

ANIMALS ON SCHOOL PROPERTY

This policy shall apply to all animals on property of the Metropolitan School District of Washington Township (“District”) with the exception of dogs employed by police departments or other law enforcement entities, as matters involving police dogs are governed by law enforcement policies and procedures.

Definitions

A “*companion animal*” is an animal that provides solely emotional support, well-being, comfort, therapy, or companionship and does not meet the definition of service animal. Companion animals and emotional support animals are not permitted in District facilities or property.

A “*handler*” of a service dog is typically the individual with a disability. The District shall permit a student with a disability to serve as the handler of their own service dog in school and shall not require the student (or their guardian) to provide a third-party handler for the service dog.

An “*individual with a disability*” is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

A “*service animal*” is a dog, or in special circumstances a miniature horse, individually trained to take specific action or perform tasks to assist an individual with a disability. The tasks performed by the service animal must be directly related to the person’s disability. A “service animal” does not include any species of animal, whether wild or domestic, other than a dog or miniature horse.

A “*tether*” is a harness, leash, or other tether.

A “*therapy dog*” is a dog trained to provide therapeutic or mental health support to many individuals (with or without disabilities), such as social workers or therapists using therapy dogs when a traumatic large-scale event occurs. Therapy dogs are requested by District staff members or District-approved program and approved by the building principal.

Humane Treatment of Animals

Animals 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.

The Board authorizes the Superintendent or his or her designee to develop administrative guidelines addressing the use of service animals and animals for curricular purposes including therapy dogs.]

I. SERVICE ANIMALS

Service Animals in School Facilities

Companion animals are not permitted on District property or at District-sponsored events.

In compliance with the Rehabilitation Act and the Americans with Disabilities Amendments Act, the District permits the use of a service animal by an individual with a disability. Individuals with disabilities are permitted to be accompanied by their service animals in all areas of District facilities where the individual is otherwise permitted to be. The work or tasks performed by the service animal must be directly related to the individual's disability.

The District does not require documentation; however, prior to bringing a service animal to school, the District requests a Service Animal Registration Form (see G275-E) be completed for all individuals with a disability who wish to be accompanied by a service animal. The District requests the Form be completed and delivered at least ten (10) instructional days prior to bringing the service animal to school, in order to prepare other staff and students for the service animal's arrival. In completing the Service Animal Registration Form, the individual or his/her parents shall explain that the service animal is required because of a disability and what work or task the service animal has been trained to perform.

The District requests that the individual with a disability and/or his/her parents provide documentation supporting that the service animal is required because of a disability and that the animal has been individually trained to do work or perform tasks to assist an individual with a disability.

If a student with a disability requires their service animal to accompany them on a school bus owned or leased by the District, the student and parent/guardians, and third-party handler if applicable, shall meet with the Director of Transportation in advance to discuss orientation for bus drivers and students, appropriate animal behaviors on the bus, and procedures for emergency/evacuation.

A service animal must be under the control of its handler (e.g., voice control, signals, or other effective means). "Under control" also means that a service animal shall not be allowed to bark repeatedly in a quiet place. Service animals may be excluded from District facilities if the service animal is not housebroken, or it is out of control and the handler does not take effective action to control it. The handler may not allow the service animal to wander away from her and must maintain control of the animal, even if it is retrieving an item at a distance from the handler. The service animal must have a tether, unless either the handler is unable because of a disability to use a tether, or the use of a 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 handler's control.

The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, watering, grooming, and veterinary care. The handler should encourage the animal to use marked toileting areas. The District is not responsible for the training, care, or supervision of a service animal. All service animals 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.

Animals must be kept free of fleas and ticks. Animals must be appropriately cleaned and groomed. Animals must not be poisonous, a bite risk, or otherwise dangerous to persons.

All persons are prohibited by Indiana law from knowingly or intentionally interfering with the actions of a service animal or striking, tormenting, injuring or otherwise mistreating a service animal while the service animal is engaged in assisting an impaired person in navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

A person accompanied by a service animal is liable for and may be charged for any damage done by the service animal. By permitting an animal on District property or District-sponsored events, the Board does not assume responsibility for any damage, harm, or injury caused by any animal. The owner of the animal, or the individual accompanied by the animal onto District property or sponsored events, is liable for any damage, harm, or injury caused by the animal to other students, staff, visitors, and/or property. An individual may be charged for damage, harm, or injury caused by his/her animal.

Service Animals for Employees

An employee with a disability may request authorization to use a service animal while on duty as a reasonable accommodation of a disability. Employees are encouraged to engage in a continuing interactive dialogue with their supervisor concerning their utilization of a service animal. 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. Failure to comply with these requirements represents a direct threat to health of others.

Removal of Service Animal

In instances when a service animal has demonstrated that it is:

- (1) not under the control of the individual or its handler;
- (2) it is not housebroken; or
- (3) it is not trained to take specific action or perform tasks to assist the individual with a disability,

the principal or his or her designee shall document such behavior and recommend to the Superintendent or his or her designee if and when the service animal is to be removed and/or excluded from District property.

The Superintendent's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the District's Nondiscrimination/Anti-Harassment Policy and the corresponding complaint procedures. This policy and corresponding administrative procedures 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 or the Indiana Civil Rights Commission.

II. NON-SERVICE ANIMALS FOR CURRICULAR PURPOSES (Classroom Pets, Animals for Lessons or Convocations)

When requested by a District teacher or staff member, the Superintendent or his or her designee shall determine if bringing an animal into the building/classroom is appropriate for educational

purposes. Even if an animal has been previously approved, the Superintendent or his or her designee may revoke permission for the animal's presence at any time for any reason.

The Superintendent or his or her designee may approve a staff member or District-approved program using a therapy dog for the benefit of students and/or staff. At least twenty instructional days prior to the therapy dog's arrival, the staff member or District-approved program must apply for approval with the building principal. The staff member or program staff who seek approval will be designated the "handler."

Under no circumstances may a student, parent, or visitor bring a therapy dog onto District property without prior approval from the Superintendent or designee.

The building principal will consider requests for therapy dogs using the following criteria:

- If the therapy dog is part of a planned curriculum or therapy program for students and/or staff.
- If the handler can demonstrate the therapy dog meets all qualifications below.
- If the handler has demonstrated his or her commitment to the therapeutic program, the therapy dog, and the handler's own status as a quality employee or program.
- The therapy dog will not interfere w/ the employee's primary job responsibilities.
- If the therapy dog can be appropriately utilized for therapeutic purposes while considering the needs of other students, such as allergies, fear of dogs, etc.
- If the building already has a therapy dog.
- The number of students who may utilize the therapy dog, especially if a large-scale traumatic event has occurred or there is a particularly stressful time for students.
- The handler can demonstrate the dog has completed appropriate training, as determined by the building principal. Training by Indiana Canine Assistant Network (ICAN) or similar training will likely be considered appropriate.
- Any other factor deemed appropriate by the building principal.

The building principal's decision is final. The building principal may place parameters on the therapy dog, including but not limited to where the dog is permitted in the building, how long the dog may be in the building (time of day or duration of the school year), and who may have interaction with the therapy dog. If the principal approves the therapy dog, he or she may revoke its approval at any time for any reason.

A therapy dog must be a dog; no other species of animal qualifies. The therapy dog must be housebroken, under the control of its handler (including not barking repeatedly in a quiet place), have a tether, be appropriately clean and groomed. The therapy dog must be free of fleas and ticks and be vaccinated per veterinarian standards for the age and breed of dog.

The handler is responsible for caring for and supervising the therapy dog, which includes toileting, feeding, watering, grooming, and veterinary care. The handler must encourage the animal to use marked toileting areas. The handler is responsible for the therapy dog after school hours and during breaks from school.

The handler is deemed the owner of the therapy dog and is liable for any damage, injury, or harm

done by the therapy dog to other students, staff, visitors, and/or property. The handler and/or program may be charged for damage, injury, or harm caused by the therapy dog. As such, the handler or its program must carry sufficient liability insurance on the therapy dog.

III. RESPONDING TO OTHER STUDENTS' AND STAFF MEMBERS' HEALTH CONCERNS

When the District receives notification that a staff member is seeking a non-service animal in their classroom for curricular purposes, or an individual with a disability plans to bring a service animal into the school building, a written notification will be sent home to other staff members and parents/guardians of students in areas potentially affected by the animal informing them of the type of animal that will be coming into the classroom. Staff and parents will have a reasonable period of time to notify the principal of health-related or other concerns that may be aggravated by the animal's presence, such as allergies or asthma.

Allergies and fear of the service animal are not valid reasons for denying a service animal in school; however, the District will take all necessary steps to accommodate students and staff pursuant to the District's legal obligations.

If a parent or staff member responds with a concern about the animal, the principal and individual may discuss options for accommodating the student or staff member with health concerns. For students with an existing Section 504 plan or IEP for a condition that substantially limits a major life activity, the student's team will collaborate to determine how to accommodate the student's health concern. Individuals may be accommodated by moving them to different parts of the room, or to different rooms.

Except where required by law, an animal shall not be permitted if documented health concerns of a student or staff member cannot be reasonably accommodated. If an animal is brought into the classroom and a student or staff member suffers a previously unknown health condition, the teacher and/or principal shall discuss the situation with the student's parents/guardians or staff member to determine if an evaluation is appropriate and/or if accommodations are necessary.

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28 CFR 35
29 CFR 1630

MSD of Washington Township

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