

The Waunakee Community School District recognizes its responsibility to permit students and staff with disabilities to be accompanied by a “service animal” in its buildings, classrooms and at school functions as required by Title II of the Americans with Disabilities Act, its accompanying regulations, and any other applicable laws and/or regulations.

Procedures and a request form to allow a student’s service animal to accompany them at school may be found on the School District’s policy and procedure web page or by contacting the Director of Special Education.

Definitions

Service Animal:

A service animal means any 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 the purpose of this definition, other species of animals, whether wild or domestic, trained or untrained, are not service animals. See 28C.F.R §35.104.

Work or tasks performed:

The work or tasks performed by a 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 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.

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 the purposes of these policies and procedures.

Guidelines

Appropriate questions about the service animal:

If an individual requires the assistance of a service animal in order to effectively participate in the educational programs of the Waunakee Community School District, the school 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. In addition, school staff should not make additional 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., the dog is 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.) See 28 C.F.R §35.136

Documentation:

School staff shall require documentation of vaccination status for the animal and additional information required in the Service Animal Request Form, 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 District's facilities 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, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. An individual may be charged the ordinary charges assessed for participation in a program or activity, e.g., tickets to an event. If the District 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 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 must ensure that the service animal is not aggressive towards others. The owner and/or handler, shall be liable for any harm or injury caused by the service animal.

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 anticipating and identifying when the animal needs to relieve itself to avoid accidents in classrooms, but should be equipped to clean up an in classroom accident promptly. The owner/handler 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 and 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.

Vaccinations and licenses:

The owner/handler shall provide evidence prior to each school year 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. Service animals are to be licensed at no cost pursuant to Wis. Stats. § 174.055.

Removal of Service Animal:

The District may ask an individual to remove a service animal from the premises if it is not unlawful to do so and 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 if the animal has an accident (urine or bowel); (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 would prevent the individual from having a service animal present as provided above, the District shall give the individual the opportunity to participate in the services, program or activity without having the service animal on the premises.

Legal

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

Cross References

Adoption Date: February 14, 2022

Reviewed: May 2023