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## 8390 - **ANIMALS ON SCHOOL CORPORATION PROPERTY**

### Introduction

The School Board recognizes that there are many occasions when animals are present on School Corporation property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents/guardians, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and Indiana law and this policy.

This policy shall apply to all animals on Corporation property, including service animals ( ) emotional support animals (X) therapy dogs.

### Definitions

- A. **Animal** shall be held to include every living creature other than a plant or a human.
- B. **Service animal** as used in this policy has the meaning of the term in I.C. 16-32-3-1.5 and means an animal trained and providing services constituting a reasonable accommodation to a person with a disability. The term includes but is not limited to:
  - 1. a hearing animal;
  - 2. a guide animal;
  - 3. an assistance animal;
  - 4. a seizure alert animal;
  - 5. a mobility animal;

6. a psychiatric service animal; or

7. an autism service animal.

For purposes of the administration of this policy, note that while some Federal regulations limit the scope of the term "service animal" to a dog or miniature horse, Indiana law establishes the broader definition set out above.

- C. ~~(.) "Emotional Support Animal": Emotional support animals provide comfort to individuals but are not trained to perform a specific job or task and therefore would not meet the definition of a "service animal." This definition does not include psychiatric service animals who are properly trained and certified as a "service animal." See 28 C.F.R 36.104~~
- D. ~~(X-) "Therapy Dog": Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular purpose, such as healing or learning. A therapy dog in a school setting serves the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs. (source: American Kennel Club/AKC).~~

#### [OPTION]

**[NOTE: The following section should be included in the policy only if the Corporation intends to require this of any animal brought onto Corporation property for official purposes or on a regular/recurring basis.]**

#### **[X ] Vaccination, Licensing and/or Veterinary Requirements**

Animals admitted or housed on Corporation property or brought on Corporation property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought onto Corporation property on a regular basis for any purpose, including service animals ~~(.) emotional support animals (X) therapy dogs-~~, must meet every veterinary health and inoculation requirement set forth in State law and local regulation or ordinance, including but not limited to a current rabies vaccination.

#### **[END OF OPTION]**

#### **Non-Service Animals in Schools and Elsewhere on Corporation Property**

Animals permitted in schools and elsewhere on Corporation property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), those that provide a reasonable accommodation to a student in accordance with an Individualized Education Program or a Section 504 Plan, or those that serve as service animals as required by Federal and State law.

A non-service animal that is poisonous, a bite risk, or is otherwise dangerous to persons shall be housed and maintained in a manner so as to eliminate a risk of injury to a person. The risk of injury shall take into account that a student may not follow safety directives established for the handling of the non-service animal. This evaluation may result in a decision that despite the educational value of the non-service animal's presence, the educational value does not outweigh the risk of injury to a person.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the principal may permit animals other than service animals to be present in a Corporation school to support curriculum-related projects and activities only under the following conditions:

- A. The staff member seeking approval to have a non-service animal in his/her classroom shall:

1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
2. take precautions deemed necessary to protect the health and safety of students and other staff;
3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained; and
4. keep the surrounding areas in a clean and sanitary condition at all times.

B. Other staff members and parents/guardians of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

### **[OPTION FOR ALLOWING EMOTIONAL SUPPORT ANIMALS ON CORPORATION GROUNDS]**

#### **(X) Emotional Support Animals for Students**

An emotional support animal is not granted the same access to school buildings and classrooms as service animals. The Corporation is not required to grant students' requests that they be permitted to bring an emotional support animal to classes or on school grounds for any purpose. (X) Based on established criteria, the Superintendent may grant a student use of an emotional support animal on a case-by-case basis if necessary and not disruptive to the environment or other students.

An emotional support animal is the personal property of the student and/or parents/guardians. The Board does not assume responsibility for training, daily care, healthcare, or supervision of a student's emotional support animal unless the provision of an emotional support animal is required for a student to receive a free appropriate public education ("FAPE"), in which case the Corporation's obligation must be stated in the student's IEP or Section 504 Plan. By admitting an emotional support animal to Corporation property, the Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of emotional support animals on Corporation property or at Corporation-sponsored events.

An emotional support animal that meets the definition set forth in this policy shall be under the control of the student with a disability or a separate handler if the student is unable to control the animal. An emotional support animal shall have a harness, leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, in which case the emotional support animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the emotional support animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board Policy 8120.

The principal will be responsible for reviewing and determining whether the required documentation has been provided for the student's emotional support animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation for the emotional support animal until the student or a parent/guardian has been given a reasonable period of time to submit any required documentation.

#### **Removal or Exclusion of Emotional Support Animals**

If an emotional support animal demonstrates that it is not under the control of the student or its handler, the principal is responsible for documenting such behavior and for determining if and when the emotional support animal is to be removed and/or excluded from school property.

Similarly, if an emotional support animal has demonstrated that it is not housebroken, the principal is responsible for documenting such behavior and for determining whether the emotional support animal is to be removed and/or

excluded from school property.

The principal or administrator responsible for the Corporation facility shall notify the Superintendent ~~and~~ \_\_\_\_\_ by e-mail if an emotional support animal has been removed and/or excluded and shall document the reasons for the removal or exclusion.

### **Emotional Support Animal's Access to Transportation**

A student with a disability may be permitted to access Corporation transportation with his/her emotional support animal at the discretion of the principal. There also may be a need for the emotional support animal's handler, if the handler is someone other than the student, to access Corporation transportation, again at the discretion of the principal.

When an emotional support animal is going to ride on a school bus owned or leased by the Corporation, the student and his/her parents/guardians, or eligible student, and the handler, if s/he is someone other than the student, shall ( ) meet with the ( ) principal ( ) Transportation Supervisor ( ) \_\_\_\_\_ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the emotional support animal should be secured on the bus/vehicle with a leash, tether or harness.

At the discretion of the ( ) principal, ( ) Transportation Supervisor, ( ) \_\_\_\_\_, an orientation will take place for students and staff who will be riding the bus/vehicle with the emotional support animal regarding the emotional support animal's functions and how students should interact with the emotional support animal.

The emotional support animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The emotional support animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the emotional support animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the emotional support animal include:

- A. the student, or handler, is not able to control the emotional support animal's behavior, which poses a threat to the health or safety of others; or
- B. the emotional support animal urinates or defecates on the bus.

Prior to the first day of transportation, an eligible student (i.e., one who has reached the age of eighteen (18) and has not had a guardian appointed) or his/her parents/guardians shall be informed in writing of the types of emotional support animal behaviors that could result in cessation of transportation privileges for the emotional support animal.

Although transportation may be suspended for the emotional support animal, it remains the Corporation's responsibility to transport the student. Furthermore, unless the behavior that resulted in the emotional support animal's removal from the bus/vehicle is also documented during the school day, the service animal still may accompany the student in school, unless the Superintendent revokes permission for a student to bring an emotional support animal on Corporation property.

**[END OF OPTION]**

**[OPTION FOR ALLOWING CERTIFIED THERAPY DOGS ON CORPORATION GROUNDS]**

### **(X) Therapy Dogs**

Therapy dogs are the personal property of the handler and are specially trained to help all students in the assigned classroom, program, or school. Authorization for a therapy dog to be on Corporation grounds may be granted by

the (X) Superintendent (→) building principal (→) \_\_\_\_\_ [END OF OPTIONS] provided the following conditions are met each year: X

- A. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another certification program recognized by the AKC.
- B. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.
- C. Documentation that the therapy dog is not younger than one (1) year-old and is properly licensed according to local requirements.
- D. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.
- E. Documentation of an insurance policy that provides liability insurance for the therapy dog while on Corporation grounds.
- F. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog, its care, cleaning, feeding, and cleanup while on Corporation grounds.
- G. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on Corporation grounds.

Authorization for a therapy dog to be on Corporation grounds will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress of a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on Corporation grounds requires approval by the (X ) Superintendent (→) \_\_\_\_\_. Authorization for a therapy dog to be on Corporation grounds may be withdrawn at any time by the Superintendent.

## **[END OF OPTION]**

### **Humane Treatment of Animals**

Animals kept on school premises shall be treated humanely and shall not be subjected to cruel treatment or housed in unsanitary or unnecessarily restrictive conditions. For purposes of this provision, "humanely" includes the provision of adequate food and fresh water, and the term "animal" means a sentient creature capable of assessing and responding to its environment.

### **Service Animals for Students**

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents/guardians. The Board does not assume responsibility for training, daily care, healthcare, or supervision of a student's service animal unless the provision of a service animal is required for a student to receive a free appropriate public education ("FAPE"), in which case the Corporation's obligation must be stated in the student's IEP or Section 504 Plan. By admitting a service animal to Corporation property, the Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on Corporation property or at Corporation-sponsored events.

A service animal that meets the definition set forth in this policy shall be under the control of the student with a disability or a separate handler if the student is unable to control the animal. A service animal shall have a harness,

leash, or other tether, unless either the student with a disability is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Board Policy 8120.

The principal will be responsible for reviewing and determining whether the required documentation has been provided for the student's service animal. Services to a student shall not be suspended or withheld pending receipt of the requisite documentation for the service animal until the student or a parent/guardian has been given a reasonable period of time to submit any required documentation.

### **Removing and/or Excluding a Student's Service Animal**

If a service animal demonstrates that it is not under the control of the student or its handler, the principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, if a service animal has demonstrated that it is not housebroken, the principal is responsible for documenting such behavior and for determining whether the service animal is to be removed and/or excluded from school property.

The principal or administrator responsible for the Corporation facility shall notify the Superintendent and \_\_\_\_\_ by e-mail if a service animal has been removed and/or excluded and shall document the reasons for the removal or exclusion.

The principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and the complaint procedure set forth in ~~AG 2260B—Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access~~ Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity.

The procedures that are set forth in ~~AG 2260B—Complaint Procedures for Nondiscrimination and Equal Educational Opportunity/Access~~ Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity shall not preclude a student and his/her parent/guardian from pursuing a complaint with the United States Department of Education's Office for Civil Rights, the United States Department of Justice, the Indiana Department of Education, or the Indiana Civil Rights Commission.

### **Eligibility of a Student's Service Animal for Transportation**

A student with a disability shall be permitted to access Corporation transportation with his/her service animal. There also may ~~also~~ be a need for the service animal's handler, if the handler is someone other than the student, to ~~also~~ access Corporation transportation. ~~There may also be a need for the service animal's handler, if the handler is someone other than the student, to access Corporation transportation.~~

When a service animal is going to ride on a school bus owned or leased by the ~~School~~ Corporation, the student and his/her parents/guardians, or eligible student, and the handler, if s/he is someone other than the student, shall ( X ) meet with the ( X ) principal ( X ) Transportation Supervisor ( ) \_\_\_\_\_ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on the bus/vehicle with a leash, tether or harness.

At the discretion of the ( X ) principal, ( X ) Transportation Supervisor, ( ) \_\_\_\_\_, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the service animal's functions and how students should interact with the service animal.

The service animal shall board the bus by the steps with the student, not a lift unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.

While the bus/vehicle is in motion, the service animal shall remain positioned on the floor, at the student's feet.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is not able to control the service animal's behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

Prior to the first day of transportation, an eligible student (i.e., one who has reached the age of eighteen (18) and has not had a guardian appointed) or his/her parents/guardians shall be informed in writing of the types of service animal behaviors that could result in cessation of transportation privileges for the service animal.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the ~~( ) Transportation Supervisor~~  
~~( ) principal~~ **(X ) Superintendent**.

Although transportation may be suspended for the service animal, it remains the Corporation's responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus/vehicle is also documented during the school day, the service animal ~~may still~~ may accompany the student in school.

### **Service Animals for Employees**

In accordance with Policy 1623, Policy 3123, and Policy 4123 - Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Corporation provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the interactive process mandated by the Americans with Disabilities Act.

### **Food Service Employees**

Food service employees who use a service animal shall be required to comply with the standards applicable to food preparation and food service set out in FDA Food Code Section 2-403.11. Failure to comply with these requirements represents a direct threat to the health of others. This provision prohibits handling of animals by employees engaged in food preparation or service but allows employees to use service animals if certain specific conditions are met. Section 6-501.115 states that service animals may be permitted in food consumption areas not used for food preparation. Food service employees may handle their service animals if, after handling a service animal, the employee washes his/her hands for at least twenty (20) seconds using soap, water, and vigorous friction on surfaces of the hands, followed by rinsing and drying as per Section 2-301.12.

Employees of vendors shall be accommodated as employees of the Corporation as long as this accommodation does not cause undue hardship for the Corporation or a direct threat to the health or safety of employees or others.

### **Service Animals for Parents/Guardians, Vendors, Visitors, and Others**

Individuals with disabilities who are accompanied by a service animal are permitted access to all areas of the Corporation's facilities where members of the public, as participants in services, programs, or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the Corporation's facilities with their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

I.C. 16-32-3: Rights of Blind and Other Physically Disabled Persons

28 C.F.R. Part 35: Justice Department Regulations for Nondiscrimination on the Basis of Disability in State and Local Government Services

29 U.S.C. 794

29 C.F.R. 1630: EEOC Regulations Implementing the ADA as amended

34 C.F.R. Part 104: Regulations Implementing Section 504 of the Rehabilitation Act,

34 C.F.R. Part 300: Individuals with Disabilities Education Act (IDEA) Regulations

~~511 IAC 7-43-1(1)(2)(B): Related Services for Students~~

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## Legal

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