

STUDENTS
Series 5000
Policy #5003.9.1

Service Dogs

The ADA prohibits discrimination against, and ensures equal opportunity for, persons with disabilities in public accommodations, commercial facilities, transportation, and state and local government services.

Public accommodations are businesses that are generally open to the public, such as stores, restaurants, theaters, **schools and day care** and recreation facilities.

Under the ADA, service dogs (or miniature ponies) must be harnessed, leashed, or tethered, unless these devices interfere with the pony/ dog's work or the individual's disability prevents using these devices. Connecticut law does not require proof that a dog/miniature pony is being used to help a person with disabilities in order for it and its owner to be afforded the protections allowed under the law.

- A. A person with a disability cannot be asked to remove his or her service dog/miniature pony from the premises unless: 1) the animal is out of control and the handler does not take effective action to control it or 2) the animal is not housebroken. Under the ADA regulations, staff at facilities subject to the ADA can ask only two questions:**
 - “Is the dog/miniature pony a service animal required because of a disability?”*
 - “What work or task has the dog/miniature pony been trained to perform?”*

In the event the individual responds that the dog/miniature pony is a “comfort and/ or Emotional Support “ dog/miniature pony” then the request can be denied.
- B. Staff CANNOT ask about the person's disability, require medical documentation, or ask that the dog/miniature pony demonstrate its ability to perform the work or task. Nor can they require documentation, such as proof that the dog/miniature pony has been certified, trained, or licensed as a service animal.**
- C. According to CT Law, Any person who has a dog/miniature pony placed with him or her temporarily by a nonprofit organization that trains or educates guide dogs/miniature pony must obtain a license and tag from the town clerk where the animal is owned. The person who temporarily cares for the animal must present written evidence that the organization placed the dog/miniature pony with him or her.**
- D. The Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act also allow a student to use a service animal that does not meet the ADA definition of a service animal, if that student's Individual Education Plan (IEP) or Section 504 team decides the animal is necessary for the student to receive a free and appropriate education (FAPE). Emotional support animals, therapy animals, and companion animals are seldom allowed to accompany students in public schools. The ADA, as previously indicated, does not contemplate the use of animals**

other than

those meeting the definition of a “service animal.” Ultimately, the determination whether a student may utilize an animal should be made on a case-by-case basis by the IEP or Section 504 team.

- E. There is no Connecticut law on making false claims that an animal is a service dog.**

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