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EXPLANATION: ANIMALS ON DISTRICT PROPERTY

This NEW policy was created to address several areas of concern involving animals in schools. New Americans with Disability Act (ADA) regulations set the rules for the use of service animals in schools and other public spaces by visitors to district property. The district must accommodate the use of service animals by individuals with disabilities, including employees and students, with some limitations as outlined in this policy.

Normally school districts are permitted and sometimes even required to make inquiries about student and employee disabilities. However, the U.S. Department of Justice has determined that public entities, including school districts, must permit employees and students with disabilities to use service animals without permission from the district. Districts may still make inquiries about student and employee disabilities that are unrelated to the use of a service animal. All such inquiries must be done in accordance with law.

Some school districts use therapy animals as part of their counseling or student health programs. In addition, it is possible that the district may decide that a therapy animal is an appropriate accommodation for a student or employee with a disability. There are several organizations that provide therapy animal certification, including:

- ▶ **Delta Society Pet Partners Program (deltasociety.org)**
- ▶ **Therapy Dogs International (tdi-dog.org)**
- ▶ **The Foundation for Pet-Provided Therapy (loveonaleash.org)**
- ▶ **Creatures and Kids (creaturesandkids.org)**

The district may wish to keep records about which organizations certified the therapy animals. If an animal does not work out, the district may want to prohibit other therapy animals certified by the same organization.

Districts are not required to allow the use of animals in instruction, but districts that do so should have a policy governing that use. Animals may be used for instructional purposes in a variety of ways. Younger students learn about reproduction and metamorphosis by observing tadpoles grow into frogs, eggs hatch chicks and caterpillars turn into butterflies. Small animals are sometimes used to teach compassion and responsibility, and some animals actually serve as surrogates for humans when students read to them or practice language skills with them. In addition, some schools set up bird houses, hummingbird feeders and even small ponds to be used in studying nature.

Law enforcement uses animals, usually dogs, to search for drugs, explosives and people (both alive and deceased). The most common use in school districts is to search for drugs, but

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animals may also be used to search for explosives in the case of a bomb threat or to find missing people after a fire or natural disaster. This policy allows for the use of animals by law enforcement with the caveat that the district will have input into how the animals are used.

MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
X	Human Resources	X	Principals		Library/Media Center
X	Health Services	X	Counselor	X	Special Education
X	Transportation	X	Public Info/Communications		Technology

ANIMALS ON DISTRICT PROPERTY

Animals are not allowed on district property, including district transportation, except in accordance with law and policy.

Definitions

The following definitions shall be used for the purpose of applying this policy.

Animals – Any nonhuman creature.

Handler – The individual responsible for the care and control of an animal. The handler for a service animal will generally be the individual with a disability served by the animal; however, under some circumstances, the handler may be someone other than the individual with the disability.

Service Animal – Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical or sensory disability or a psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the disability of the individual being served. Examples of work or tasks include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks; alerting individuals who are deaf or hard of hearing to the presence of people or sounds; providing nonviolent protection or rescue work; pulling a wheelchair; assisting an individual during a seizure; alerting individuals to the presence of allergens; retrieving items such as medicine or a telephone; providing physical support and assistance with balance and stability to individuals with mobility disabilities; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

For the purposes of this policy and subject to the limitations herein, a miniature horse will also be considered a service animal.

Tether – A harness, leash or other similar restraint.

Therapy Animal – Animals that are not service animals and whose primary purpose is to provide emotional support, well being, comfort or companionship.

Service Animals

Service animals are permitted on district property, including district transportation, in accordance with law. The district will make modifications as necessary to allow for the presence of service animals; however, if the service animal is a miniature horse, the district will first determine if such

modifications are reasonable by considering the size and weight of the miniature horse and whether the horse's presence in the facility compromises legitimate safety requirements.

All service animals must be under the control of their handlers. Service animals must have a tether unless the handler is unable to use one or unless the use of a tether would interfere with the service animal's safe, effective performance. Animals that are not tethered must be under the control of the handler through some other means, such as voice commands or hand signals.

The district will not allow service animals to remain on district property if they are not housebroken or are out of control. If a service animal is properly excluded from district property, the individual with a disability served by the animal will be given the opportunity to participate in the program, service or activity without having the service animal on district property.

District officials may verify that an animal qualifies as a service animal by asking whether the animal is required because of a disability and what work or tasks the animal has been trained to perform, if it is not readily apparent. Except as otherwise specified in this policy, district officials will not inquire about the nature or extent of the individual's disability or require the individual to provide documentation that the animal is a service animal.

Animals as Accommodations for Employees and Students

Employees and students may use service animals pursuant to the "Service Animals" section of this policy; however, the district may make additional inquiries about the nature and extent of the employee's or student's disability as permitted by law.

Employee requests for use of an animal other than a service animal as an accommodation must be made in accordance with Board policy. If the employee's request for an animal other than a service animal is granted, the rules for use of the animal will be specified at the time the accommodation is granted.

A student with a disability will only be allowed to have an animal other than a service animal as an accommodation in accordance with the student's individualized education program (IEP) or Section 504 plan. If a student's IEP or Section 504 plan allows the use of an animal other than a service animal, the special education director, compliance officer or designee will work with the student and the parents/guardians of the student to create a plan for the animal's care. The student will be primarily responsible for the care and control of any animal used as an accommodation unless otherwise provided in the IEP or Section 504 plan.

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Animals Used in Instruction

General

1. Animals with venom that is harmful to humans will not be allowed on district property.
2. Mammals will not be allowed on district property without proof of a current rabies vaccination.
3. Animals are prohibited from being on district property if anyone has been ticketed or charged for the behavior of the animal.
4. Animals will never be maintained in or near an area where outside air is brought into district buildings.
5. Live animals may not be transported on district transportation and, unless specific permission from the building administrator is given otherwise, must be kept in a pen, cage or tank while on district property.
6. If students will be handling live animals, the employee responsible for the animal must instruct the students in proper handling techniques designed to minimize the danger of injury to the students and the animal. Protective clothing or equipment must be used when warranted.

Therapy Animals

Staff members may use therapy animals in the course of their regular duties only after receiving permission from the administrator of the building where the animal will be used. Before permission to use therapy animals is granted, staff members must provide:

1. Proof that the animal is certified to be a therapy animal.
2. An explanation of how the animal will be used, including research supporting the use of therapy animals.
3. A plan for how the staff member will provide for the care and control of the animal.
4. A plan for how the staff member will accommodate students with allergies to the animal.

Animals Used as Part of the Curriculum

Staff members who wish to use live animals to implement the curriculum must obtain permission from the administrator of the building where the animal will be used prior to introducing an animal into the curriculum. Before permission to use live animals to implement the curriculum is granted, staff members must provide their building administrator with:

1. A statement that the animal does not present a danger to students or staff members.
2. A statement of the instructional purpose, tied to the district's curriculum, that the animal will serve.
3. A plan for how the staff member will provide for the care and control of the animal.
4. A plan for how the staff member will accommodate students with allergies to the animal.

Animal Habitats

As part of the instructional program, students and staff members may be granted permission to develop habitats that attract various forms of wildlife. Any plan to develop a habitat must be presented to the appropriate building administrator in advance of the project. The building administrator will consult with the central office administrator responsible for facilities and grounds prior to giving approval for the project.

Animals Used by Law Enforcement

The district allows the use of animals by law enforcement personnel in conjunction with the performance of their official duties. The district will work with law enforcement to avoid frightening students or unduly disrupting instruction when using animals.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

Adopted:

Cross Refs: AC, Prohibition against Discrimination, Harassment and Retaliation
GBE, Staff Health and Safety

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IGBA, Programs for Students with Disabilities
JFG, Interrogations, Interviews and Searches
JHCF, Student Allergy Prevention and Response
JHD, Student Guidance and Counseling
KK, Visitors to District Property/Events

Legal Refs: 28 C.F.R. Part 35

Savannah R-III School District, Savannah, Missouri