

SERVICE ANIMALS

The District acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” in its school buildings, in classrooms, and at school functions, as required by the Americans with Disabilities Act, 28 CFR Part 35.

Definition of Service Animal

Service animals are defined as dogs that are individually trained to do work or perform tasks for people with disabilities, 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, 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.

Miniature Horse

The ADA has also defined a miniature horse as an entity 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. If an individual with a disability seeks to use a miniature horse to do work or perform tasks for the individual, the District shall refer to 25 CFR § 35.136 (c) through (i) to determine whether modifications to policies, practices, or procedures can be made to allow the use of a miniature horse.

Permitted Inquiries

If not readily apparent, the District may make two inquiries to determine whether an animal qualifies as a service animal:

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

The District will not ask about the nature or extent of a person's disability and will not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, as a condition of access.

Access to Areas of a Public Entity

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 are allowed to go.

Surcharges

The District will not require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. However, the District has a policy that allows charging for destruction of school property in other situations and may charge the service animal's owner for any damage or harm caused by the service animal in the same manner as owners of animals that are not service animals would be charged under the policy for damage caused by those animals.

Further, any liability for harm or injury to other students, staff, or visitors which is caused by a service animal is the responsibility of the owner of the service animal.

Removal of a Service Dog

A District official may ask an individual with a disability or his/her parents to remove a service animal from a school building, a classroom, or from a school function if any one of the following circumstances occurs:

1. The animal is out of control and the dog's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The animal's presence would "fundamentally alter" the nature of the service, program, or activity; or
4. The animal poses a direct threat to the health or safety of others.

Animal Under Handler's Control

A service animal shall be under the control of its handler. The handler may be the individual with the disability or another individual. The service animal must 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 dog's safe, effective performance of work or tasks, in which case the service dog must be otherwise under the handler's control.

Care or Supervision

The District is not responsible for the care or supervision of a service animal, including walking the dog or responding to the dog's need to relieve itself.

In the case of a young child or a student with disabilities who is unable to care for or supervise his/her service animal, the parent may be required to provide care and supervision of the animal. If issues arise with respect to this requirement, they will be addressed on a case-by-case basis in the discretion of the building administrator.

Vaccination and Licensing

Individuals with disabilities using service animals must comply with all vaccination and licensing requirements imposed by state and local law.

Other Animals

No other animals, including domestic pets, will be allowed on District property unless otherwise approved by the District Administrator.

Public Accommodations

To the extent the District operates any program or activity that is covered by Section 106.52, Wis. Stat., Public Places of Accommodation or Amusement, the District will abide by the requirements and obligations under that law.

Legal Ref: ADA Regulations, 28 CFR Part 35
106.52 - Wisconsin Statutes

Cross Ref: Therapy Dog Program Guidelines

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