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USE OF SERVICE ANIMALS BY STUDENTS AND VISITORS

The Hanover Public Schools (School District) recognizes that School District must make reasonable modifications in its policies, practices, and procedures to permit the use of service animals by individuals with disabilities on District premises and school transportation, as described herein, unless making the modifications would fundamentally alter the nature of the service, program or activity. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's premises where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Definitions:

Under the ADA, a "service animal" is defined as "any 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." Service animals are working animals, not pets.

The work or tasks performed by a service animal must be directly related to the individual's disability and may include, but is not limited to:

- Assist individuals who are blind or visually impaired as guide dogs
- Alert individuals with hearing impairments to sounds
- Pull wheelchairs or carry and pick-up items for individuals with mobility impairments
- Assist mobility-impaired individuals with balance, and
- Alert a person with diabetes, epilepsy, or a psychiatric disability to health changes that need immediate attention.

An animal whose sole function is to provide comfort or emotional support is not a "service animal."

State law protects dogs being used, or in training to be used, for individuals who are blind, deaf, or physically disabled.

Use of Service Animals by Students and Visitors:

The Superintendent of Schools or his/her designee shall be responsible for developing procedures to accommodate an individual's use of a service animal on District premises and school transportation vehicles.

Staff cannot ask about the nature or extent of the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

When it is not obvious that the dog is a service animal, staff may ask only the following two questions:

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

The law requires staff take the individual at their word.

Allergies and fear of dogs are not valid reasons for denying access or refusing services to people using service animals. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal

must spend time in the same school classroom or area, they both should be accommodated by assigning them, if possible, to different locations within the room/facility.

Hanover Public Schools shall not be responsible for the care and/or supervision of a service animal.

Limitations for Use of Service Animals:

A service animal must be under the control of its handler. A service animal must have a leash, harness or other tether unless the individual's disability prevents them from using such devices or the use of such devices interferes with the service animal's safe, effective performance of work or tasks, in which case, the service animal must be under the handler's control by other means such as voice control, signals or other effective means.

Hanover Public Schools may request that a person remove a service animal from the premises under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken; or
3. The animal poses a direct threat to the health and safety of others in the school building.

The individual, or parent/guardian of the student, having custody and control of the animal will be required to remove the service animal from District premises immediately.

If the service animal is excluded from the premises, the school will allow the individual to participate in the activity without the service animal on the premises.

Miniature Horses

The District recognizes that while the definition of "service animal" does not include miniature horses, the Title II regulations implementing the ADA require public entities to make reasonable modifications in policies, practices, or procedures to allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made, the District must consider the type, size, and weight of the miniature horse and whether the District can accommodate these features, whether the handler has sufficient control of the miniature horse, whether the miniature horse is housebroken, and whether the miniature horse's presence in a specific facility compromises the legitimate safety requirements that are necessary for safe operation. All of the requirements regarding the use of a service animal, as described above, apply to the use of a miniature horse.

Legal References: Americans with Disabilities Act, 28 CFR Part 35, Section 504 of the Rehabilitation Act of 1973, & M.G.L. ch. 272, § 98A.

USE OF SERVICE ANIMAL POLICY/ANIMALS BY STUDENTS AND VISITORS

~~Pursuant to the Americans with Disabilities Act and federal regulations at 28 CFR Part 35, as well as Massachusetts General Law c. 272, § 98A, the Hanover Public Schools will allow people with disabilities to bring their service animals onto the premises and on school transportation as described herein.~~

The Hanover Public Schools (School District) recognizes that School District must make reasonable modifications in its policies, practices, and procedures to permit the use of service animals by individuals with disabilities on District premises and school transportation, as described herein, unless making the modifications would fundamentally alter the nature of the service, program or activity. Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the District's premises where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go.

Definitions:

~~"Service animals" are Under the ADA, a "service animal" is defined as "any 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-." Service animals are working animals-are, not pets.~~

The work ~~that is or tasks~~ performed by a service animal must be directly related to the ~~handler's~~individual's disability and may include, but is not limited to:-:

- Assist individuals who are blind or visually impaired as guide dogs
- Alert individuals with hearing impairments to sounds
- Pull wheelchairs or carry and pick-up items for individuals with mobility impairments
- Assist mobility-impaired individuals with balance, and
- Alert a person with diabetes, epilepsy, or a psychiatric disability to health changes that need immediate attention.

An animal whose sole function is to provide comfort or emotional support is not a "service animal."

State law protects dogs being used, or in training to be used, for ~~people~~individuals who are blind, deaf, or physically disabled. ~~Provision of emotional support, well-being, comfort or companionship does not constitute work or tasks for the purposes of this policy or the ADA-;~~

Use of Service Animals by Students, ~~Staff~~ and Visitors:

The Superintendent of Schools or his/her designee shall be responsible for developing procedures to accommodate an ~~individuals'~~individual's use of a service animal ~~in on~~ District ~~facilities~~premises and ~~on~~ school transportation vehicles.

~~When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:-~~

~~1. Is the dog a service animal required because of a disability?~~

~~2. What work or task has the dog been trained to perform?~~

Staff cannot ask about the nature or extent of the person's disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

When it is not obvious that the dog is a service animal, staff may ask only the following two questions:

1. Is the dog a service animal required because of a disability?

2. What work or task has the dog been trained to perform?

The law requires staff take the individual at their word.

Allergies and fear of dogs are not valid reasons for denying access or refusing services to people using service animals. When a person who is allergic to dog dander or fearful of dogs and a person who uses a service animal must spend time in the same school classroom or area, they both should be accommodated by assigning them, if possible, to different locations within the room/facility.

Hanover Public Schools shall not be responsible for the care and/or supervision of a service animal.

Limitations for Use of Service Animals:

~~A service animal must be under the control of its handler. A service animal must have a leash, harness or other tether unless the individual's disability prevents them from using such devices or the use of such devices interferes with the service animal's safe, effective performance of work or tasks, in which case, the service animal must be under the handler's control by other means such as voice control, signals or other effective means.~~

Hanover Public Schools may request that a person remove a service animal from the premises under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken; or

~~A handler must control their animal by using a leash, harness or other tether unless the individual's disability prevents them from using such devices. If this is the case, the handler must exert control over the animal through voice commands, signals or other effective means.~~

3. ~~A service animal may also be excluded if the use of the service~~The animal poses a direct threat to the health and safety of others in the school building.

The individual, or parent/guardian of the student, having custody and control of the animal will be required to remove the service animal from District premises immediately.

If the service animal is excluded from the premises, the school will allow the individual to participate in the activity without the service animal on the premises.

~~Under the ADA, State and local governments, businesses, and nonprofit organizations that serve the public generally must allow service animals to accompany people with disabilities in all areas of the facility where the public is normally allowed to go.~~

Miniature Horses

The District recognizes that while the definition of “service animal” does not include miniature horses, the Title II regulations implementing the ADA require public entities to make reasonable modifications in policies, practices, or procedures to allow the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications can be made, the District must consider the type, size, and weight of the miniature horse and whether the District can accommodate these features, whether the handler has sufficient control of the miniature horse, whether the miniature horse is housebroken, and whether the miniature horse’s presence in a specific facility compromises the legitimate safety requirements that are necessary for safe operation. All of the requirements regarding the use of a service animal, as described above, apply to the use of a miniature horse.

Legal References: Americans with Disabilities Act, 28 CFR Part 35, Section 504 of the Rehabilitation Act of 1973, & M.G.L. ch. 272, § 98A.

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