
MISCELLANEOUS – USE OF SERVICE ANIMALS

Adoption Date: November 8, 2011; Revised January 10, 2017; January 9, 2018

Legal Ref: IC 16-32-3; IC 35-46-3-11.5; 345 I.A.C. 1-5; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35;

Cross Ref:

Westfield Washington Schools (WWS) is required by the Americans with Disabilities Act (ADA) to accommodate individuals with disabilities accompanied by a service animal in its Corporation buildings, classrooms, and at school functions. The following policy applies to all service animals utilized by students and adults in WWS:

I. Definitions

A “service animal” is a dog, or in special circumstances a miniature horse, that is individually trained to take specific action or perform tasks to assist an individual with a disability. The tasks performed by the service animal must be directly related to the person’s disability. A “service animal” does not include any species of animal, whether wild or domestic, other than a dog or miniature horse.

A “companion animal,” “therapy animal,” or “emotional support animal” is an animal that provides solely emotional support, psychological support, well-being, therapy, comfort, or companionship and does not meet the definition of a disability dog or a service animal. A “companion animal,” or “emotional support animal” does not meet the definition of a “service animal.”

An “individual with a disability” is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

A “tether” is a harness, leash, or other tether.

II. Policy

Companion animals are not permitted in WWS facilities or property.

As specifically required by the regulations of the Rehabilitation Act and the Americans with Disabilities Amendments Act, WWS permits the use of a service animal by an individual with a disability. Individuals with disabilities are permitted to be accompanied by their service animal in all areas of WWS facilities where the individual is otherwise permitted to be. The work or tasks performed by the service animal must be directly related to the individual's disability.

Prior to bringing the service animal onto WWS property, the individual with disabilities or his/her parents must explain to the Superintendent or his or her designee that the service animal is required because of a disability and what work or task the service animal has been trained to perform. WWS requests that the individual with disabilities or his/her parents provide documentation supporting that the service animal is required because of a disability and supporting that the service animal has been individually trained to do work or perform tasks for the benefit of the disabled individual.

The Superintendent or his designee may approve the use of a therapy animal. Such authorization shall be sought by a staff member for the benefit of students and/or staff and shall be approved prior to the animal's arrival

If a service animal is not housebroken, if the service animal is out of control and the handler does not take effective action to control it, if the service animal behaves in a way that poses a direct threat to the health and safety of others or has a history of such behavior, or if the service animal's presence would fundamentally alter the nature of the service, program, or activity, WWS may request that the animal be removed from the premises.

A service animal must be under the control of its handler. The service animal must have a tether, unless either the handler is unable because of a disability to use a tether, or the use of a tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means). "Under control" also means that a service animal shall not be allowed to bark repeatedly in a quiet place. The handler may not allow the service animal to wander away from her and must maintain control of the animal, even if it is retrieving an item at a distance from the handler.

All persons are prohibited by Indiana Code 35-46-3-11.5 from knowingly or intentionally interfering with the actions of a service animal or striking, tormenting, injuring or otherwise mistreating a service animal while the service animal is engaged in assisting an impaired person in navigation, assistance in performing daily activities, or alert signals regarding the onset of the person's medical condition.

WWS is not responsible for the care or supervision of a service animal. The handler is responsible for caring for and supervising the service animal, which includes toileting, feeding, watering, grooming, and veterinary care. The handler should encourage the animal to use marked toileting areas.

Service animals must be kept free of fleas and ticks. Service animals must be appropriately clean and groomed.

The owner and/or individual accompanied by a service animal is liable for any damage, injury, or harm done by the service animal to other students, staff, visitors, and/or property. An individual with a disability may be charged for damage, injury, or harm caused by his/her service animal.

WWS will make a case by case assessment of requests for using a miniature horse with an individual with a disability. Such requests can be made to the Superintendent or his or her designee.