Service Animals in Arkansas Schools: What Every Administrator Should Know - Part Two



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01/16/2026

In a prior installment of this blog post we outlined the law that all Arkansas school administrators should know about service animals. Now we turn to a slightly less clear issue that comes up quite frequently: the difference between service animals and emotional support animals. The Mitchell Williams Between the Lines Blog has covered this topic generally in the past, and now we apply this specific guidance in the school context.

Service Animals vs. Emotional Support Animals

It's important to remember under the ADA, only service animals (dogs or miniature horses trained to perform specific tasks) must be accommodated in schools. Emotional support animals, which provide comfort but aren't trained for particular tasks, aren't covered by the ADA in this context. Other laws, like the Fair Housing Act, may have different rules (emotional support animals are sometimes allowed in housing), but that doesn't generally apply to school settings.

While the above is the general answer here, some schools should also be aware that there has been a recent change in the law on this subject. On August 5, 2025, Act 819 went into effect which allows private property owners and business owners to say "no" to emotional support animals on their premises. So, if you're working at a private school, you can likely prohibit emotional support animals unless your school is one that provides housing (because federal housing law might step in here). If you run a business, you can make this known either by telling patrons directly or by putting up a sign. The law also states property owners and business owners aren't generally on the hook for any injuries caused by emotional support animals, unless they're being grossly negligent.

Bottom line: Service animals need to be welcomed in most school settings, but emotional support animals don't have the same legal standing, especially in private schools or businesses. School administrators should first recognize that their type of school may change the analysis—the answer varying for public schools, private schools, and schools that provide housing—and understand which federal, state, or local laws apply to their setting. Once these legal requirements are clear, administrators should usually develop and communicate their school's policies regarding emotional support animals in a straightforward manner, so families and visitors know what to expect. It's equally important to ensure that all staff members understand the distinction between emotional support animals (which provide comfort but are not trained for specific tasks) and service animals (which are individually trained to perform tasks for a person with a disability).

Conclusion

Service animal requests can feel complicated, especially during busy school events. The key is to know your school's rights and responsibilities: make reasonable accommodations, ask only the permitted questions, and strive for meaningful access. When in doubt, a brief, individualized assessment and a temporary measure to clarify the situation is better than making quick decisions based on fear or inconvenience. Above all, remember that your goal is to foster an inclusive environment for all students, families, and guests—without compromising safety.