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EXPLANATION: ANIMALS ON DISTRICT PROPERTY

Missouri law now recognizes mental health or psychiatric service dogs that are trained to perform tasks that mitigate or assist with difficulties directly related to an individual's psychiatric disability, medical condition or developmental disability. This change is consistent with federal law, the Americans with Disabilities Act, as service dogs were already available as accommodations for psychiatric and mental health issues.

Missouri law further makes it a Class C misdemeanor, Class B for subsequent violations, to misrepresent a dog as a service dog. Misrepresentation of a service dog includes, but is not limited to:

- 1) Knowingly creating documents that falsely represent that a dog is a service dog;**
- 2) Knowingly providing to another person documents falsely stating that a dog is a service dog;**
- 3) Knowingly fitting a dog that is not a service dog with a harness, collar, vest or sign of the type commonly used by a person with a disability to indicate a dog is a service dog; or**
- 4) Knowingly representing that a dog is a service dog if the dog has not completed training to perform disability-related tasks or do disability-related work for a person with a disability.**

District officials may verify that an animal qualifies as a service animal only 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. District officials may not ask to see any other "proof" that a dog is a service animal.

The Governor's Council on Disability will be providing information pertinent to the changes in this policy. It is not clear how misrepresentation of a service dog will be reported.

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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.

Animal – 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.

Mental Health or Psychiatric Service Dog – A dog individually trained for its owner to perform tasks that mitigate or assist with difficulties directly related to the owner's diagnosed psychiatric disability, medical condition or developmental disability as recognized in the most recently published *Diagnostic and Statistical Manual of Mental Disorders*.

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. The term "service animal" includes a mental health or psychiatric service dog as defined in Missouri law.

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 – Any animal that is not a service animal 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.

It is a crime to misrepresent a dog as a service dog when requesting to use the dog as an accommodation under the Americans with Disabilities Act.

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 **only** 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

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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.

Animals Used in Instruction

General

1. Animals with venom that is harmful to humans will not be allowed on district property.
2. An animal will not be allowed on district property without proof of current vaccinations to prevent the spread of diseases, such as rabies, to humans unless vaccinations are not required in the opinion of a veterinarian.
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 **that is used primarily for student 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 **unless the building administrator specifically permits an exception.**
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.

The requirements of this subsection will be waived for courses that routinely use live animals, such as courses in the district's agriculture instruction program, when the course curriculum has been approved by a supervisor.

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.

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.

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Adopted: 09/09/2013

Revised:

Cross Refs: AC, Prohibition against **Illegal** Discrimination, Harassment and Retaliation
GBE, Staff Health and Safety
IGB, Accommodation of Students with Disabilities
~~IGBA, Programs for Students with Disabilities~~ **Special Education**
JFG, ~~Interrogations, Interviews and Searches of Students~~
JHCF, Student Allergy Prevention and Response
JHD, Student ~~Guidance and Counseling~~ **Program**
KK, Visitors to District Property/Events

Legal Refs: **§§ 209.150 - .162, .200 - .204, RSMo**
28 C.F.R. Part 35

Raytown C-2 School District, Raytown, Missouri