

## I-55 ANIMALS ON SCHOOL PROPERTY

### Definitions

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 animal**” is an animal that provides solely emotional support, well-being, comfort, therapy, or companionship and does not meet the definition of service animal a service animal.

### Service Animals in School Facilities

In compliance with the Rehabilitation Act and the Americans with Disabilities Amendments Act, School Corporation 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 School Corporation 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 School Corporation does not require documentation; however, prior to bringing a service animal to school, the School Corporation requests a Service Animal Registration Form be completed for all individuals with a disability who wish to be accompanied by a service animal. The School Corporation 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 School Corporation 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 School Corporation, 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.

Service animals may be excluded from School Corporation 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. A service animal must be under the control of its 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.

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.

The School Corporation is not responsible for the training, care, or supervision of a service animal or 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.

A person accompanied by a service animal or service animal is liable for and may be charged for any damage done by the service animal or service animal. By permitting an animal on School Corporation 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 School Corporation 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 Section 2-403. 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 not under the control of the individual or its handler or it is not housebroken, the principal will also be responsible for documenting such behavior and for recommending to the Superintendent or his or her designee if and when the service animal is to be removed and/or excluded from School Corporation property.

The Superintendent's decision to remove and/or exclude a service animal from school property may be appealed in accordance with 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 Department of Education or Civil Rights Commission.

## **NON-SERVICE ANIMALS FOR CURRICULAR PURPOSES**

Non-service animals may be utilized by teachers during classroom lessons and/or as "classroom pets" housed on School Corporation property. All non-service animals for curricular purposes must be approved by the building principal in writing before they are permitted on School Corporation property or School Corporation-sponsored events. Therapy animals are prohibited on School Corporation property, unless granted prior written approval by the Superintendent or designee.

If a non-service animal may be dangerous to persons (for example, a snapping turtle or snake), the non-service animal 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 animal will not be permitted on school property because 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 non-service animals to be present in a school building 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 demonstrate to the principal in advance:
  1. The non-service animal is necessary to support specific curriculum-related projects and/or activities;
  2. Provide a current satisfactory health certificate or report of examination from a veterinarian for the non-service animal;
  3. Take precautions deemed necessary to protect the health and safety of students and other staff, including accommodating any known allergies or health concerns and cleaning the environment;
  4. A plan has been developed for the care of the non-service animal during times school is not in session;
  5. School Corporation funds shall not be used to purchase or care for the non-service animal;
  6. Rules have been established regarding when and how the non-service animal is to be treated by students, including if the students may handle the non-service animal after proper instruction (including hand washing techniques) or feed the non-service animal;

7. Ensure that the non-service 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
  8. A plan for cleaning the non-service animal's environment and keeping the surrounding areas in a clean and sanitary condition at all times, including cleaning the classroom of potential allergens or proper disposal of animal waste or materials (such as cage materials or aquarium wastewater).
- B. After the principal has given initial approval to the staff member seeking approval to have a non-service animal in his/her classroom, the staff member will send a written notification home, to other staff members and parents/guardians of students in areas potentially affected by the proposed animals, 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 teacher or the principal of health-related or other concerns.

The care of the non-service animal is the responsibility of the staff member who applied to bring the non-service animal into the school.

Live animal presentations and assemblies under the supervision and control of a trained professional may have more unique animals that otherwise are not permitted in the classrooms. These presentations are allowed in accordance with the provisions of this policy. The principal shall not allow a potentially dangerous animal if the educational value does not outweigh the risk of injury to a person.

Except where an animal is serving as a service animal, the presence of an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated. If an animal has been previously approved, the principal or Superintendent or his or her designee may revoke permission for the animal's presence at any time for any reason.

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

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

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

34 C.F.R. Part 104: Section 504 of the Rehabilitation Act, 29 U.S.C. 794

Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35.

I.C. 35-46-3-11.5

345 I.A.C. 1-5

410 IAC 33-4-7

SOURCE: Plainfield Community School Corporation; Plainfield, IN

ADOPTED: December 12, 2019