

## ANIMALS ON DISTRICT PROPERTY

The District recognizes that there are occasions when animals are present on District property and many reasons for those animals' presence. Animals are at times utilized by teachers during classroom presentations and are 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 and those used in support of instruction.

### **Definitions for the purpose of this policy:**

- A. **"Animal"**: Includes any living creature that is not a human being which may be on school property. Exceptions to this definition include:
- a. animals that should never be brought into the classroom. This list includes but is not limited to:
    - i. Inherently dangerous animals such as bears, lions or tigers.
    - ii. Nonhuman primates such as apes or monkeys.
    - iii. Mammals that present a higher risk for transmitting rabies such as bats, raccoons, skunks, foxes and coyotes.
    - iv. Unpredictable or potentially aggressive animals whether they are wild or domestic.
    - v. Stray animals with unknown health and vaccination history.
    - vi. Venomous or toxin-producing spiders, insects, reptiles, and amphibians.
  - b. Insects and other invertebrates used for the purpose of science experiments within the district approved curriculum.
- B. **"Service animal"**: any guide dog, signal dog, or other animal approved under the Americans with Disabilities Act (ADA) 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 effects of an animal's presence as a crime prevention measure and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

The 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 District must allow for the use of a miniature horse or make modifications to buildings, the District should refer to Section 35.136 (c) through (h) of the ADA.

### **Vaccination, Licensing and/or Veterinary Requirements**

All animals, including service animals, housed on District property or brought on District property on a regular basis must be in good health and meet, where applicable to each specific animal, 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 specific type of animal. Evidence of a veterinary visit and all applicable vaccination and health records must be provided to the Building Principal annually.

### **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.

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. Prior to bringing a non-service animal into the building, it is the staff member's responsibility to ensure the animal is in good health at all times when on school property and is safe to be with students. The staff member shall provide a request in writing to the building principal to have a non-service animal in his/her classroom. The request must include:
  - a. the type of animal;
  - b. the specific need for the animal and the reason for the request;
  - c. the area the animal will be located within the school or on school district property;
  - d. the name of the animal's veterinarian;
  - e. the request must provide detailed plans for precautions to protect the health and safety of students and other staff,
  - f. plans to ensure that the animal is treated humanely-
    - i. keeping it in a healthy condition
    - ii. appropriate housing (e.g., a cage or tank)
    - iii. cleaning and maintenance plan;
    - iv. keep the surrounding areas in a clean and sanitary condition at all times
  - g. evidence of a vet visit within a year and, evidence of an up to date rabies vaccine with regard to cats, dogs, horses or other animals which require this vaccination;
  - h. and, a draft written notification (to be approved by the building principal) to other staff members and parents of students in areas potentially affected by animals.
- B. Each school year, the staff member must always have the approval of the principal prior to the animal entering the school building.
- C. The staff member shall notify the principal immediately if the status of the animal's presence on school district property changes for any reason.

A copy of all documentation shall be kept in the school office where the child attends. The building principal will be responsible for determining whether the required documentation has been provided. When the required documentation has been provided, the animal may be permitted on the school campus in accordance with the terms of the request.

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.

### **Service Animals for Students**

A service animal is permitted to accompany a student with a documented disability to whom the animal is individually assigned and specifically to trained perform tasks related to the person's disability 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 District does not assume responsibility for training, daily care, or healthcare of service animals. The District 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 IICC-School Volunteers and its administrative rules/procedures.

#### Required Documentation

The following documentation must be required prior to a service animal being allowed at school or other District property:

- A. Documentation from a medical provider (or other professional who is qualified to prescribe and assign service animals) which states the disability related need and functions which the service animal will perform.
- B. Documentation that the service animal has received proper training.
- C. The name of the animal's veterinarian must be provided to the school.
- D. A current satisfactory health certificate or report of examination from a veterinary for the service animal as required by this policy for all animals that are regularly present on District property.
- E. The parents shall provide a signed waiver indemnification agreement that includes proof of insurance that would address any damage or injury caused by the service animal.

A copy of all documentation shall be kept in the school office where the child attends and in the District Student Services Office. The Director of Student Services will be responsible for determining whether the required documentation has been provided for the student's service animal. When the required documentation has been provided, the service animal will be permitted to accompany the disabled student anywhere on the school campus where students are permitted to be.

#### 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, that it is not housebroken, or that it cannot perform the specific tasks necessary for the child the Principal is responsible for documenting such behavior. The Principal and the District Administrator, or his/her designee shall determine if and when the service animal is to be removed and/or excluded from school property. The need for indefinite removal/exclusion will be communicated in writing.

The 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 ACB- Pupil Nondiscrimination Complaint Procedure.

The procedures set forth in Policy ACB- Nondiscrimination Complaint Procedure do not intend to 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 or leased 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:

- A. meet with the Principal and Transportation Coordinator to discuss critical commands needed for daily interaction and emergency/evacuation, and to determine whether the service animal should be secured on the bus/vehicle with a tether, leash or harness.
- B. at the discretion of the Principal (and/or designee), and in conjunction with school staff, shall conduct an orientation 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.

### Removing and/or Excluding a Student's Service Animal from Transportation Privileges

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

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

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 in accordance with policy ACB- Nondiscrimination Complaint Procedure.

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 AC - Nondiscrimination, ACB - Discrimination Complaint Procedure, and GBA - Open Hiring-Equal Opportunity And Affirmative Action, the District 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 KG - Use Of School Facilities and associated administrative rules/procedures.

## **Use Law Enforcement Canine Unit**

The School Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property. School board policy JFG- Search and Seizure provides detailed information as to the use of police and canine intervention in the Pulaski Community School District.

## **Legal References:**

### Federal Law

- Title VI, Civil Rights Act of 1964
- Title IX, Education Amendments of 1972
- 14th Amendment, U.S. Constitution
- Age Discrimination Act of 1967
- Section 504 of the Rehabilitation Act of 1973
- Individuals with Disabilities Education Act 2004
- 28 CFR 35.136 - Service animals
- 28 CFR Part 35 - NONDISCRIMINATION ON THE BASIS OF DISABILITY IN STATE AND LOCAL GOVERNMENT SERVICES

### Wisconsin Statute Sections

- 106.01
- 111.31 111.38 (Subchapter II)
- 111.70 (subchapter IV)
- 115 (subchapter V)
- 118.13
- 118.20

### Wisconsin Administrative Code

- PI 9

Fair Employment      Discrimination in Education Prohibited  
Municipal Employment Relations  
Education of Children with Disabilities  
Pupil Discrimination Prohibited  
Teacher Discrimination Prohibited  
Pupil Nondiscrimination

## **Policy References:**

- AC
  - ACA
  - ACB
  - GBA
  - IGBA
  - IICC
  - JB
  - JBB
  - JFA
  - JFG
  - KG-
  - KLD
- Nondiscrimination  
Public Notification of Nondiscrimination  
Discrimination Complaint Procedure  
Equal Opportunity Employment  
Program for Students with Disabilities  
Volunteer Policy (and IICC- ADM)  
Equal Educational Opportunities  
Section 504 Equal Educational Opportunities  
Student Due Process Rights  
Search and Seizure  
Use of School Facilities (and KG-ADM)  
Complaints Concerning Personnel, Procedures

Special Education Policy and Procedure Handbook

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