

Policy Information

Series 2000 - Community Relations

Service Animals

Policy # 2215

POLICY

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Section

SUBJECT: SERVICE ANIMALS

Pursuant to federal and state law, BOCES permits the use of service animals by individuals with disabilities. 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, pulling a wheelchair, or retrieving items. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

Permissible Inquiries

Bona fide service animals may accompany individuals with disabilities in all areas of BOCES owned or leased buildings and grounds or where the public is normally allowed to go. The BOCES, however, reserves the right to ensure that an animal accompanying an individual with a disability is a *bona fide* service animal. When it is not obvious what service an animal provides, BOCES staff may ask if the dog is a service animal required because of a disability, and what work or task the dog has been trained to perform. BOCES staff may not ask about the person's disability, require a special identification card or training documentation for the animal, or ask that the animal demonstrate its ability to perform the work or task.

Exclusions

The BOCES also reserves the right to exclude a service animal from the building and/or property if the animal is out of control and the animal's handler does not take effective action to control the animal, if the animal is not housebroken, or if the animal poses a direct threat to the health or safety of others or if the presence of the animal would fundamentally alter the service program, or activity. In the event a service animal is excluded from BOCES property, the individual will be afforded the opportunity to participate in the service, program, or activity without having the service animal on the premises. Any instance in which an individual's service animal has been excluded from the property the instance will be documented by the appropriate Program Supervisor or Building Principal and reported to the District Superintendent.

Responsibilities of Handlers

The BOCES is not responsible for the care or supervision of an individual's service animal or providing a handler. The service animal's handler or the individual for whom the service animal is performing work or tasks will be responsible for ensuring that the animal is cleaned, fed, groomed, trained, vaccinated, and otherwise cared for.

All service animals must be harnessed, leashed, or tethered, unless such devices interfere with a service animal's work or the individual's disability prevents their use. If a harness, leash, or tether cannot be used, the individual must maintain control of his/her service animal through voice, signal, or other effective controls.

The owner or handler of a service animal is solely responsible for any damage to BOCES property or injury to personnel, students, or other individuals.

Miniature Horses

The BOCES will, where reasonable, permit the use of miniature horses by individuals with disabilities, provided that any miniature horse has been individually trained to do work or perform tasks for the benefit of the individual. In determining whether the use of a miniature horse is reasonable, the BOCES will consider:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for the safe operation of the BOCES and its property.

The use of miniature horses by individuals with disabilities will be subject to the same rules, requirements, and procedures as the use of service animals, generally.

Use of Service Animals by Students

Where the use of a service animal by a student with a disability is sought, the child's parent(s) or guardian(s) must submit a request for such use to the home district.

For adult students, the request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to do. The adult student also must provide documentation that the animal is up to date with respect to all required vaccines, that the animal does not have fleas or other infestation, and that the animal is in good health. The request will be submitted to the Director of Center for Workforce Development.

If there is any question concerning the relationship of the specific task or work to be performed by the service animal to the student's educational program, including the student's participation in general education academic and nonacademic activities, the home District's Committee on Special Education (CSE) or CPSE or Section 504 team, as applicable, will convene to determine whether the service animal's presence is necessary for the student to receive a free appropriate public education or equal access to the BOCES' programs, activities, or services.

Nothing herein will require that a service animal be specified on an Individualized Education Plan (IEP) or on a Section 504 Plan as a support, service, modification, supplementary aid, or accommodation for a student.

The BOCES may request documentation regarding the service animal's certification, training, or licensing.

Damage to BOCES person, property, or the owned or leased facility is the responsibility of the parent.

Use of Service Animals by Partnership Employees

Use of a service animal by an employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position, or to enable the employee to enjoy comparable benefits and privileges of employment as are enjoyed by similarly situated employees without disabilities.

Where the use of a service animal by an employee with a disability is sought, he/she must submit a written request. The request must indicate whether the animal is required because of a disability and what task or work the animal has been trained to perform. The request must provide documentation that the animal is up to date with respect to all required vaccines, that the animal does not have fleas or other infestation, and that the animal is in good health. All such requests will be addressed on a case-by-case basis. The employee must provide documentation of disability covered under the Americans with Disabilities Act (ADA) in order for BOCES to consider whether a service animal is a reasonable accommodation.

28 CFR Sections 35.104, 35.136, 35.139

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