

SERVICE ANIMALS

The Bethlehem Central School District (the District) recognizes the right of an individual with a disability to be accompanied on District property by a service animal.

Definitions

A. Service Animal:

Except as otherwise expressly required by federal or state law, the term “service animal” shall be limited to a dog that has been individually trained to do work or perform tasks for an individual with a disability.

The term “service animal” shall not include an emotional support animal or comfort animal of any kind.

B. Individual with a Disability:

The term “individual with a disability” shall mean a student, employee, or visitor to the District’s property who has a disability covered under the Americans with Disabilities Act (ADA) Individuals with Disabilities in Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), or New York State Human Rights Law (HRL).

For purposes of this policy, an individual with a disability may be referred to below as an “owner” or “handler” of a service animal.

Service Animal Determinations

1. When an individual with a disability is initially accompanied by a service animal on District property, or requests to be accompanied by a service animal on District property, a District administrator may make the following inquiries of such individual, or a parent of a student with a disability:
 - a. Is the dog a service animal required because of a disability?
 - b. What work or task has the dog been trained to perform?
2. The “work or task” that the dog is trained to perform must:
 - a. be directly related to the disability of the dog’s owner or handler – that is, the dog must perform work or a task that the owner or handler cannot independently perform without the dog; and
 - b. must not be limited to the natural behavior of a dog; and
 - c. must not be limited to providing emotional support or comfort.
3. District administrators are not permitted to request or require:
 - a. proof of training (such as any type of certification for the dog); or
 - b. a demonstration of the work or task performed by the dog; or
 - c. a service animal vest or ID tag to be worn by the dog.

Requirements for Service Animals

1. A service animal must be under the control of its owner or handler at all times, through the use of a leash, harness, or other tether, except: (a) at times when the use of a leash, harness, or other tether would interfere with the service animal’s safe and effective performance of the work or task that it is trained to perform; or (b) when the owner’s or handler’s disability

prevents the use of these devices, and the owner or handler uses other effective means (such as oral commands) to control the service animal.

2. The owner or handler of the service animal is solely responsible for caring for and supervising the service animal, which includes toileting, feeding and grooming the service animal. The District is not responsible for caring for or supervising a service animal.
3. Any request for reasonable accommodation for a student with a disability who requires assistance with a service animal should be addressed to the director of Special Education and Student Services.
4. The owner or handler of the service animal must submit to the District proof of registration in conformance with any applicable local registration requirements for all dogs, and proof of the service animal's current vaccinations and immunizations from a licensed veterinarian.

Exclusion of Service Animals

A service animal may be excluded only when:

1. the animal is out of control and the owner/handler does not take effective action to control it; or
2. the animal is not housebroken.

Allergies or fear of a service animal experienced by other students, employees, or visitors are not grounds to exclude a service animal. District administrators are directed to balance and reasonably accommodate the needs of the individual who is accompanied by the service animal, and any individual who is allergic to, or fearful of, the service animal.

Service Animals in Training

A service animal who is in training (and not yet capable of performing any work or task for an individual with a disability) will not be permitted on the District's property, except to the extent required by New York State law. Specifically, a person who is qualified to train dogs to aid and guide persons with a disability may be accompanied by a dog under such training only while such a qualified person and the dog are engaged in such training activities.

While the District recognizes the right of any student or employee with a disability to train his or her own service animal outside of school or work hours, a student or employee will not be permitted to be accompanied by a service animal in training during school or work hours, because the student or employee is expected to then be engaged in school or work activities, and thus will not then be engaged in training activities with the service animal in training.

References: 36 C.F.R. § 36.302(c)
N.Y. Civil Rights Law § 47-b
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