



Service Animals in Schools & Animals on School Property Policy

The Emerson School acknowledges its responsibility to permit students and adults with disabilities to be accompanied by a “service animal” as required by federal and state laws against discrimination. Additionally, under the proper conditions, animals can be an effective teaching aid. This policy governs the presence of service animals in the School and rules that apply to animals in the classroom or on school property.

The Emerson School recognizes that there are medical and physical risks associated with animals, both wild and domesticated, in the classroom and/or on school property.

I. Service Animals

A. Students

1. Service animals are animals that are individually trained to perform tasks for people with disabilities (i.e., guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, retrieving items such as medicine or a telephone). The work or tasks performed by a service animal must be directly related to the individual’s disability.
2. When it is not readily apparent that an animal brought on school property or to a school-sponsored event is a service animal, the School may make two inquiries:
 - a. Is the animal required because of a disability? and
 - b. What work or task is the animal trained to perform?
3. Generally, the School will apply both the analysis above (under Title II of the Americans with Disabilities Act) and the Section 504 requirement to provide a free appropriate public education (“FAPE”) in its approach for determining if a student with a disability will be allowed to use their service animal in its facilities and programs, and how to meet the individual disability-related needs of the student, including what, if any accommodations and modifications are needed for the student to use their service animal in School programs and facilities. In some cases, it may be necessary for the School to conduct the Title II service animal analysis before it conducts its Section 504 FAPE analysis.
4. A student whose service animal has been excluded or removed for reasons outlined in paragraph D below may appeal the decision using the School’s complaint resolution process and the unified complaint process.

B. Employees

1. Use of a service animal by an employee with a disability will be allowed when such use is necessary as a reasonable accommodation to enable the employee to perform the essential functions of their job or to access benefits of employment provided to all employees in the same job classification. The School will follow the relevant provisions of the Americans with Disabilities Act and procedures developed by the School.

C. Members of the Public – Service Animals at School-Sponsored Events

1. Individuals with disabilities may be accompanied by their service animal to events or activities open to the public that are held in the School or on school property.
2. The Executive Director or designee may revoke or exclude the service animals for the reasons set forth in paragraph D below.

D. Service Animal Access by Students, Employees, or the Public

1. Generally, the School will modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.
2. The use of a service animal by an individual with a disability will not be conditioned on the payment of a fee, security deposit, or surcharge.
3. Service animals must be under the control of their handler at all times and be harnessed, leashed or tethered, unless the devices interfere with the service animal's work or the individual's disability prevents them from using the devices. Individuals who cannot use such devices must maintain control of the animal through voice, signal, or other effective controls.
4. The Executive Director or designee may request an individual with a disability to remove a service animal from school, a school-sponsored activity, or school property if:
 - a. The animal is not under control and/or the animal's handler does not take effective action to control the animal; or
 - b. The animal is not housebroken.
5. The School may exclude a service animal if, after making an individualized determination, it is determined that:
 - a. The presence of the animal poses a direct threat to the health and/or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids and services; or
 - b. The presence of the animal would result in a fundamental alteration of any school program.
6. If the School excludes a service animal, it will provide the student or member of the public the opportunity to participate in the service, program, or activity without having the service animal on the premises.
7. Generally, neither the School, nor its employees, are responsible for the cost, care, or supervision of the service animal.
8. The owner/handler of the service animal is responsible for any and all damages caused by the service animal at school, on school premises, or at school activities.

II. Visiting Animal in the Classroom

A. Requests

1. All requests to have animal visitors (student or staff "Show and Tell," for example) in the classroom or on school property during school hours must be submitted to the Executive Director or designee in writing at least 7 days prior to the visit.
2. Included in the request should be a description of the activity, type of animal, educational purpose/benefit, length of activity, and a plan for the care of the animal. Additionally, if applicable, the request should include verification that the animal is properly and currently

licensed with the appropriate inoculations. The Executive Director or designee has the discretion to permit or deny the presence of any animal visitor in the School.

3. Prior to approving the request, the Executive Director or designee shall determine whether any child has a health condition (such as allergies) that could be exacerbated by exposure to animals. Parents must be notified of the plans to have an animal in the classroom so that accommodations may be made for their student.
4. **Length of time animal visitors are allowed in classrooms**
 - a. Animals will be permitted in classrooms only for a specified and appropriate educational purpose and for the time necessary to achieve the educational goal.
5. **Teacher responsibilities for animal visitors in classrooms**
 - a. **Treatment of animals:** Teachers must assume primary responsibility for the humane and proper treatment of any animals in the classroom. If animals are to be kept in the classroom on days when classes are not in session, the teacher must make arrangements for their care and safety.
 - b. **Exhibits:** Each teacher is responsible for the proper supervision and control of students under their direction whenever there is an exhibit or activity involving animals in the School.
 - c. **Food storage:** All animal food will be stored in metal containers with tight-fitting lids for pest prevention.
 - d. **Housekeeping:** Teachers who house small animals in their classrooms for extended periods are responsible for maintaining the living space for animals. Spilled food and/or bedding materials must be cleaned up daily.
6. **Owner responsibility for animal visitors in classrooms**
 - a. Owners shall be solely responsible for the care/safety of their animals and for injuries sustained to the animal or to people due to the presence of the animals at the School.
 - b. All animals brought for exhibit must be restrained by their owner/handler.

B. Owner Responsibility for Animals on School Grounds

1. Owners bringing animals on school grounds must follow applicable School policies, as well as city or county ordinances regarding leashing and sanitation.
2. The Executive Director or designee has the authority to exclude persons and their animals from school grounds.

C. Limitations

1. No domesticated mammals, including dogs, cats, primates, birds, or livestock shall be allowed in school buildings or grounds unless permitted by the Executive Director or designee and proof of appropriate and/or current rabies vaccination is provided.
2. No wild animals including skunks, raccoons, bats, squirrels, monkeys, amphibians or birds shall be allowed unless under the control of an individual trained in the care and management of the animals (e.g., zookeepers, veterinarians, etc.).
3. No poisonous animals are allowed.
4. No animals will be allowed free range in the facility or grounds.
5. Horseback riding, pony rides, donkey basketball, and similar activities on school grounds or school parking lots are prohibited.

D. Injuries

Staff members, students or other visitors who have been bitten or otherwise injured by an animal shall report such incident to the Executive Director or designee and appropriate school health personnel immediately. The Executive Director or designee shall notify the parents in the case of student injury. The person most knowledgeable about the incident shall complete an injury report and forward it in accordance with School procedures.

III. Definitions

A. Animal(s)

“Animal(s)” means live vertebrates such as mammals, birds, reptiles, fish, and amphibians. Examples: dogs, rats, red racer snakes, cats.

B. Visiting Animals

“Visiting animals” means any animal that is not a service animal.

C. Individual with a Disability

“Individual with a disability” (or “student with a disability”) means a person with a mental or physical impairment that substantially limits a major life activity and has the same meaning as under Section 504 of the Rehabilitation Act and the Americans with Disability Act (ADA).

D. Poisonous Animal

“Poisonous animal” means an animal which delivers its poison through bite or scratch in amounts sufficient to cause humans sickness, extreme pain or death. Examples: rattlesnake, brown recluse spider.

E. Service Animal

“Service animal” means any dog or miniature horse that is individually trained to work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

1. The definition of “service animal” does not include any other species of animals, whether wild or domestic, trained or untrained.
2. The “work” or “tasks” performed by a service animal must be directly related to the individual’s disability. Examples of work or tasks include, but are not limited to: assisting an individual who is blind or who has low vision with navigation; alerting an individual who is deaf or hard of hearing to the presence of people or sounds; providing non-violent 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 the telephone; providing physical support and assistance with balance and stability to individuals with mobility impairments; and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. **The provision of emotional support does not constitute work or tasks of a service animal.**
3. Requests for use of miniature horses will be handled in the same way as for other service animals and the same requirements apply. The School may also consider: the type, size and weight of the animal and whether the School can accommodate these features; whether the

handler has sufficient control of the animal; and whether the animal's presence in a specific school or school location compromises legitimate safety interests that are necessary for safe operation.

F. Wild Animal

"Wild animal" means an animal not commonly domesticated and includes birds, reptiles and amphibians. Examples: raccoon, robin.

Legal References: Americans with Disabilities Act (ADA), Revised Title II Regulations; Section 504 of the Rehabilitation Act of 1973; ORS 659A.143

Source Policy: Portland Public Schools Administrative Directive 3.80.011-AD, *Service Animals in Schools and Animals on School Property*

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