

Community Relations

Animals on School Property

Due to health, safety, sanitation and classroom disruption concerns, the New Milford School District does not permit animals on school grounds except in accordance with this policy.

I. In General

Animals are permitted on school property when (1) permitted by law (e.g., service animals, law enforcement animals), or (2) when approved by the Superintendent of Schools or his or her designee. When making decisions regarding the voluntary admission of animals on school property that are not otherwise permitted by law, the Superintendent or designee shall consider the impact on educational programming and take into consideration the type of animal, the threat to students who may have allergies, and the safety of the students. Animals permitted on school property must be immunized in accordance with Connecticut law and proof of immunization must be provided upon request.

II. Service Animals

An individual with a disability is permitted to be accompanied by a service animal on school property as required by law, subject to the conditions of this policy.

A “service animal” means a dog (regardless of breed or size) or miniature horse that has been 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. The provision of emotional support, comfort or companionship are not “work or tasks” for purposes of this policy.

A. Requirements That Must Be Satisfied Before A Service Animal Will Be Permitted On School Property

Request: A student, staff member or community member who needs to be accompanied by a service animal on school property in order to accommodate his or her disability should notify the Superintendent of Schools or his or her designee before the animal is brought onto school property. The Superintendent or his or her designee may then ask whether the animal is required because of a disability and what work or tasks the animal has been trained to perform unless the work or tasks the animal is trained to perform are readily apparent.

Once the Superintendent or designee has received such notification, he or she will notify appropriate District personnel and vendors (school principal, bus company, etc.) of the presence of the service animal. Such requests should be renewed each school year.

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Health and Vaccination: The service animal must be in good health and must be vaccinated, immunized and licensed in accordance with Connecticut law. Proof of necessary vaccination, immunization and licensure must be produced by the requesting student, staff member or community member.

Control: A service animal must be under the control of his or her handler at all times. A service animal shall have a harness, leash, or other tether, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g. voice control, signals, or other effective means).

B. Miniature Horses

The District will make reasonable modifications to its policies, practices, and procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications to any policies, practices, and procedures should be made to allow a miniature horse into a specific facility, the District shall consider the following factors:

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 safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

C. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. However, these issues may be addressed by the 504 PPT team where appropriate based on the individual needs of a student.

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D. Damages to School Property

The owner or handler of a service animal shall be held solely responsible in the event that a service animal damages or destroys school property or causes injury to personnel, students, or others.

E. Removal of Service Animals from School Property

The Superintendent of Schools or his or her designee may require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the District.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

F. Health and Safety Concerns

If the presence of the service animal poses a health or safety risk to another member of the school community, as documented by a medical practitioner, the District will weigh the needs of all parties and put together a plan to provide reasonable accommodations. Such accommodations may include the transfer of one of the individuals, or the exclusion of the service animal if the animal's presence poses an unwarranted threat to the health, safety and well-being of anyone who will come in contact with the service animal. Generally, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal.

III. Non-Service Animals

A. The Use of Animals for Instructional Purposes

A non-service animal may be brought onto school grounds for instructional purposes or where the presence of the animal directly supports learning strategies or the achievement of the objectives of an approved educational program. Under no circumstances shall animals that pose actual or potential safety risks and health risks to students or employees be allowed in schools or classrooms.

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The following protocols must be met before an animal or animals may be brought onto school grounds for instructional purposes:

1. The appropriate building principal must approve the use of the animal for instructional purposes;
2. Prior to allowing the animal on school grounds, steps are taken to ensure that students and employees are not allergic to the presence of the animal or animals, and that the animal(s) will present no physical danger to students or employees, and that the animal(s) are free from any disease or parasite;
3. Prior to introducing any animal into classrooms or using any animal as part of the educational program, teachers shall make all efforts to ensure that students receive instruction in the proper care and handling of animals;
4. When animals are allowed in schools and classrooms, they shall be housed in suitable, sanitary, self-contained enclosures appropriate to the size of the animal. Animals shall not be allowed to roam freely in the classroom or school;
5. The sponsor of any animal must ensure that the animal's enclosure(s) is kept in a sanitary condition and that waste is properly disposed of.

B. Animals Brought onto School Grounds by Vendors

Outside vendors, contractors, or providers ("vendors") offering to bring animals onto school property to enhance educational programs must provide the District with the following prior to bringing any animals onto school property:

1. A Certificate of Insurance evidencing the vendor's insurance coverage in connection with the animal(s), including commercial general liability ("CGL") insurance policy coverage in the amount of \$1,000,000 per occurrence and \$2,000,000 general aggregate naming the New Milford Board of Education and the Town of New Milford, and their elected officials, employees, agents and volunteers as additional insureds.
2. An indemnification agreement in which the vendor agrees to indemnify, defend and hold harmless the New Milford Board of Education and the Town of New Milford, and their elected officials, employees, agents and volunteers from any claims, damages, suits, actions, liabilities and costs of any kind or nature, including attorneys' fees, arising from or caused by the provision of any services, the failure to provide any services or the use of any services or materials furnished (or made

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available) by the vendor, provided that such liability is not attributable to the Town's or District's School sole negligence.

C. Pet Dogs on School Grounds

The New Milford School District shall post signs advising the public that dogs are not allowed on school property. If a dog is allowed to walk or roam on school grounds, the proper authorities will be called.

D. Unique Circumstances or Requests

Circumstances or requests requiring special consideration shall be reviewed by the Superintendent of Schools in consultation with appropriate District personnel.

Legal Reference:

42 U.S.C. § 12132 Americans with Disabilities Act (ADA)
28 C.F.R. § 35.130(b)(7) General Prohibitions Against Discrimination
28 C.F.R. § 35.136 Service Animals
28 C.F.R. § 36.104 Definitions

U.S. Department of Justice, Civil Rights Division, Disability Rights Section, *Frequently Asked Questions about Service Animals and the ADA*, July 2015

Connecticut General Statutes

22-338 Licensing of dogs. Fees. Rabies certificate. Exemptions.
22-339b Rabies vaccination required for dogs and cats. Exemption from rabies vaccination. Rabies vaccination exemption certificate. Veterinarian appeal. Penalty.
22-339c Certificate of rabies vaccination.
46a-42 "Mobility impaired persons" defined
46a-44 Access of guide and assistance dogs to modes of public transportation and in places of public accommodation. Intentional interference with guide or assistance dogs or trainers or blind, deaf or mobility impaired persons

Policy adopted:

December 19, 2019

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut