

USE OF SERVICE ANIMALS

The Board of Education of the Ichabod Crane Central 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 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. Service animals should be identified as such through markings or harness or other indication on a leash or tether.

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 20 (twenty) 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. Part 35

Fry v. Napoleon Community Schools, 580 U.S. ___, (2017).

Effective Date: October 3, 2023

USE OF SERVICE ANIMALS REGULATION

Request to Use a Service Animal

Request for the use of a service animal shall be made to the school principal, in writing, using the District's designated form (attached hereto).

Service Animal, as defined in the policy, is a dog which is individually trained to do "work" or perform "tasks" for the benefit of an individual with a disability. Other species of animals, wild or domestic, trained or untrained, are not service animals for the purposes of this definition.

The task or work performed must directly relate to the individual's disability. Examples that do not constitute "work or tasks" as those words are defined in this policy and regulation, include but are not limited to: crime-deterrent, provision of emotional support, well-being, comfort or companionship, or therapy services. The law and this policy distinguish between a "service animal" and a "therapy" or "emotional support animal". Unless the animal is individually trained to do something that qualifies a work or a task, the animal is a pet and does not qualify for coverage.

If there is any question as to whether the animal qualifies as a service animal, the matter will be reviewed by the Superintendent or their designee. This determination will be made based on the individual's response to the following questions:

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

In accordance with federal and state law, use of a service animal in school facilities and on school grounds may not be challenged, except if the use of the service animal poses a direct threat to the health or safety of other persons, the handler is incapable of exercising effective control over the service animal, or if the presence of the service animal will result in a fundamental alteration of the service, program or activity involved. (Title II of the ADA Regulations, 28 C.F.R. §35.130(b)(7)).

Response to Request to Use a Service Animal:

The Parent(s)/Legal Guardian(s) shall be contacted upon receipt of the form to schedule a meeting to review the request and determine whether the service animal will be allowed to accompany the student to school. This meeting shall take place promptly, but no later than ten (10) school days of receipt of the request.

The following information will be requested or obtained through the review process from the individual with a disability and/or their parent(s)/legal guardian(s):

1. Proof of current dog licensure (in accordance with local/county ordinances)
2. Proof that the service animal is current on vaccinations and is in good health and is free from parasites by a licensed veterinarian.
3. Information or evidence that the student can maintain appropriate care and control of the service animal while it is on school property, and that the animal is housebroken.
 - a. Evidence that the service animal is under care and control and is housebroken means the service animal responds appropriately to guidance or direction of the handler, does not show aggression, does not solicit or steal food or other items, does not urinate or defecate in inappropriate locations, does not vocalize unnecessarily, and is clean, groomed and not malodorous.
 - b. The service animal must be either harnessed, leashed or tethered, at all times, unless such devices interfere with the service animal's work or the individuals' 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.
 - c. The service animal should be properly identified either with a vest, a kerchief, a leash denoting service animal or other marking to make it clear that this is a working animal fulfilling an important role to others who see the service animal in use. Service animals should not be dressed up in costumes or clothes, other than weather appropriate items (like a sweater/vest for winter or rain)
4. If the handler is not the student, in addition to the expectations set forth above for maintaining appropriate control and care of the service animal, the handler shall go through the same process for background checks as required of all employees or regular volunteers of the school system.
 - a. If the handler satisfies the background check, they must also agree to comply with all standards of conduct that apply to school employees and volunteers while assisting the student with the service animal at school, during school sponsored activities or on school grounds.

Once approved, a plan will be developed in conjunction with appropriate staff and those knowledgeable about the student's needs, service animals, and current supports, services and interventions. Such plan may be developed by an IEP Committee, or a Section 504 team or a building level team.

The service animal will be identified as such using a service animal labeled harness, labeled leash, a labeled neckerchief or some equivalent representative indicator to ensure that the role of the service animal is identifiable to others who regard the animal.

Continuing Review

The request to use a service animal shall be reviewed annually/periodically, and parent(s) and legal guardian(s) and students will be asked to provide necessary updates, documentation and clarification to support that review.

Transportation

A service animal will only be allowed in school district transportation vehicles when it has been determined that the service animal is a necessary part of the transportation accommodation, and such is documented in the above referenced plan. Arrangements for the transportation of students with service animals will be made in consultation with the Director of Transportation. The service animal must be able to follow direction and adhere to the safety practices required during transportation.

Once approved, the school will also work with the service animal's handler to:

1. Familiarize the service animal with the campus prior to the actual start date
2. Orient the service animal to school faculty and students
3. Establish an educational program to educate others on proper behavior around a service animal
4. Review the student's schedule for any potential issues or concerns (such as classes involving chemicals, strong odors, or similar laboratory work, kitchens or cooking, or other similar classes where alternate arrangements may be required for the service animal for safety or supervision)
5. Establish a resting place/location for the service animal-
 - a. In classes, such location will typically be on the floor or at the student's feet. Appropriate accommodations to the classroom environment to accommodate the service animal's presence shall be arranged prior to the start date.
 - b. If the service animal is used in transportation, such location will be on the floor or in immediate proximity to the student, but may not extend into the aisle or otherwise block or interfere with navigation of the aisle by others.
6. Establish a place for the service animal to urinate/defecate and a schedule for the student and service animal to accommodate such needs, if the student's natural schedule does not accommodate the service animal's needs.
7. Establish a location for the service animal to be fed/watered (as necessary)
8. Establish an evacuation plan to include the service animal, and practice this plan.

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, 580 U.S. ____, (2017).

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