

Memo

***Belmont Public Schools Student Services
644 Pleasant Street, Belmont, Massachusetts 02478***

To: John Phelan, BPS Superintendent
From: Ken Kramer, BPS Director of Student Services
Date: January 16, 2020
Re: Service Animals Policy

Please find attached a final copy of the Service Animals Policy for approval by the school committee. This is the final version of the policy as developed by the policy sub-committee, and reviewed and recommended by district counsel. The process used to develop this final version was as follows:

1. The policy subcommittee was presented with sample copies of Service Animal Policies used in other districts, a copy of the MASC recommended Service Animal Policy, and a draft Belmont Service Animal Policy derived primarily from the MASC recommendations.
2. At a meeting on December 2nd, 2019, the policy subcommittee reviewed the sample policies from other districts as well as the proposed Belmont draft. After some discussion, recommendations from the subcommittee members were to include language that allowed for requiring additional documents and justification for a given service animal, if warranted.
3. A new Belmont draft was developed and sent to district counsel for review.
4. On January 14th, 2020, counsel returned the draft with suggested edits. These edits reflected some formatting changes as well as removal of most of the language requesting additional documentation and justification. The legal references requiring the removal of this language were provided on the document itself as well as the accompanying email.

Belmont Public Schools Service Animals Policy

The Belmont Public Schools does not permit discrimination against individuals with disabilities, including those who require the assistance of a service animal. The District will comply with Massachusetts law and federal law, the Americans with Disabilities Act (ADA) concerning the rights of persons with service animals and will permit such animals on school premises and on school transportation.

For purposes of this policy, a “service animal” includes any dog or miniature horse that has been individually trained to do the work or perform tasks for the benefit of an individual with a disability. Service animals perform some of the functions and tasks that individuals with disabilities cannot perform themselves. Service animals are not pets. There are several kinds of service animals that assist individuals with disabilities.

Examples of such work or tasks:

- Guiding people who are blind
- Alerting people who are deaf
- Pulling a wheelchair
- Alerting and assisting a person with seizures
- Reminding a person with psychiatric disabilities to take medications
- Alert a person with diabetes experiencing low blood sugar

If the service animal's task is not readily apparent, student's parent or guardian shall be required to answer the following questions;

1. Is the service animal required because of the individual's disability?
2. What work or task has the animal been trained to do for the individual with the disability?

Additionally, the following applies to service animals:

- Control of the service animal in school: Service animals must be harnessed, leashed, or tethered unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.
- The District shall not assume or take custody or control of, or responsibility for, any service animal, the handling of, or the care of feeding thereof. The

owner or person having custody and control of the animal shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up, stain removal, etc.

- If, in the opinion of the School Principal or authorized designee, any service animal is not in the control of its handler, or if it is not housebroken, the service animal may be excluded from the school or program. The service animal can also be excluded if it presents a direct and immediate threat to others in the school.
- For miniature horses, the school may also exclude the miniature horse if the particular school facility cannot accommodate the type, size and weight of the horse; or if the miniature horse's presence in a specific school facility compromises the legitimate safety requirements necessary for safe operations. The parent or guardian of the student, or the individual having custody and control of the animal will be required to remove the service animal from District premises immediately.

If a student or staff member assigned to the classroom in which a service animal is permitted suffers an allergic reaction to the animal, the person having custody and control of the animal will be required to remove the animal to a different location designated by the Building Principal or designee. An alternative plan will be developed with appropriate District staff, as well as involvement of the parents/guardians of the student, so that all students have full access to available educational opportunities. Such plan could include maintaining medical documentation of allergy, allergy plan and emergency medication, and potential room reassignment. This will also apply if an individual on school transportation suffers an allergic reaction. In this case, an alternate plan will be developed in coordination with appropriate school, District, and transportation staff including involvement of the parent/guardian of the student.

The Superintendent of Schools or his/her designee shall be responsible for developing procedures to accommodate a student's use of an assistance animal in District facilities and on school transportation vehicles.