

## **Animals in ESD Facilities**

Only service animals <sup>1</sup> serving persons with a disability, therapy animals <sup>2</sup> and animals approved by the Superintendent that are part of an approved ESD curriculum or cocurricular activity are allowed in ESD facilities.

Animals must be adequately cared for and appropriately secured. Only the staff or students designated by the program administrator are to handle the animals.

Animals are not to be kept in the classroom on days when classes are not in session.

Animals, except those service animals, may not be transported on a school bus.

Parents of students will be notified in advance of animals being brought into the classroom for approved curriculum or cocurricular activities. Due to allergies or other concerns, parents may request a student be excused from handling or touching any animal.

<sup>1</sup>Note: The American with Disabilities Act definition of “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Companion and comfort animals are not considered service animals. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. 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 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 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 disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animals’ presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. The law and its regulations also make an allowance for miniature horses.

<sup>2</sup>Note: The American Veterinary Medical Association’s policy on Animal-Assisted Interventions defines “therapy animals” to include various species of animals that participate in animal-assisted interventions such as animal assisted therapy, education and activities. The handler partners with a therapy animal, working as a team, to assist other people. The animal is typically registered with/certified by an animal-assisted intervention organization after successful training, behavioral, and veterinary evaluation. Access to facilities where pets are prohibited is at the discretion of management. No federally protected right to access. There is no federal requirement regarding identification. Animals will usually wear a bandana, harness, or ID tag. Therapy animals are not recognized by federal law. Service animals, which are individually trained to do work or perform tasks for people with disabilities, are not considered as participating in animal-assisted interventions.

END OF POLICY

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**Legal Reference(s)**

[ORS 334.125](#)

[ORS 659A.400](#)

[OAR 581-053-0010](#)

[OAR 581-053-0230\(9\)\(j\)](#)

[OAR 581-053-0330\(1\)\(q\)](#)

[OAR 581-053-0430\(16\)](#)

[OAR 581-053-0531\(15\)](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §12101 12213(2006); 28 CFR §§ 35.104, 35.136 (2006).Americans with Disabilities Act Amendments Act of 2008.