

## EDUCATIONAL PHILOSOPHY

### Series 100

#### POLICY TITLE ASSISTANCE ANIMALS

No. 105

It is the policy of Johnston Community School District to foster an equal education environment for all students, employees and community members within the district. The purpose of this policy is to provide guidance to the district on the proper use of assistance animals while on district property. The district shall allow the use of qualified service animals to accompany individuals with disabilities in all areas of district buildings where the public is normally allowed to go. This can include classrooms, cafeteria and school buses. Individuals with disabilities are people who have a physical or mental impairment that substantially limits one or more major life activities. Service animals are dogs and other animals recognized under federal law trained to do work or perform tasks for individuals with disabilities.

Service animals must be current on all required vaccinations. Service animals also must be under control while on district grounds. The animal may be under control by either the individual with a disability, or a handler of the service animal. Under control means harnessed, leashed or tethered, unless these devices interfere with the animal's work, in which case under voice or other directive control.

#### **Establishing the Need for a Service Animal**

When no prior notice is given to the district of the use of or need for a service animal, the Superintendent and/or school administrators may ask the following questions:

*"Do you need/require this animal because of a disability?"*

If the animal's trained tasks are not readily apparent, the superintendent and/or administrator may ask:

*"What work or task has the animal been trained to perform?"*

#### **Service Animals in training**

Assuming the handler and animal are otherwise allowed, individuals who train service animals will also be allowed access with their service animal in training to public areas of district buildings and property. The service animal in training is expected to abide by the same requirements as a service animal.

#### **Exclusion of Service Animals**

In certain limited circumstances, it may be reasonable to exclude a service animal from district property. The Superintendent is permitted to exclude service animals from district buildings and property in the following circumstances: The presence of the animal poses a direct threat to the health and safety of others; the owner or handler is unable to control the animal; the animal is not house broken; the presence of the animal significantly disrupts or interferes with the educational process; or the presence of the animal would require a fundamental alteration to the program. If a service animal is properly excluded from district property, the district shall provide the individual served by the animal the opportunity to participate in the program, service or activity without having the service animal on district property.

#### **Liability**

The student (and parent/guardian) or staff member with a disability is liable for any damage to the District's property, personal property, and any injuries to individuals caused by their service animal to the same extent that a non-disabled individual who caused such damage would be held liable by the District. The student (and parent/guardian) or staff member with a disability who uses a service animal on school district property will indemnify and hold harmless the District and its officers, employees, agents, and assigns from any such damages.

### **Emotional Support Animals and Therapy Animals**

Emotional support animals include those animals medically prescribed to provide therapeutic benefit through dedicated companionship. Emotional support animals' sole function is to provide emotional support or comfort.

Therapy animals are involved in an animal-assisted therapy program involving animals as a form of treatment.

Emotional support animals and therapy animals do not meet the definition of service or assistive animals. However, the district recognizes their value in our community. The superintendent or designee shall evaluate the use of emotional support animals and therapy animals on a case-by-case basis. District employees may use therapy animals in the course of their regular duties only after receiving permission from the superintendent or designee.

### **Student use of Emotional Support Animals and Therapy Animals**

Factors the superintendent or designee should consider in making the determination include but are not limited to:

- a. Whether the animal is housebroken
- b. Whether the animal has a current vaccination certificate
- c. Whether the animal has been recommended through an individual education plan (IEP) or a 504 plan as necessary for the student to receive access to public education program and services
- d. Whether the facility can accommodate the animal's type size and weight, and
- e. Whether the animal's presence will compromise legitimate safety requirements necessary for safe operation of the facility

### **Employee use of Emotional Support Animals and Therapy Animals**

Before permission to use Emotional Support or 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; and
5. A current vaccination certificate for the animal.

Legal References:     29 U.S.C. §794  
                              42 U.S.C. §12132  
                              28 C.F.R. 35  
                              Iowa Code §216C

Cross References:     606.3 Animals in the Classroom

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