

SERVICE ANIMALS ON SCHOOL PROPERTY

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 a service animal.

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 the service dog in school and shall not require the student (or 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 Superintendent or designee.

For animals in classrooms that are not service animals or services animals, refer to Board Policy E250.

Service Animals in School Facilities

Companion animals are not permitted in MSD of Wayne Township facilities.

In compliance with the Rehabilitation Act and the Americans with Disabilities Amendments Act, District permits the use of a service animal by an individual with a disability. Individuals with disabilities are permitted to be accompanied by 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 School District does not require documentation; however, prior to bringing a service animal to school, the School District requests a Service Animal Registration Form (see G425-E) be

completed for all individuals with a disability who wish to be accompanied by a service animal. The School 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 School 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 the service animal to accompany the student on a school bus owned or leased by the School 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.

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. 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 District 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 is liable for and may be charged for any damage done by the service animal or 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 the service 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 the principal or supervisor concerning the 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 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 District's Nondiscrimination/Anti-Harassment Policy (Policy A100) and the corresponding complaint procedures.

This policy and corresponding administrative procedures shall not preclude a student and the 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.

Therapy Dogs

The Superintendent or 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 Superintendent or designee. 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.

The Superintendent or designee may adopt administrative guidelines to implement this policy.

IC 16-32-3
28 CFR 35
29 CFR 1630

MSD of Wayne Township, Marion County, Indiana
Adopted: June 2, 2014
Revised: February 10, 2020
Revised: August 8, 2022