

**SCHOOL DISTRICT OF WAUPACA**

**SERIES 300 INSTRUCTION**

**CODE: 383.1**

**Service Animals on District Premises**

Service animals are permitted on District premises, including school buses, to the extent required by the Americans with Disabilities Act (ADA) and/or by other federal or state requirements, or as otherwise specifically approved by the School Board or by the District Administrator or his/her administrative-level designee. More specifically:

1. The District will make reasonable accommodations to the extent consistent with applicable law to allow an individual with a disability to be accompanied by his/her service animal.
2. The District will make reasonable modifications in policies, practices, or procedures when necessary to avoid discrimination on the basis of disability with respect to accommodating the presence of service animals.
3. The District may deny modifications or accommodations and disallow or limit an individual from using his/her service animal if such use would fundamentally alter the nature of applicable District services, programs, or activities, or where such use would pose a direct threat (i.e., significant risk) to health and safety and no reasonable modification or accommodation has been identified that would sufficiently mitigate the threat.
4. Except where disallowed or limited in a manner that is consistent with applicable law and this policy, an individual with a disability will be permitted to be accompanied by his/her service animal in all areas of District premises where members of the public, participants in services, programs, or activities, or invitees, as relevant, are normally allowed to go. This provision applies at all times and to all qualified individuals with disabilities, including students and District employees.
5. If it is not readily apparent, school officials may verify that an animal qualifies as a service animal by asking (a) whether the animal is required because of a disability, and (b) what work or tasks the animal has been trained to perform. Except as otherwise permitted by law, District officials will not inquire about the nature or extent of the individual's disability; require that the individual present any medical, training or other documentation; require presentation of a special identification card; or require the service animal to demonstrate its ability to perform the work or tasks for the individual with a disability.
6. The District retains discretion to remove or exclude a service animal from District premises if the animal is out of control and the animal's handler does not take effective action to control it, or if the animal is not housebroken, or for any other lawful reason.
  - a. If a service animal is removed or excluded, the individual with a disability shall still be provided access to school facilities, programs and/or services in a manner and to the extent consistent with applicable law.

- b. Removal or exclusion decisions and other similar limitations on the presence of a service animal on District premises will normally be made by the applicable building principal or by a District-level administrator, consulting the Director of Student Services as needed. When an immediate decision is deemed necessary and an administrative-level employee is not readily available, an appropriate activity or site supervisor may make such decisions.
7. Under the ADA, the District is not responsible for the care or supervision of a service animal. Further, under the ADA, a service animal shall be under the control of its handler. A handler can be any person who can appropriately control the service animal and who is eligible to be present on school premises at the appropriate time(s) and location(s). Accordingly, a handler may be the specific individual with a disability or another designated person who is accompanying the service animal. Under this policy, the District is making no express or implied commitment to care for or supervise a service animal, or to provide a District staff member or other person to act as the handler of a service animal beyond any such obligations that may be imposed by state or federal law. Accordingly, the non-District owner(s), client, and handler(s) of a service animal should normally expect to be responsible for the care, supervision, handling, and control of the animal.
  - a. In particular circumstances, the administration will evaluate the extent to which District staff may be required by law or otherwise directed to provide limited assistance or limited support that ultimately relates to the care, supervision, and handling and control of a service animal.
  - b. When laws other than the ADA are relevant to a particular situation, the administration will evaluate the District's obligations and options that may relate to the care, supervision, and handling and control of a service animal in light of the specific circumstances and the applicable laws.
8. Under the ADA, service animals must have a harness, leash, or other tether unless the handler is unable, because of a disability, to use a tether or unless the use of a tether would interfere with the service animal's safe, effective performance of its work or tasks. Service animals that are not leashed or tethered must be under the control of the handler through some other means, such as voice commands or hand signals. The District will apply these ADA requirements unless prohibited from doing so by a separate law.
9. It is solely the responsibility of the owner, client with a disability, and/or handler of a service animal (or authorized service animal in training) to ensure that the animal is in compliance with all requirements surrounding licensing and vaccinations and that the animal is used and handled in compliance with the animal's training and any applicable certification.
10. The District will allow service animal trainers to be accompanied by a service animal they are training at school events, functions, and activities that are open to the general public (e.g., school plays and musical performances, school sporting events, etc.). A service animal in training will normally be required to be tethered and to wear an identifying cape or vest. The District does not permit District employees or District students who are service animal trainers to be accompanied by the service animals they are training on school premises during their work hours or during the

regular school day, as applicable. The District reserves the right to request that any non-disabled service animal trainer provide evidence of credentials that have been issued by an agency or organization for training service animals that are sufficient to indicate that the animal in question is being trained to be a service animal.

Inquiries regarding the presence of service animals on District premises should be made to the Director of Student Services. When it is anticipated that a service animal may be present on District premises on a regular basis with an employee, student, volunteer, service animal trainer, or other frequent visitor to the school, the individual using the service animal (or a parent, guardian, or advocate, as applicable) is strongly encouraged to the Director of Student Services, or the appropriate building principal, or, in the case of a District employee, an immediate supervisor in advance in order to better address possible modifications, accommodations, and other concerns.

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. Examples of such work or tasks include, but are not limited to: assisting navigation for individuals with sight problems, alerting the deaf or hard of hearing about the presence of people or sounds, assisting an individual during a seizure, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and preventing or interrupting impulsive or destructive behaviors. However, neither the crime deterrent effect of an animal’s presence nor the provision of emotional support, comfort, or companionship constitute work or tasks for the purposes of the ADA.

ADOPTED: 031417

REVISED:

REVIEWED:

LEGAL REFERENCE:

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]

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]

CONTRACT REFERENCE:

CROSS REFERENCE:

The School District of Waupaca is an Equal Opportunity Employer. The School District of Waupaca does not discriminate on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation, or physical, mental, emotional or learning disability.