

ANIMALS IN THE SCHOOL

The School District of Jefferson recognizes animals brought into the school setting can serve a variety of valuable services such as teaching aids, educational programming, or assisting an individual with a disability as a “service animal” in accordance with Federal and State law.

Definitions

Service Animals are defined as guide dogs, signal dogs, or other animals that are individually trained or are being trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

Under the ADA, “service animals” include animals (primarily dogs) that are individually trained to perform actual work or tasks for the benefit of an individual with a disability.

Work or Tasks Performed: Service Animals must be individually trained to perform specific work or tasks that are directly related to the individual’s disability. Examples of the work or tasks that can be provided by a service animal include, but are not limited to: assisting individuals who are blind or have low vision with navigation and other tasks, pulling a wheelchair, alerting a person who is deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, assisting an individual during a seizure, alerting an individual 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 animal’s presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purpose of this definition. See 28 C.F.R §35.104. “Therapy animals” or “emotional support animals” are not service animals and are covered by the “Non-Service Animals on School Property” section of this policy.

Service Animals on School Property

Student Requests to Use a Service Animal during the Academic Day: Students with disabilities who wish to utilize a service animal during the academic day, including the school bus, shall contact the Director of Special Education and Pupil Services prior to bringing a service animal to school. The Director of Special Education and Pupil Services may convene a meeting of the student’s Individualized Education Program (IEP) team under the Individuals with Disabilities Education Act (IDEA) or the student’s Section 504 team under Section 504 of the Rehabilitation Act (Section 504) to determine whether the service animal is necessary for the student to receive a free, appropriate public education. The Director of Special Education and Pupil Services shall also meet with the student, the student’s parents, if the student is a minor, and appropriate staff to discuss the legal requirements and expectations for service animals in the school environment.

The Director of Special Education and Pupil Services shall also make efforts to mitigate the effect that a service animal’s presence may have on students with pet allergies or fear of particular types of animals. However, these issues shall not serve as the basis for denying an individual with a disability access to District facilities, programs, services, or activities.

Use of Service Animals on School Property While Open to the Public: District facilities are considered places of public accommodation or amusement under Wisconsin law when they are open to the public for events such as outside group meetings, school plays, concerts, and athletic competitions. Thus, all members of the public are entitled to utilize service animals on school property for such events under Wis. Stat. §106.52.

Appropriate Questions about Service Animals: If an animal is brought on school grounds or to a school function by a student or a member of the public, school staff may ask the following questions:

1. If the animal is required because of a disability; and
2. What work or task(s) the animal has been trained to perform.

School staff shall not ask about the nature or extent of the person's disability. School staff should not make any inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform task(s) for an individual with a disability. (e.g., a dog observed guiding an individual who is blind or has low vision, pulling a person's wheelchair or providing assistance with stability or balance to an individual with an observable mobility disability.) In addition, school staff shall not request that the animal demonstrate the work or task that it is trained to perform. 28 C.F.R §35.136.

Documentation: School staff shall not request documentation, such as proof that an animal has been certified, trained or licensed as a service animal. However, school staff may require proof that the animal has received all vaccinations required by state and local law.

Service Animals in Training: Service Animal Trainers shall be permitted on school property with a service animal in training during public events. Service animals in training shall not be permitted to accompany students during the academic day. Service animals in training shall wear a harness or leash and a special cape indicating that the animal is a service animal in training. School staff may ask whether the service animal is required because of a disability or is being trained as a service animal. In cases where the service animal is not required because of a disability, school staff may require that the service animal trainer produce a certification or other credential issued by a school for training service animals. Wis. Stat. 106.52(3)(am)2.

Access to Areas of the School: Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the school's facility where members of the public, participants in services, programs or activities or invitees, as relevant, are allowed to go. However, an individual with a disability and their service animal may be excluded from an area if the service animal's presence would "fundamentally alter" the nature of the program, service or activity. Examples may include, but are not limited to, science labs, areas requiring protective clothing, technical education shops with power tools, and food preparation areas. In the event the presence of a service animal would "fundamentally alter" the nature of a program, service or activity, the School District shall give the individual the opportunity to participate in the services, program or activity without having the service animal on the premises.

Animal under Handler's Control: A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is controlled with a harness, leash or other tether, the service animal must otherwise be under the handler's control (e.g., voice control, signals or other effective means.) The

owner/handler is responsible to ensure the service animal is not aggressive towards others. The owner is liable for any harm or injury caused by the service animal to others.

Care or Supervision: The School District is not responsible for the care or supervision of a service animal, including walking the service animal or responding to the animal's need to relieve itself. The School District will provide a location for the animal to relieve itself. The owner/handler of a service animal is responsible for cleaning up after the animal in a sanitary manner. The owner/handler is responsible to keep the service animal from disrupting the educational environment. For example, the service animal is to remain quiet, should generally stay within 24 inches of the handler unless needed to go further to perform work or a task and does not block aisles or doorways. The care and supervision of service animals that do work or tasks for students with disabilities shall be addressed on a case-by-case basis by the appropriate school personnel.

Vaccinations and Licenses: The owner/handler shall provide annual evidence that all service animal vaccinations are current and service animals must wear a rabies vaccination tag as required pursuant to Wis. Stats. § 95.21(2)(f). The owner/handler is responsible for all licenses of the service animal as required by state law and local ordinance.

Removal of Service Animal: The School District may ask an individual to remove a service animal from the premises if:

1. The animal is out of control and the handler does not take effective action to control it;
2. The animal is not housebroken; or
3. The service animal "whose behavior or history evidences" a direct threat to the health and safety of those present.

If a service animal is removed for any of the reasons set forth above, the School shall give the affected individual with a disability the opportunity to participate in the service, program, or activity without having the service animal present.

Non-Service Animals on School Property

Non-Service Animals may be permitted on school property or at school functions when they are part of an educational program, classroom presentation or other school purpose. Advanced permission shall be requested through the Building Administrator by completing a "Request for Non-Service Animal in the School" form. All animal(s) must be controlled by a qualified handler at all times. Written certification must be provided that a non-service animal is in good health as indicated by a letter of veterinary inspection, and proof of vaccination according to local or state requirements. Any non-service animal that presents an inherent danger or with unknown history may be excluded from school facilities or events. This section shall not apply to K-9 officers that are on school property to perform law enforcement functions.

ADOPTED: February 23, 2015

REVISED: August 12, 2019

LEGAL REFERENCES:

Wisconsin Statutes

- [Section 106.52](#) [access to public places of accommodation or amusement by individuals with disabilities with service animals and service animal trainers]
[Section 118.07\(4\)](#) [school safety plans]
[Section 121.02\(1\)\(i\)](#) [school district standard; requirement to maintain safe and healthful facilities]
[Section 252.21](#) [communicable disease control]
[Section 254.56](#) [safe, healthful and clean facilities for students and staff]
[Section 95.21\(2\)\(f\)](#) [rabies vaccination tag]
[Section 118.13](#) [pupil discrimination prohibited]

Federal Laws and Regulations

- [Title II of the Americans with Disabilities Act](#) [nondiscrimination on the basis of disability; includes service animal requirements]
[Title II Regulations](#) [nondiscrimination on the basis of disability; includes services animals provisions]
[Section 504 of the Rehabilitation Act](#) [nondiscrimination on the basis of handicap]
[Individuals with Disabilities Education Act](#) (IDEA) [Educational programs and services for students with disabilities]
[28 C.F.R §35.104](#) [nondiscrimination on the basis of disability in state and local government services]
[28 C.F.R. §35.130](#) [general prohibitions against discrimination]
[28 C.F.R §35.136](#) [service animals]

CROSS REFERENCES:

Policy JB – Equal Educational Opportunities

REVIEW DATE: August 12, 2019

REQUEST FOR NON-SERVICE ANIMAL IN THE SCHOOL

Name of Animal Owner: _____

Name of Animal: _____ Type of Animal: _____

What is the purpose for the animal to be in the school?

1. Is the animal properly vaccinated? YES NO (If yes, please attach appropriate documentation.)
2. Is the animal in good health as certified by a licensed veterinarian? YES NO (If yes, please attach appropriate documentation.)
3. Do you have proof of liability insurance? YES NO (If yes, please attach appropriate documentation.)

REQUESTED BY: _____
Signature

DATE: _____

APPROVED BY: _____
Name and Title

DATE: _____