

MUSCATINE COMMUNITY SCHOOL DISTRICT BOARD POLICY

106 ASSISTANCE ANIMALS

It is the policy of Muscatine 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

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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.

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

Adopted: 11/14/2022