

USE OF SERVICE ANIMALS IN THE SCHOOLS
BY INDIVIDUALS WITH DISABILITIES

The School District of Brodhead acknowledges its responsibility to permit students and adults with disabilities to be accompanied by a “service animal” in its buildings, classrooms and at school functions, as required by the Americans with Disabilities Act.

I. DEFINITIONS

- A. Service animal: A service animal means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual or other mental disability. For purposes of this definition, other species of animals, trained or untrained, are not service animals.
- B. Miniature horses: Generally a miniature horse ranges in height from 24 to 36 inches measured to the shoulder and generally weighs between 70 and 100 pounds.
- C. Work or tasks performed: The work or task performed must be directly related to the individual’s disability. The provision of emotional support, well-being, comfort or companionship or crime deterrent effects of an animal’s presence do not constitute work or tasks for purposes of this definition.

II. 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.

III. SURCHARGES

The District shall not require an individual 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 to permit the service animal to accompany the person with the disability. If a school 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.

IV. 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 not 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).

V. 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 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, should generally stay within 24 inches of the handler unless needed to go further to perform tasks, does not block aisles or doorways.

VI. VACCINATIONS AND LICENSES

The owner/handler shall provide annual evidence that all service animal vaccinations are current and service animals must wear a rabies-vaccination tag as required.

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.

VII. REMOVAL OF SERVICE ANIMAL

The Superintendent or Designee may ask an individual to remove a service animal from the premises 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; (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, services 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.

The School District shall not discriminate on the basis of any protected category under Wisconsin or Federal Statute.

LEGAL REF: WI. ST. 95.21 (2) (a) and (f), 106.52 (1) (fm) and (3) (am), 111.31, 118.13, 118.20, 121.02 (1) (i), 174.02 (1) (a), 174.055 and 174.07 (1)
The Americans with Disabilities Act (ADA)
Individuals with Disabilities Education Act
Section 504 of the Rehabilitation Act
ADA Regulations (28 C.F.R., Part 35)

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