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Title	REVISED POLICY - VOL. 29, NO. 1 -ANIMALS ON DISTRICT PROPERTY
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REVISED POLICY - VOL. 29, NO. 1

8390 - ANIMALS ON DISTRICT PROPERTY

The Board ~~of Education~~ recognizes that there are many occasions when animals are present on District property and many reasons for those animals' presence. Animals are commonly utilized by teachers during classroom presentations and are often housed in classrooms and other locations on campus. Additionally, employees, students, parents, vendors, and other members of the public may be accompanied at school by a service animal in accordance with Federal and State law and this policy.

This policy shall apply to all animals on District property, ~~including service animals.~~

Definitions

- A. **"Animal"**: Includes any living creature that is not a human being.
- B. **"Service animal"**: any guide dog, signal dog, or other animal that is individually trained or being 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. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone or fallen objects, 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 purposes of this definition.

The Americans with Disabilities Act (ADA) has also specifically defined a miniature horse as an animal that can serve as a service animal, so long as the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. To better determine whether the Board must allow for the use of a miniature horse or make modifications to buildings, the Board should refer to Section 35.136 (c) through (h) of the ADA.

- C. ~~(→)~~ "Emotional Support Animal": Emotional support animals provide comfort to individuals but are not trained to perform a specific job or tasks. This definition does not include psychiatric service animals who are properly trained and certified as a "service animal". See 28 C.F.R 36.104
- D. 1. "Therapy Dog": Therapy dogs are dogs who go with their owners to volunteer in settings such as schools, hospitals, and nursing homes for the purpose of providing affection and comfort to aid in a particular purpose, such as healing, or learning. A therapy dog in a school setting services the function of assisting students in the learning process while providing comfort and affection to specific students or to a group of students. Therapy dogs are not service dogs and do not have the same special access as service dogs. (source: American Kennel Club/AKC).

[OPTION #1]

[NOTE: The following section should be included in the policy only if the District intends to require this of every animal brought onto District property for official purposes or on a regular/recurring basis.]

[] Vaccination, Licensing and/or Veterinary Requirements

Animals housed on District property or brought on District property for any school purpose, such as to conduct random searches for illegal substances or to support classroom activities, or brought on to District property on a regular basis for any purpose, including service animals, must meet every veterinary requirement set forth in State law and County regulation/ordinance, including but not limited to rabies vaccination or other inoculations required for the animal to be properly licensed.

[END OF OPTION #1]

Non-Service Animals in Schools and Elsewhere on District Property

Animals permitted in schools and elsewhere on District property shall be limited to those necessary to support specific curriculum-related projects and activities, those that provide assistance to a student or staff member due to a disability (e.g., seizure disorder), or those that serve as service animals as required by Federal and State law.

Taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement, the Principal may permit non-service animals to be present in classrooms to support curriculum-related projects and activities only under the following conditions:

- A. the staff member seeking approval to have a non-service animal in his/her classroom shall:
 - 1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, if required by applicable law or ordinance;
 - 2. take precautions deemed necessary to protect the health and safety of students and other staff;
 - 3. ensure that the animal is treated humanely, keeping it in a healthy condition and in appropriate housing (e.g., a cage or tank) that is properly cleaned and maintained;
 - 4. keep the surrounding areas in a clean and sanitary condition at all times; and
- B. other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments have been made to accommodate verified health-related or other concerns.

Except where required by law, the presence of a non-service animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

() Emotional Support Animals for Students

An emotional support animal is not granted the same access to school buildings and classrooms, as service animals. The District is not required to grant students' requests that they be permitted to bring an emotional support animal to classes or on school grounds for any purpose. (-) The District Administrator may grant a student use of emotional support animal on a case by case basis if necessary and not disruptive to the environment or other students.

Therapy Dogs

Therapy dogs are the personal property of the handler and are specially trained to help all students in the assigned classroom, program, or school. Authorization for a therapy dog to be on District grounds may be granted by the District Administrator provided the following conditions are met each year:

- 1. Documentation of certification as a therapy dog from the AKC, Intermountain Therapy Animals (R.E.A.D.), Alliance of Therapy Dogs, Bright and Beautiful Therapy Dogs, Love on a Leash, Pet Partners, Therapy Dogs International, or another

certification program recognized by the AKC.

2. Documentation of an educational purpose for the therapy dog and a regular appraisal period for continuation.
3. Documentation that the therapy dog is not younger than one (1) year-old and is properly licensed according to local requirements.
4. Documentation from a licensed veterinarian that the therapy dog is current on its vaccinations and immunizations, is free of fleas and ticks, is in good health, is housebroken, and does not pose a danger to the well-being of students or staff.
5. Documentation of an insurance policy that provides liability insurance for the therapy dog while on District grounds.
6. Documentation that the handler has completed a background check consistent with Board policy and is prepared to be solely responsible for the therapy dog, its care, cleaning, feeding, and cleanup while on District grounds.
7. Agreement that the therapy dog and handler will abide by school rules and any specific rules for the therapy dog's presence on District grounds.

Authorization for a therapy dog to be on District grounds will be suspended if the therapy dog is the source of an allergic reaction, causes discomfort or distress of a student or staff member, shows aggression or disruptive behavior, relieves itself inappropriately, or otherwise interferes with the learning environment. Reinstatement of authorization for the therapy dog to be on District grounds requires approval by the District Administrator. Authorization for a therapy dog to be on District grounds may be withdrawn at any time by the District Administrator.

Service Animals for Students

A service animal is permitted to accompany a student with a disability to whom the animal is assigned anywhere on the school campus where students are permitted to be.

A service animal is the personal property of the student and/or parents. The Board does not assume responsibility for training, daily care, or healthcare of service animals. The Board does not assume responsibility for personal injury or property damage arising out of or relating to the presence or use of service animals on District property or at District-sponsored events.

A service animal that meets the definitions set forth in the ADA and this policy shall be under the control of the student with a disability, or a separate handler if the student is unable to control the animal. A service animal shall have a harness, leash, or other tether, unless either the student with a disability 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, in which case the service animal must be otherwise under the student's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

If the student with a disability is unable to control the service animal and another person serves as the animal's handler, that individual shall be treated as a volunteer and, as such, will be subject to Policy 8120.

Removing and/or Excluding a Student's Service Animal

If a service animal demonstrates that it is not under the control of the student or its handler, the Principal is responsible for documenting such behavior and for determining if and when the service animal is to be removed and/or excluded from school property.

Similarly, in instances when the service animal demonstrated that it is not housebroken, the Principal shall document such behavior and determine whether the service animal is to be removed and/or excluded from school property.

The Principal should notify the District Administrator **prior to or as soon thereafter as is practicable** when a service animal has been removed and/or excluded, and, immediately subsequent to such notification, document the reasons for the removal and/or exclusion.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity.

The procedures set forth in Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity do not interfere with the rights of a student and his/her parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education’s Office for Civil Rights or the Department of Justice.

Eligibility of a Student’s Service Animal for Transportation

A student with a disability shall be permitted to access School District transportation with his/her service animal. There may also be a need for the service animal’s handler, if the handler is someone other than the student, to also access School District transportation.

When a service animal is going to ride on a school bus owned, leased, or contracted for by the District, the student and his/her parents, or eligible student, and the handler, if s/he is someone other than the student, shall:

~~[CHOOSE OPTION #1 OR OPTION #2]~~

~~[] [OPTION #1]~~

~~()~~ meet with the ~~()~~ Principal **and** ~~()~~ Transportation Supervisor ~~()~~ _____ to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on bus/vehicle with a tether or harness.

While the bus is in motion, the service animal shall remain positioned on the floor, at the student’s feet.

~~[END OF OPTION #1]~~

~~[] [OPTION #2]~~

~~()~~ at the discretion of the ~~()~~ Principal ~~()~~ Transportation Supervisor ~~()~~ _____, an orientation will take place for students and staff who will be riding the bus/vehicle with the service animal regarding the animal’s functions and how students should interact with the animal.

~~The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. The service animal must participate in bus evacuation drills with the student.~~

~~While the bus is in motion, the service animal shall remain positioned on the floor, at the student’s feet. A determination shall also be made regarding whether the service animal should be secured on the bus with a tether or harness.~~

~~[END OF OPTION #2]~~

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal’s behavior, which poses a threat to the health or safety of others; or
- B. the service animal urinates or defecates on the bus.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the

District Administrator ~~()~~ Transportation Supervisor.

~~()~~ Principal.

~~()~~ _____.

Although transportation may be suspended for the service animal, it remains the District’s responsibility to transport the student. Furthermore, unless the behavior that resulted in the service animal’s removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

Service Animals for Employees

In accordance with Policy 1623, Policy 3123, and Policy 4123 - -Section 504/ADA Prohibition Against Disability Discrimination in Employment, the Board provides qualified individuals with disabilities with reasonable accommodation(s). An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. The request will be handled in accordance with the ADA mandated interactive process.

Service Animals for Parents, Vendors, Visitors, and Others

Individuals with disabilities who are accompanied by their service animals are permitted access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should follow the building's standard visitor registration procedures and are encouraged to notify the Principal that their service animal will accompany them during their visit.

An individual with a disability who attends a school event will be permitted to be accompanied by his/her service animal in accordance with Policy 9160 - Public Attendance at School Events.

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Legal

28 C.F.R. 35.104, 28 C.F.R. 35.136

Wis. Stat. 106.52, Section 504 of the Rehabilitation Act of 1973 (Section 504)

The Americans with Disabilities Act (ADA)

The Individuals with Disabilities Education Act (IDEA)

Last Modified by Chris Patritto on October 21, 2020