

Service Animals in School Facilities

Connecticut Technical Education and Career System (CTECS)

Introduction

CTECS does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. CTECS will comply with Connecticut law concerning the rights of persons with guide or assistance dogs and with federal law and will permit such animals on school premises and on school transportation upon request and submission of required documentation.

A “service animal” per 28 C.F.R. § 35.104, for purposes of this policy, is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. § 35.136(i).

The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Service animals are not pets. Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Examples of work performed by service animals include but are not limited to:

- assisting individuals who are blind or have severe sight impairments (seeing eye or guide dogs);
- alerting individuals with hearing impairments to sounds;
- pulling wheelchairs or carrying and picking-up items for individuals with mobility impairments; and
- assisting individuals with mobility impairments with balance.

While emotional support animals or comfort animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. These support animals provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks that assist people with disabilities.

A person with a service dog will be referred to as the “handler” in this policy.

Legal Reference

Connecticut General Statutes

§ 10-221 Boards of education to prescribe rules, policies and procedures.

§46a-42 Mobility impaired person.

§§ 46a-44 through 46a-64 Public accommodations and transportation, admittance to.
(Access of guide and assistance dogs to modes of public transportation and in places of public accommodation.)

Section 504 and the Federal Vocational Rehabilitation Act of 1973, 20 U.S.C. 706(7)(b), 29 U.S.C. 705 (20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 article 1, 168A-3 through -7.

American Disability Act 42 U.S.C. § 12101 *et seq.*, 28 C.F.R. pt. 35.

Individuals with Disabilities Act, 20 U.S.C. § 1400 *et seq.*

28 C.F.R. Parts 35 & 36, “Nondiscrimination on the Basis of Disabilities in State and Local Government Services; Final Rules”

Areas Off Limits to Service Animals

- A. **Mechanical Rooms/Custodial Closets:** Mechanical rooms, such as boiler rooms, facility equipment rooms, electric closets, elevator control rooms and custodial closets, are off-limits to service animals. The machinery and/or chemicals in these rooms may be harmful to animals.
- B. **Areas where protective clothing is necessary**
- C. **Areas where there is danger to the service animal:** Any room, including a classroom, where there are sharp metal cuttings or other sharp objects on the floor or protruding from a surface; where there are hot materials on the floor; where there is a high level of dust; or where there is moving machinery is off-limits to service animals.

Access to designated off-limits areas may be granted on a case-by-cases basis. The final decision shall be made based on the nature of the machinery or class and the best interest of the animal. A handler who wants his or her animal to be granted admission to an off-limits area should contact the Principal.

Responsibility of the Handler

CTECS shall not assume or take custody or control of, or responsibility for, any service animal. The owner or person having custody and control of the dog shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up and stain removal.

The handler of a service animal shall be solely responsible for:

1. Full control of the service animal at all times.
2. Supervision and care of the animal, including any feeding, exercising, clean up and stain removal.
3. Leashing and properly restraining the animal at all times. If the handler is unable because of a disability to use a harness, leash, or other tether, or the use of such devices would interfere with the service animal's safe, effective performance of work or tasks, the service animal must be otherwise under the handler's control using voice control, signals, or other effective means.
4. Damages to CTECS buildings, property and vehicles caused by the animal.
5. Injuries to students, employees, volunteers, and visitors caused by the animal.
6. Annual submission of documentation of vaccinations and immunizations.
 - a. **Vaccination:** The animal must be immunized against diseases common to that type of animal. Dogs must have had the general maintenance vaccine series, which includes vaccinations against rabies, distemper, and parvovirus. All vaccinations must be current.
 - b. **Licensing:** Dogs are to wear an owner identification tag at all times. The dog must also wear a current rabies tag and dog license tag. Connecticut law requires guide dogs to wear a harness or an orange-colored leash and collar which makes it readily identifiable as a licensed guide dog.
 - c. **Health:** The animal must be in good health.

Requirements for School Community

1. Provide an outdoor area where the service animal may relieve itself. The handler is responsible for removal and proper disposal of animal waste.
2. Allow a service animal to accompany the partner at all times and everywhere on campus except where service animals are specifically prohibited.
3. Do not pet a service animal. Petting a service animal when the animal is working distracts the animal from the task at hand.
4. Do not feed a service animal. The service animal may have specific dietary requirements. Unusual food or food at an unexpected time may cause the animal to become ill.
5. Do not deliberately startle a service animal.
6. Do not attempt to distract a service animal from its tasks and attention to its handler.
7. Do not separate or attempt to separate a handler from his or her service animal.

Notice to School Community

All members of the school community where the service animal will regularly accompany a student or employee on school property or transportation will be provided with notice of the presence of a service animal along with the requirements for the school community in relation to the service animal and handler. Notice shall also be provided to the Superintendent and the Education Consultant for Health and Safety.

If any student or staff member assigned to the classroom in which a service animal is permitted suffers an allergic reaction to the dog or other service animal, the handler will be required to remove the service animal to a different location designated by the Principal and an alternative plan will be developed. Such plan could include the reassignment of the handler to a different classroom. This will also apply if an individual on school transportation suffers an allergic reaction. In this case, an alternate plan will be developed in coordination with appropriate school, home district, and transportation staff including the involvement of the parent/guardian of the student.

Emergency Situations

In the event of an emergency, the Emergency Response Team (ERT) should be trained to recognize service animals and to be aware that the animal may be trying to communicate the need for help. The animal may become disoriented from the smell of smoke, from sirens or wind noise, or from shaking and moving ground. The handler and/or animal may be confused by the stressful situation. The ERT should be aware that the animal is trying to be protective and, in its confusion, is not to be considered harmful. The ERT should make every effort to keep the animal with its handler. However, the ERT's first effort should be toward the handler; this may necessitate leaving an animal behind in certain emergency evacuation situations.

Admission of Service Animals to Schools

There is no automatic right to be accompanied by a service animal in the school setting. Before a service animal shall be allowed on school property or transportation, the owner or handler of the animal shall submit to the Principal or Superintendent a *Request for Admission of a Service Animal* form and the following documentation from a certified professional:

1. Verification of the need for a service animal because of a disability.
2. Description of the function(s) the service animal is expected to perform in relation to the individual's disability (the work or task the animal has been trained to perform).

The *Request for Admission of a Service Animal* form includes an *Acknowledgement of Responsibility* that must be signed by the handler, owner, and parent/guardian of the handler and/or owner, when the handler and/or owner is a minor.

If it is determined that an animal does not meet the definition of a service animal or that such animal is excluded for the reasons cited in this policy, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the student to receive an appropriate education (FAPE) or to have equal access to the educational program and, if not, whether the student needs other aids, services, or accommodations.

Use of a Service Animal on Transportation

Service animals that are approved to accompany a student or employee in CTECS buildings and on CTECS property are also approved to accompany that handler in CTECS student transport vehicles.

Upon receipt of a *Request for Admission of a Service Animal* form from a student, the Principal will forward a copy of the Request to the superintendent of the student's home district that provides transportation to and from school. The admission of the service animal on home district vehicles will be determined by the home district based on the home district's policy and procedures.

Admission of a Service Animal at Off-Site Educational Activities

CTECS students and employees frequently engage in educational activities that take place away from CTECS property. These activities include, but are not limited to, site-visits and field trips, production jobs, hands-on learning at medical facilities, and work-based learning. The admission of a service animal in those circumstances will be addressed on a case-by-case basis to ensure the health and safety of the animal, compliance with the policy of the facility, and state and federal law.

If a service animal is excluded from an off-site premises based upon the above reasons, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises. The student's Section 504 or IEP Team shall meet to consider whether the student needs other aids, services, or accommodations.

Removal of a Service Animal

CTECS may exclude a service animal from school property and transportation under the following circumstances:

1. Presence of the animal poses a direct threat to the health and safety of others.
2. Handler is unable to control the animal.
3. Presence of the animal significantly disrupts or interferes with the educational process.
4. Presence of the animal would require a fundamental alteration to the program.
5. The animal is not housebroken.

In these circumstances, the handler or handler's parent/guardian will be required to remove the animal from CTECS premises immediately. In the discretion of the Principal/Superintendent, Animal Control may be summoned.

If a service animal is excluded from school property, the Principal must document the reasons for such exclusion and notify the Superintendent. The Superintendent will make a determination on whether the service animal will be allowed to return to school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If a service animal is excluded from CTECS premises based upon the above reasons, the individual with a disability shall be given the opportunity to participate in the service, program, or activity without having the service animal on the premises. The student's Section 504 or IEP Team shall meet to consider whether the student needs other aids, services, or accommodations.

Assistance of a Service Animal on School Property by School Visitors

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations.

School administrators may inquire of the handler whether the animal is a trained service animal and the specific tasks that the animal has been trained to perform, but shall not ask questions about the handler's disability.

A service animal that is accompanying a school visitor may be properly excluded from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the animal's handler does not take effective action to control it.
3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

Dr. Alice Pritchard, Executive Director

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