

Policy 4851

Service Animal Policy

The Northeastern Clinton Central School District complies with the American with Disabilities Act Amendments Act (ADA Amendments Act) in allowing the use of Service Animals for students, staff and visitors. The District is committed to allowing Service Animals as necessary to provide individuals with disabilities an equal opportunity to access the programs, services, and physical facilities of the District. This policy explains the specific requirements applicable to an individual's use of a Service Animal on District property. The Northeastern Clinton Central School District reserves the right to amend this policy and procedures as circumstances require.

I. Definitions

A. Service Animal

Under the ADA Amendments Act, a Service Animal is any “dog [or miniature horse, when applicable] 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.” The ADA Amendments Act excludes from this definition any animal that is not a dog or miniature horse. The work or task performed by the animal must be directly related to the individual's disability. Animals whose primary function is to provide crime deterrence and/or emotional support, comfort, or companionship are not considered to be Service Animals under the ADA Amendments Act.

The Northeastern Clinton Central School District may generally allow Service Animals on District property and in District facilities when the animal is accompanied by an individual with a disability who indicates the Service Animal is trained to provide, and does provide, a specific service to them that is directly related to their disability. The District may make the following inquiries to determine whether an animal qualifies as a Service Animal:

1. Whether the animal is required because of a disability, and;
2. What work or task the animal has been trained to perform.

B. Pet

A pet is an animal that is kept for ordinary use and companionship. It is not a Service or Assistance Animal. Pets are not permitted on District property unless specifically approved by the building principal or superintendent for limited educational purpose.

C. Handler

The “Handler” is the individual with a disability who uses a service animal.

II. Requests for Service Animals

A parent or guardian must make a written request for a student to be accompanied to school or a school function by a Service Animal at least 10 business days prior to the Service Animal accompanying the student. Such requests must be made to the District Superintendent.

III. Responsibilities of Handlers

A Service Animal's Handler is solely responsible for the custody and care of the Service Animal and must meet the following requirements:

A. General Responsibilities:

1. The Handler (or parent for students) must abide by current city, county, and state ordinances, laws, and/or regulations pertaining to licensing, vaccination, and other requirements for animals. It is the individual's responsibility to know and understand these ordinances, laws, and regulations. The District has the right to require documentation of compliance with such ordinances, laws, and/or regulations, which may include a vaccination certificate. The District reserves the right to request documentation showing that the animal has been licensed.
2. The Handler is required to clean up after and properly dispose of the animal's waste in a safe and sanitary manner. The Handler must always carry sufficient equipment to clean up the animal's waste.
3. The Handler agrees to abide by all equally applicable District policies that are unrelated to the individual's disability such as assuring that the animal does not unduly interfere with the routine activities of the District.
4. The District's personnel shall not be required to provide care or food for any Service Animal including, but not limited to, removing the animal during emergency evacuation for events such as a fire alarm.

IV. Removal of Service Animal

The District may exclude the Service Animal from the District if:

1. The animal poses a direct threat to the health or safety of others or causes substantial property damage to the property of others;
2. The animal's presence results in a fundamental alteration of a District program, service, or activity;
3. The animal is not house-broken;
4. The Handler does not comply with the Handler's responsibilities set forth above; or
5. The animal or its presence creates an unmanageable disturbance or interference with the District's operations.

The District will base such determinations upon the consideration of the behavior of the particular animal at issue, and not on speculation or fear about the harm or damages an animal may cause.

Reference: 28 CFR §§ 35.104, 35.136
NY Civil Rights Law Article 4-B

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