguards