

Service Animals for Students and Employees

The Board has adopted the following policy regarding service animals in MSAD 52 schools.

A. General Conditions

1. Only qualified individuals with disabilities are eligible to use service animals in school. Any person who believes he or she may be so qualified should address this issue with a building administrator.
2. Use of a service animal by a student with a disability will be allowed in school when it has been determined that the student's disability requires such use for the student to have equal access to the services, programs, or activities being offered by the school.
3. 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 or her position, or to enable the employee to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities.
4. "Service animal" is defined in Maine law as follows:
 - a) Any animal that has been determined necessary to mitigate the effects of a physical or mental disability by a physician, psychologist, physician's assistant, nurse practitioner or licensed social worker; or
 - b) Any animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals who are deaf or hard-of-hearing to intruders or sounds, providing reasonable protection or rescue work, pulling a wheelchair or fetching dropped items.
5. MSAD 52 will not be responsible for the training, feeding, grooming or care of any service animal permitted to attend school under this policy, beyond providing incidental, or minor levels of support for the animal. If after a trial period it appears that care of the animal will require greater levels of support and involvement by school personnel, MSAD 52 may require the family to provide that support and involvement at its own expense. It shall be the responsibility of the individual with a disability to ensure the proper care and supervision of the service animal. MSAD 52 must approve any person who is authorized to assist in the care and supervision of the service animal.

6. All service animals will wear identification as a service animal and will be kept on a leash or in a cage as appropriate.
7. The employee (or in the case of a student, the student's parent/guardian) is liable for any damage to school or personal property and any injuries to individuals caused by the service animal.

B. Review of Service Animal Requests

1. The building administrator, in consultation with the Superintendent, shall make the decision whether or not to permit a service animal. In making such decisions, he/she shall meet and discuss the issue with the employee making the request (or in the case of a student, with the student and his/her parent/guardian). This discussion should identify the precise limitations resulting from the individual's disability and the ways in which the service animal may overcome those limitations.
2. The employee (or in the case of a student, the student's parent/guardian) is required to provide the following in support of their request:
 - a) Documentation of adequate liability insurance;
 - b) Copy of current dog license (if applicable);
 - c) Certification of current rabies and other appropriate vaccinations (if applicable);
 - d) Certification of good health from a licensed veterinarian;
 - e) Evidence of the service animal's training (and current certification or demonstration);
 - f) Appropriate documentation for any person besides the employee or student who is proposed to care for the service animal at school. Any such person must undergo a criminal records check.
 - g) Evidence that the employee or student can maintain appropriate care and control of the service animal in school.
3. If a service animal request is approved, MSAD 52 retains the right to require that updated or additional information be provided.
4. MSAD 52 may impose additional conditions based on the employee's or student's particular circumstances and/or develop an individual plan regarding the service animal.

C. Removal or Exclusion of Service Animals from School

1. The building administrator, in consultation with the Superintendent, shall make any decision to remove, limit or exclude a service animal. In making such decisions, he/she shall meet and discuss the issue with the employee (or in the case of a student, with the student and his/her parent/guardian), including whether there may be alternative methods to resolve the problems presented by the service animal. The administrator may also discuss the issue with others who may be able to assist him/her in making a decision.
2. Service animals may be removed, limited or excluded from the school for reasons such as the following:
 - a. The animal poses a direct threat to the health or safety of the student or others at school, causes a significant disruption of school activities or otherwise jeopardizes the safe operation of the school;
 - b. The animal is unable to perform reliably the services for which it has been approved;
 - c. The animal is not under the full control of the student or employee with a disability;
 - d. The animal is a public health threat as a result of being infested with parasites, or having a communicable disease of the skin, mouth or eyes;
 - e. The animal lacks proof of current vaccinations and/or is not properly licensed (if applicable);
 - f. The animal is not properly trained to relieve itself outside the school building;
 - g. The animal's presence significantly impairs the learning of students;
 - h. The animal's presence fundamentally alters the nature of any school program; or
 - i. The employee or, in the case of the student, the student's parents/guardian fail to provide or maintain current documentation required by this policy.
3. The affected employee or the parent/guardian of the student may challenge the decision made through MSAD 52's Nondiscrimination/Harassment Complaint Procedure, but during any such challenge, the building administrator's decision shall remain in effect.

Legal References: 42 U.S.C. § 12101 et seq.

36 C.F.R. § 104; 302
5 M.R.S.A. §§ 4553; 4592
Maine Human Rights Commission Rule Chapter 7

Cross Reference: AC-Nondiscrimination/Equal Opportunity and Affirmative Action
ACAA-R – Student Discrimination and Harassment Complaint Procedure
ACAB-R – Employee Discrimination and Harassment Complaint Procedure

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