

SERVICE ANIMALS IN THE SCHOOL DISTRICT GUIDELINE

I. PURPOSE

The purpose of this policy is to establish procedures for the use of service animals, as defined in Paragraph III below, by students and employees of the Iowa City Community School District (ICCSA). A service animal is permitted to accompany an individual with a disability onto school premises, subject to this policy and state and federal law. For purposes of this policy, "ICCSA property" refers to school buildings, vehicles, and other ICCSA-owned or -operated property.

II. GENERAL STATEMENT OF POLICY

ICCSA shall comply with all state and federal laws, regulations, and rules regarding the use of service animals by disabled staff or students under appropriate circumstances. ICCSA shall not be responsible to provide a service animal for any student or employee, nor shall ICCSA be responsible to care for any service animal, except as required by law and this policy.

III. DEFINITION OF SERVICE ANIMAL

For the purposes of this policy, the term "service animal" includes any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. The term "service animal" does not include wild animals, farm animals and rodents, or animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well-being.

IV. PROCEDURES/REQUIREMENTS FOR ANIMALS ASSISTING STUDENTS OR STAFF MEMBERS ON A REGULAR BASIS

Use of service animals by staff or students with a qualifying disability is subject to the following procedures and requirements:

- A. Parent/guardian of the student with a disability must submit a request for the use of a service animal to their building principal. ICCSA employees with a disability must submit a request to the Director of Equity and Employee Relations for approval. Any request for the use of a service animal must identify whether the animal is required because of a disability and shall identify and describe the work or task that the animal has been trained to perform. The request need not identify the nature or extent of the disability and the ICCSA will not require any documentation related to the service animal.
- B. Requests for the use of service animals on ICCSA property must be made, whenever possible, no less than three (3) weeks prior to the proposed use of the service animal. Under no circumstances may a service animal be on ICCSA property on a regular basis without prior approval under this policy. Student requests shall be reviewed by the building principal, in consultation with the Director of Special Education

or Director of Student Services, whichever is appropriate. Employee requests shall be reviewed by the Director of Equity and Employee Relations.

C. The owner of any service animal allowed onto ICCSD property shall be responsible to properly ensure that the animal is properly licensed pursuant to regular local animal control laws and ordinances and that the animal has received all vaccinations required by law. ICCSD may not request documentation of licensure or vaccination.

D. ICCSD's review of a request for the use of a service animal by a student shall include consideration by a student's special education (IEP) team and/or Section 504 team. ICCSD may require a meeting with and/or additional information from an ICCSD employee or the parent/guardian of a student requesting the use of a service animal, to the extent that such inquiries are permitted by law.

E. The use of a service animal on ICCSD property may be subject to a plan which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by ICCSD. ICCSD's approval of the use of a service animal on ICCSD property is subject to periodic review, revision, or revocation, through a student's IEP and/or 504 team, or through the Director of Equity and Employee Relations in the case of an ICCSD employee. However, an individual with a disability who uses a service animal will not be restricted from entry onto ICCSD property prior to completion of any training/familiarization deemed appropriate.

F. Service animals must be under the control of their handlers at all times. Service animals must always be on a leash or other form of restraint mechanism, unless the handler is unable because of a disability to use a harness, leash, or other tether, or the use of such mechanism would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must otherwise be under the handler's control (voice control, signals, or other effective means).

It is the responsibility of the student, or if the student is unable, the student's parent/guardian or designee, or staff person who uses a service animal pursuant to this policy to be the animal's handler. Each school building or other ICCSD property where a service animal is regularly present will have a designated animal waste area. The handler of any service animal must direct the animal to utilize the designated animal waste area and must properly dispose of any fecal matter.

G. Service Animals will be allowed in ICCSD transportation vehicles only when the service animal is under the control of a properly trained handler at all times, including entering and exiting the vehicle.

H. ICCSD retains discretion to exclude or remove any service animal from ICCSD property if:

1. The animal is out of control and the animal's handler does not take effective action to control the animal's behavior; or
2. The animal is not housebroken; or
3. The animal's presence or behavior fundamentally interferes in the functions of ICCSD; or
4. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

I. In addition, in the case of a service animal that is a miniature horse, the ICCSD retains discretion to exclude or remove any service animal from its property based upon:

1. The type, size, and weight of the miniature horse and whether the facility where the miniature horse will be used can accommodate the miniature horse; or
2. Whether the handler has sufficient control of the miniature horse.

J. Access to facilities: Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of ICCSD property where members of the public and participants in services, programs, and activities are allowed to go.

V. PROCEDURES FOR ANIMALS ASSISTING VISITORS

A. A person who uses a service animal and who is not a student or staff member of ICCSD may be accompanied by a service animal on ICCSD property as any other member of the public would normally be allowed on ICCSD property. Such visitor shall not be required to submit an application or give any notice to building staff that he or she intends to bring a service animal onto ICCSD property. Building staff may not ask any questions of the person, except the following, if the answers are not clearly apparent:

1. Is the animal necessary because of a disability?
2. What task is the animal specifically trained to perform?

B. ICCSD retains discretion to exclude or remove any service animal from ICCSD property if:

1. The animal is out of control and the animal's handler does not take effective action to control the animal's behavior; or
2. The animal is not housebroken; or
3. The animal's presence or behavior fundamentally interferes in the functions of ICCSD; or
4. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

C. In addition, in the case of a service animal that is a miniature horse, the ICCSD retains discretion to exclude or remove any service animal from its property based upon:

1. The type, size, and weight of the miniature horse and whether the facility where the miniature horse will be used can accommodate the miniature horse; or
2. Whether the handler has sufficient control of the miniature horse.

D. Access to facilities: Individuals with disabilities shall be permitted to be accompanied by their service animal in all areas of ICCSD property where members of the public and participants in services, programs, and activities are allowed to go.

- E. Visitors who wish to bring an animal that is not a service animal onto ICCSD property must comply with all other policies regarding the introduction of animals to ICCSD property.

VI. LIABILITY

A student who uses a service animal on ICCSD property and the student's parent/guardian, or an ICCSD employee who uses a service animal on ICCSD property, shall be liable for any damage to ICCSD's real or personal property, or another student's or employee's personal property, and for any injuries to individuals caused by the person's service animal. A student who uses a service animal on ICCSD property and the student's parent/guardian, an ICCSD employee who uses a service animal on ICCSD property, or a person who is a designated handler of a service animal on behalf of another, will hold ICCSD harmless and indemnify ICCSD from any damages or injuries to the service animal, the student or employee who uses the service animal, or the handler of the service animal, as a result of the person's use or participation in the use of the service animal.

VII. GRIEVANCES

A student may appeal the denial of an application under this policy, whether upon application or through the removal of the animal through Section IV.H or IV.I of this policy, through the grievance procedures set out according to Section 504 of the Rehabilitation Act or the procedural safeguards available under the IDEA, whichever team was used to determine the child's original eligibility. ICCSD employees may appeal the denial of an application under this policy, whether upon application or through the removal of the animal through Section IV.H or IV.I of this policy, through Section 504 or the Type II Grievance procedures set out in the terms of the Negotiated Agreement.

Legal References:

Section 504 of the Rehabilitation Act Americans
with Disabilities Act

APPENDIX A IOWA CITY COMMUNITY SCHOOL DISTRICT REQUEST APPROVAL FORM FOR USE OF A SERVICE ANIMAL

Date _____

Name of Service Animal User _____

Student or ICCSD employee (Circle one)

Parent/Guardian Name
(For students only) _____ Building _____

Is the service animal required because of a disability of the user identified above? Y/N (Circle one)

What work or task(s) has the service animal been trained to perform for the user identified above?

Type of Service Animal:
(Please indicate checkmark where relevant below)

- Dog
- Miniature horse

Name of Service Animal: _____

Name of Handler: _____

I have read and understand the policy regarding Service Animals in the School District and agree to abide by the terms of the policy.

Parent, Guardian, or
Date: _____ Applicant Staff Member Signature: _____

Date: _____ Second Parent or Guardian Signature: _____

**- Submit student requests to the building principal -
- Submit staff request to Director of Equity and Employee Relations-**

****Annual Application Required****

This page for Iowa City Community School District Administration to complete

SECTION 1: Staff Request (Director of Equity and Employee Relations)

Received by: _____ Date: _____

For HR Completion: _____ Approved _____ Denied

- Written notification provided to building administrator of approval or denial (copy of Appendix A)
- Written notification provided to staff member of approval or denial of application
- Form kept on file in the employee's personnel file in HR

Signed: _____ Date: _____

Print Name and Title: _____

SECTION 2: Student Request (Building Administrator)

Received by: _____ Date: _____

_____ Approved _____ Denied

- Written notification provided to parent/student of approval or denial of application

Signed: _____

Print Name and Title: _____

SECTION 3: Completed by building administrator if request in section 1 or 2 approved

- Written notification sent to parent/guardian of other students in proposed classroom about service animal to be used and inquiries about allergies/fear of animals
- Written notification to building staff
- Received/reviewed notifications from any student allergies/animal fears or anxiety. (Cannot be used for denial of service animal; informational purposes in case other students would need an accommodation)
- Reviewed by IEP/504 team
- Designated animal waste disposal external to building location

When steps completed, form signed and dated by building administrator. A copy kept at the school building.

Signed: _____ Date: _____

SAMPLE STUDENT APPROVAL LETTER

Dear _____ :

We have reviewed your application for the use of a service animal on ICCSD property and have determined that your application should be approved. The next step will be to determine how to introduce _____ (animal name) to the building and people he/she will be around during the normal school day.

Your _____ (IEP or 504) team will meet with building staff on _____ (date) at _____ (time) at _____ (location) to discuss the introduction process and building and ICCSD policies regarding having animals in the building. Please plan to attend that meeting, or contact _____ if you are unable to attend and the meeting will be rescheduled. _____ (student name) and any person who will act as a handler of _____ (animal name) should also plan to attend the meeting.

For the protection of _____ (student name), _____ (animal name), and other people in the building, please refrain from bringing _____ (animal name) onto ICCSD property on a regular basis until the introduction process is complete. As I'm sure you're aware, different people react differently to the presence of animals and the introduction process will be tailored to deal with different attributes and personalities of others in the building and classroom.

We look forward to having _____ (animal name) join us. If you have any questions, please contact _____.

SAMPLE STAFF APPROVAL LETTER

Dear _____:

We have reviewed your application for the use of a service animal on ICCSD property and have determined that your application should be approved. The next step will be to determine how to introduce _____ (animal name) to the building and people he/she will be around during the normal school day.

Building staff will meet on _____ (date) at _____ (time) at _____ (location) to discuss the introduction process and building and ICCSD policies regarding having animals in the building. Please plan to attend that meeting, or contact _____ if you are unable to attend and the meeting will be rescheduled. Any person who will act as a handler of _____ (animal name) should also plan to attend the meeting.

For your protection and the protection of _____ (animal name) and other people in the building, please refrain from bringing _____ (animal name) onto ICCSD property on a regular basis until the introduction process is complete. As I'm sure you're aware, different people react differently to the presence of animals and the introduction process will be tailored to deal with different attributes and personalities of others in the building.

We look forward to having _____ (animal name) join us. If you have any questions, please contact _____.

SAMPLE STUDENT DENIAL LETTER

Dear _____:

We have reviewed your application for the use of a service animal on ICCSD property and have determined that your application will not be approved because _____

_____.

(Reasons can include incomplete application and the applicant hasn't provided additional information as requested, the animal does not qualify as a service animal because of species or because it is not trained to perform functions, see IV.H and IV.I for additional reasons)

You may appeal this decision through the grievance procedures set out according to Section 504 of the Rehabilitation Act or the procedural safeguards available under the IDEA.

Please contact _____ if you would like to discuss this matter.

SAMPLE STAFF DENIAL LETTER

Dear _____:

We have reviewed your application for the use of a service animal on ICCSD property and have determined that your application will not be approved because _____

(Reasons can include incomplete application and the applicant hasn't provided additional information as requested, the animal does not qualify as a service animal because of species or because it is not trained to perform functions, see IV.H and IV.I for additional reasons)

You may appeal this decision through Section 504 or the Type II Grievance procedures set out in the terms of the Negotiated Agreement.

Please contact _____ if you would like to discuss this matter.

SAMPLE NOTIFICATION TO OTHER PARENTS

Dear _____:

We are writing to inform you that a service animal has been approved under ICCSD policies to be present in your child's classroom. The animal is a _____ (dog/miniature horse) named _____ (animal name) and has been individually trained to perform a specific function for a person with a disability. Under federal and state law, ICCSD may not generally exclude service animals from ICCSD property, but we want to minimize any negative effects on other students and staff in the building due to _____'s (animal name) presence. You may review ICCSD's policy regarding Service Animals in the School District at _____.

ICCSD staff will meet with the owner and handler of _____ (animal name) to determine the best way to introduce him/her to the building and classroom. Having information about any allergies or fears that affect others in the classroom is extremely important to the introduction effort and to determining whether accommodations need to be made for others in the classroom.

If your child suffers any known allergies to _____ (dogs/miniature horses), please return the bottom portion of this letter to _____ on or before _____, so ICCSD staff can include that information in its introduction plan.

If you have any questions, please contact _____.

Sincerely,

Building Principal

Child Name: _____

Please describe any allergy or fear of _____ (dogs/miniature horses) your child suffers and how you recommend that fear or allergy be accommodated.
