

## **USE OF SERVICE ANIMALS**

The Board of Education of the Waterford-Halfmoon Union Free School District (the “District”) acknowledges its responsibility to permit an individual with a disability to be accompanied on school grounds by a service animal (as that term is described below). This policy is subject to restrictions permitted by state and federal law and any regulations and/or rules that may be established by the Superintendent of School of his/her designee.

The term “service animal” is defined as a dog which is individually trained to do “work” or perform “tasks” for the benefit of an individual with a disability. Such “work” or “tasks” may include, but are not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to sounds or alarms, alerting and protecting a person who is having a seizure, pulling a wheelchair, fetching items, or performing other special tasks. The “work” or “tasks” performed by the service animal must be directly related to the individual’s disability. Service animals are working animals, not pets. All other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. Animals which are used for purposes of crime deterrent, therapy animals, or animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being are excluded from this definition.

When it is not readily apparent that a service animal is trained to do work or perform tasks for an individual with a disability, District personnel may ask the individual the following questions:

1. Is the service animal required because of a disability?
2. What work or tasks has the service animal been trained to perform?

District personnel may not ask about the nature or extent of the individuals’ disability, nor may they require documentation of certification, training or proof of licensure as a service animal.

Service animals must be under the control of the handler at all times and be harnessed, leashed or tethered, unless such devices interfere with the service animal’s work or the individual’s disability prevents him or her from using these devices. Individuals who cannot use such methods of securement must maintain control of the service animal through voice, signal or other effective controls.

(Continued)

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Neither the district, nor its employees are responsible for the cost, care or supervision of the service animal. The handler of the service animal (or in the event the handler is a student, the Parent(s)/Legal Guardian(s) of such student) is responsible for any and all damage caused by the service animal at school, on school premises or at school activities.

### **Removal or Exclusion of a Service Animal:**

A building principal or other district administrator may request an individual with a disability to remove a service animal from school, a school sponsored activity or school property if the animal is out of control and the animals handler does not take effective action to control the animal, or if the animal is not housebroken.

If the district administrators exclude a service animal, it will provide the individual with a disability the opportunity to participate in the service, program or activity without having the service animal on the premises. As appropriate, the district will offer reasonable accommodations to the individual, to the extent required, to enable them to participate in the service, program or activity.

### **Appeal Process:**

If there is a disagreement with the building principal or other district administrator's decision to remove or exclude a service animal from school, within twenty (20) days of receipt of notification from the District administrator, the parent(s)/legal guardian(s) may appeal the decision, in writing, to the District's Section 504 Compliance officer.

### **References:**

Title II of the Americans with Disabilities Act (ADA), 42 USC §12131 et seq.  
Section 504 of the Rehabilitation Act (Section 504), 29 USC §794 (a).  
28 C.F.R. Sec. 36.302(c)(6);  
New York State Human Rights Law, N.Y. Exec. Law Sec. 296(14)  
Fry v. Napoleon Community Schools, 197 L.Ed.2d 46 (2017).

Adopted: