



Red River Valley Charter School  
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P.O. Box 742  
Red River, N.M. 87558  
575-754-6117

### Service Animal Policy

#### I. Definitions.

- A. "Emotional support animal", "comfort animal" or "therapy animal" means an animal selected to accompany an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability.
- B. "Qualified service animal" means any qualified service dog or qualified service miniature horse that has been or is being trained to provide assistance to an individual with a disability; but "qualified service animal" does not include a pet, an emotional support animal, a comfort animal or a therapy animal;
- C. "Qualified service dog" means a dog that has been trained or is being trained to work or perform tasks for the benefit of an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities; and
- D. "Qualified service miniature horse" means a miniature horse that has been trained or is being trained to work or perform tasks for the benefit of an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities.

#### II. Policy.

- A. Service animals may be used in school environments and for off-campus school activities.
- B. School employees and students seeking to use service animals should, in conjunction with the School, develop a Section 504 Plan or Individual Education Plan, as appropriate, to identify needed reasonable accommodations and other issues relating to use of a service animal.
- C. School staff shall adhere to the following guidelines when interacting with service animals of any individual on Red River Valley Charter School property:
  - 1. A service animal shall not be required to be wearing any type of identifying clothing or tags.
  - 2. Staff may require verification that the immunization records are up to date.
  - 3. Staff shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. Those inquiries shall be limited to the following questions:
    - a. Is the animal required because of a disability?
    - b. What work or task is the animal trained to perform? (A "yes" to the 1<sup>st</sup> and a simple explanation to the 2<sup>nd</sup> is enough.)
  - 4. Staff shall not require documentation or proof that the animal is a service animal. The U.S. Dept. of Justice Office for Civil Rights has published



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guidelines that prohibit staff from asking any additional questions or requiring proof of training.

5. The School may disallow access to a service animal on campus if, and only if:
  - a. The animal is out of control and the animal's handler does not take effective action to control it; or
  - b. The animal is not housebroken.
  - c. The animal shall be under the control of its handler. In most cases this means harness, leash, or other tether, but there are some exceptions.
- D. It is unlawful for any person, with no legitimate reason, to:
  1. intentionally interfere with the use of a qualified service animal by harassing or obstructing the owner, trainer or handler of the qualified service animal or the qualified service animal; or
  2. intentionally fail or refuse to control the person's unrestrained animal, which animal interferes with or obstructs the owner, trainer or handler of the qualified service animal.

### III. Penalties.

- A. Violation of this Policy may result in disciplinary action against the person in violation.
- B. Additional penalties may attach pursuant to the New Mexico Service Animal Act at NMSA Section 28-11-1 et seq.

*Approved by the Red River Valley Charter School Governing Council on \_\_\_\_\_.*