

ANIMALS IN SCHOOLS

The Superintendent may establish procedures for appropriately and humanely bringing live animals into a classroom. Such procedures shall forbid the transporting of live animals on school buses. The exception to this ban is that ~~seeing-eye and service dogs~~ qualified service animals are permitted on school buses and in classrooms to perform the functions for which they are trained. ~~A laminated identification card may be requested for verification of the dog's status.~~

The New Mexico Service Animal Act (NMSAA) defines a qualified service animal as a 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. A “qualified service dog” and “qualified service miniature horse” are defined, respectively, as a dog or 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. Any person who falsely presents an animal as a qualified service animal is guilty of a misdemeanor and, upon conviction, will be punished in accordance with Section 31-19-1 NMSA 1978.

The NMSAA defines an “emotional support animal”, “comfort animal” or “therapy animal” as 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. Requests by identified individuals with disabilities for an “emotional (or ‘comfort’ or ‘therapy’) support animal” in the schools will be considered on a case-by-case basis by the requesting individual’s IEP team or Section 504 team, as applicable.

LEGAL REF.: 28 CFR 35.104, Americans with Disabilities Act, Title II
28 CFR 35.136, Americans with Disabilities Act, Title II
28-11.1.1 et seq., NMSA (1978)

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