

The Williams Bay School District recognizes its responsibility to permit students and staff to work and learn in an environment that is safe and healthy. It also recognizes that students and staff with disabilities have a right to be accompanied by a “service animal” in its buildings, classrooms, and at school functions as required by the Title II of Americans with Disabilities Act, its accompanying regulations, and any other applicable laws.

Animals, except for service animals, are not allowed in school buildings or on school property without the prior permission of the building principal. The Williams Bay School District recognizes that though pets may appear safe and friendly; they may inflict harm, either intentionally or unintentionally, when approached by others and therefore should not be in school or on school grounds without prior permission.

This policy allows the building principal to permit animals to be in a classroom or on school property if he/she believes that the animal is serving to enhance the education within the classroom and/or building.

Since the Williams Bay School District acknowledges the right of staff and students to be accompanied by service animals, the following procedures describe the process which would allow a student’s service animal to accompany them at school.

Definitions

- **Service Animal:** A service animal means a 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. For this definition, other species of animals, whether wild or domestic, trained or untrained, are not service animals. See 28 C.F.R §35.104
- **Work or tasks performed:** The work or tasks performed by the service animal must be directly related to the individual’s disability. Examples of the work or tasks that can be provided by a service animal may 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 animal must be individually trained to do work or a task for the individual with a disability. A “therapy animal” is not a service animal for this policy.

Guidelines

Appropriate questions about the service animal:

If an individual requires the assistance of a service animal to effectively participate in the education programs of the Williams Bay School District, the staff may ask:

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 should not ask about the nature or extent of the person's disability. Also, 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 a task(s) for an individual with a disability. (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistant with stability or balance to an individual with an observable mobility disability.) See 28 C.F.R §35.136

Documentation

School staff shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

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.

Surcharges

The District shall not require an individual to pay a surcharge to permit the service animal to accompany the person with the disability. If a school normally charges individuals for the damage they cause, an individual with a disability may be charged for damages caused by his or her service animal.

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 another tether, unless either the handler is unable because of a disability to use a harness, leash, or another tether, or the use of a harness, leash or another tether would interfere with the service animal's safe, effective performance of work or tasks. If a service animal is not controlled with a harness, leash, or another 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 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 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 a task, does not block aisles, or doorways.

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 under Wis. Stats. §95.21(2)(f)].

The owner/handler is responsible for all licenses of the service animal. Service animals are to be licensed at no cost under Wis. Stats. §174.055.

Removal of Service Animal

The District Administrator or his/her designee 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; (3) the service animal "whose behavior or history evidences" a direct threat to the health and safety of those present; or (4) the 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 a service animal is not allowed to be with its handler/owner in a particular setting, the District shall allow the individual to participate in the services, program, or activity without having the service animal on the premises.

LEGAL REFERENCE: Title II of the Americans with Disabilities Act; 28 C.F.R. § 35.104; 28 C.F.R. § 35.136; WI Statutes Sections §§95.21(2)(f), 174.055, 174.07, 106.52(3)

APPROVED: July 27, 2020

REVIEWED: February 22, 2021

Procedures to Request a Service Animal Accompany a Student at School:

The following procedures are required to permit a service animal to attend school with a student:

- Obtain a “Request for Service Animal and Service Animal Agreement” form from the school office
- Submit completed form two weeks in advance to the building Principal or his/her designee
- Provide documentation that the animal is properly vaccinated and in good health
- Signed “Service Animal Agreement” by requesting party
- Request shall be reviewed by building Principal, school nurse and student’s Individualized Education Plan Team
- Animal shall wear proper identification and leash or other form of restraint, unless disability prevents
- Development of a plan for integration of service animal into school, with family and school staff

Request for Service Animal and Service Animal Agreement:

Parent Name: _____ Date: _____

Student's Name: _____ Date of Birth: _____

Grade: _____

Is the animal required due to a disability? _____ Yes _____ No

What specific tasks have the animal been trained to perform? _____

Attach the following:

- Documentation of proper vaccination
- Documentation from veterinarian that the animal is in good health

Service Animal Agreement

I have read and understand Board Policy 383.1, Service Animals in the School. I understand that the Williams Bay 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; (3) the animal poses a direct threat to the health and safety of those present; (4) the 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

Parent/Guardian: _____

Signature

Date

Received by: _____

Name and Title

Date