

## **EUT POLICY ON SERVICE ANIMALS IN SCHOOLS**

The EUT recognizes that service animals may be used to provide assistance to some persons with disabilities. This policy governs the presence of service animals in the schools, on school property, including school buses, and at school activities.

### Definition

As applied to schools, federal and Maine laws define a “service animal” as a 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 purpose of this definition.

The work or tasks performed by a service animal must be directly related to the individual’s disability. Examples of such work or tasks include, but are not limited to, assisting an individual who is totally or partially blind with navigation and other tasks, alerting an individual who is deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items such as medicine or a telephone, providing physical support and assistance with balance and stability to an individual with a mobility disability and helping a person with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors.

The prime 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.

### Use of Service Animals in School

Use of a service animal by a qualified student with a disability will be allowed in school when it is determined that the student’s disability requires such use in order to have equal access to the instructional program, school services and/or school activities.

Use of a service animal by a qualified employee with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her job or to enjoy benefits of employment comparable to those of similarly situated non-disabled employees.

The parent/guardian of a student who believes the student needs to bring a service animal to school, or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 Coordinator or Director of Special Services, as appropriate, and the Director will determine whether or not to permit the service animal in school.

Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal will be required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

The EUT may impose additional conditions on the presence of a service animal, depending upon the circumstances.

The building principal may remove or exclude a service animal from the school or school property if the presence of the animal poses a direct threat to the health and safety of others or the student, employee or

handler is unable to fully control the animal; or the animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school.

A parent or employee whose service animal has been removed or excluded may appeal the decision to the Director. The Director's decision shall be final.

#### Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property. The use of a service animal may not be conditioned on the payment of a fee or security deposit, but the individual is liable for any damage done to the premises or facilities by such an animal.

The building principal may revoke or exclude the service animal only if the animal poses a direct threat to the health and safety of others, the use of the animal would result in substantial physical damage to the property of others or would substantially interfere with the reasonable enjoyment of the event or activity by others.

Legal Reference:       42 USC § 12101 et seq.  
                              36 CFR § 104, 302  
                              5 MRSA §§ 4553, 4592  
                              Me. Human Rights Commission Rule Chapter 7

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**PLEASE NOTE** MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.

MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

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