

**RESOLUTION 10-33 - Approval for First Reading of Revised Board Policy  
ING – Animals in MESD Facilities**

This resolution is for first reading for revised Board Policy ING – Animals in MESD Facilities.

**Background:** Revised Board Policy ING – Animals in MESD Facilities is an outcome of recent court cases and local requests to bring not only service animals but visiting animals into MESD facilities along with: 1) The Americans with Disabilities Act (ADA); 2) Section 504 of the Rehabilitation Act of 1973 (Section 5045); 3) The Individuals with Disabilities in Education Act (IDEA); and 4) 40 state and local laws.

The Administrative Policy Review Team and Risk Manager have reviewed the proposed revised policy, researched liability issues with our insurance agent of record, and determined that it is in the best interest of the MESD to revised our current policy.

The Superintendent recommends adoption of the following resolution:

**WHEREAS**, the Administrative Policy Review Team and Risk Manager have reviewed and researched liability issues relative to animals in MESD facilities; and

**WHEREAS**, the Board has reviewed revised Board Policy ING – Animals in MESD Facilities.

**NOW THEREFORE BE IT RESOLVED**, that revised Board Policy ING – Animals in MESD Facilities is approved for first reading as attached.

**BE IT FURTHER RESOLVED**, that the Superintendent is directed to bring revised Board Policy ING – Animals in MESD Facilities back for second reading and adoption at the next regular meeting of the Board.

<p style="text-align: center;"><b>MULTNOMAH EDUCATION SERVICE DISTRICT</b></p>
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**Code: ING**

Adopted: 9/20/94

Revised:

**ANIMALS IN MESD FACILITIES**

**Multnomah ESD welcomes animals into the classroom for instructional purposes with the appropriate permissions and with safety of others being the highest priority. Prior ~~P~~ permission is to be obtained from the building administrator before ~~an~~ animals ~~s-are-is~~ brought into the school facility. For safety purposes, all animals visiting classrooms on a short term basis must be under the supervision of the owner at all times and the owner must maintain absolute control of any behavior the animal demonstrates. ~~for safety purposes~~ Any small ~~A~~animals ~~or reptiles~~ must be adequately housed and cared for in a secure cage(s) by the owner if this type of environment is needed. Only the teacher or students designated by the teacher are to handle or interact with the animals. No student other than the owner will be given the opportunity to be in direct control of any animal at any time.**

If animals are to be kept in the classroom on days when classes are not in session, arrangements must be made **by the teacher responsible** for their care. **No animal will be left without proper care during non school days.**

Animals serving the disabled and designated by law as “service animals” or “assistance animals” will be ~~an~~ subject to the ARs of ~~exemption to~~ this policy.

**Required authorization forms for animal classroom visitations or service animals must be approved and signed by school administrator and on file in the school ~~central~~ office at least three (3) days before animals are brought to the building. Prior authorization is required to help protect the health and safety of MESD students and staff members and the animal itself and to ensure the individual bringing the animal can control its behavior.**

END OF POLICY

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 Legal Reference(s):

ORS 346.610-346.690

~~ORS 346.620~~

ORS 609.205

OAR 581-053-0010 (6)

~~OAR 581-053-0015 (7)(j)~~~~OAR 581-053-0545 (4)(e)(V)~~~~OAR 581-053-0550 (5)(x)~~

Multnomah County Ordinance 13.154(A).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2006).

Title II of the American with Disabilities Act.

Rehabilitation Act of 1973, 29 U.S.C. §§ 791 et seq. (2006).

**Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F. R. Part 1630 (2006); 28 C.F.R. Part 35 (2006); as amended by the ADA Amendments Act of 2008 (P.L. 110-325).**

***Roe v Providence Health System, \_FSupp2d\_(D. Oregon 2009)***

***Bakersfield City School District (CA), 51 IDELR 142 (CSEA 2008)***

***Bakersfield City School District (CA), 50 IDELR 169 (OCR 2008)***

**MESD Policy Cross Reference(s):**

<b>IA/IAA</b>	<b>Instructional Goals</b>
<b>IFO</b>	<b>Curriculum Adoption</b>
<b>IG</b>	<b>Instructional Design</b>
<b>II/IIA/II/IIA-AR</b>	<b>Instructional Resources/Instructional Materials</b>
<b>JA/JAA</b>	<b>Student Policies, Goals and Objectives</b>
<b>JAB</b>	<b>Learning Supports to Enhance Achievement</b>
<b>JB/JB-AR</b>	<b>Assignment of Students to Classes</b>
<b>JE/JE-AR</b>	<b>Attendance</b>
<b>JECD/JECD-AR</b>	<b>Assignment of Students to Classes</b>
<b>JH</b>	<b>Student Welfare</b>
<b>JHFA</b>	<b>Supervision of Students</b>
<b>KGB/KGB-AR</b>	<b>Public Conduct on MESD Property</b>