

Policy 105: Assistance Animals**Status:** ADOPTED**Original Adopted Date:** 12/10/2022 | **Last Reviewed Date:** 04/10/2023

It is the policy of the Highland 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 in some instances miniature horses 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. 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.

Miniature Horses as Service Animals

Miniature horses shall be allowed as service animals within the district whenever it is reasonable to allow them. Factors to consider when determining reasonableness include: whether the miniature horse is house broken; whether the miniature horse is under the owner's control; whether the facility can accommodate the miniature horse's type, size and weight; and whether the miniature horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility.

Establishing the Need for a Service Animal

When no prior notice is given to the district of the use of a service animal, the Superintendent and/or school administrators are permitted to 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 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 or assistive animal.

Exclusion of Service Animals

In certain limited circumstances, it may be reasonable to exclude the use of 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 student served by the animal the opportunity to participate in the program, service or activity without having the service animal on district property.

Emotional Support Animals and Therapy Animals

Emotional support animals are 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 animals. However, the district recognizes their value in our community. The superintendent 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.

Student use of Emotional Support Animals and Therapy Animals

Factors the superintendent 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 free access to public education
- d. Whether the facility can accommodate the animal's type size and weight, and
- e. Whether the animal's presence will not compromise legitimate safety requirements necessary for safe operation of the facility

Employee use of Therapy Animals as part of Education Environment

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; and
5. A current vaccination certificate for the animal.

NOTE: The use of service animals is a civil right established by federal and state laws. However, the use of emotional support and therapy animals does not necessarily have the same legal protections. The portion of this policy in italics reflects optional language for your district to consider.

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

I.C. Iowa Code

Iowa Code § 216C

Description[Disability Rights](#)**U.S.C. - United States Code**

29 U.S.C. §§ 794

Description[Labor - Vocation Rehab Rights](#)

42 U.S.C. §12132

[Public Health - Equal Opportunity/Disabilities - Prohibition Against](#)**C.F.R. - Code of Federal Regulations**

28 C.F.R. 35

Description[Judicial - Disability - Nondiscrimination](#)**Cross References****Code**

606.03

Description[Animals in the Classroom](#)