

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

Animals in Schools

Due to health concerns, safety concerns, and in order to avoid disruption of school activities all animals, insects and reptiles ("collectively "Animals") are prohibited from school property unless (a) the animal has been approved by the building principal or (b) the animal is a service animal.

Live Animals (Approval by Principal)

Any person desiring to bring an animal into a school building or other designated school district property must first obtain written consent from the building principal. Such consent shall normally be denied unless the animal is being brought to school for educational purposes.

Teaching staff shall request approval from the building principal for the use of a live animal for instructional purposes prior to the display of the animal in the classroom. Such requests should be limited to situations involving a "class pet" or other appropriate limited use of animals for instructional purposes. Staff shall ensure that all animals allowed to be on school district property are adequately fed, effectively controlled, humanely treated, and properly housed in cages or containers suitable for the species. Staff shall instruct students to thoroughly wash their hands after they finish touching or handling an animal to ensure proper hygiene. Students should not eat or drink anything while touching or handling animals. If a student has allergies to a certain animal, the animal shall not be permitted in the classroom.

Service Animals in Schools

Sheridan County School District No. 2 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. The purpose of this policy is to establish procedures for the use of service animals by students, employees, and visitors within school buildings and on school grounds.

1. Individuals with disabilities shall be permitted to bring their service animals into school buildings or on school grounds in accordance with, and subject to, this policy.

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

2. Definitions:

Service animal - A "service animal" is a dog (regardless of breed or size) or miniature horse that is individually trained to perform "work or tasks" for the benefit of an individual with a disability, including an individual with a physical, sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals. Service animals are working animals that perform valuable functions; they are not pets.

Handler - A "handler" is an individual with a disability who is accompanied by a service animal or a trainer who is accompanied by a service animal. For purposes of this policy, the terms "handler" and "individual with a disability" may be used interchangeably.

"Work or tasks" - "Work or tasks" are those functions performed by a service animal. The "work or tasks" performed by a service animal must be directly related to the handler'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, 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 difficulties by preventing or interrupting impulsive or destructive behaviors.

The prime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not "work or tasks" for the purpose of this policy.

Trainer - A "trainer" is a person who is training a service animal and is affiliated with a recognized training program for service animals.

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

3. Access to programs and activities; permitted inquiries:

In general, handlers (i.e., individuals with disabilities) or trainers are permitted to be accompanied by their service animals in all areas of school district properties where members of the public, students and employees are allowed to go. A handler has the right to be accompanied by a service animal whenever and to the same extent the handler has the right:

- To be present on school district property;
- To attend or participate in a school-sponsored event, activity, or program; or
- To be transported in a vehicle that is operated by or on behalf of the school district.

When an individual with a disability brings a service animal to a school district property, school district employees shall not ask about the nature or extent of a person's disability but may make the following two inquiries to determine whether the animal qualifies as a service animal:

- if the animal is required because of a disability; and
- what work or task the animal has been trained to perform.

School district employees shall not make these inquiries of an individual with a disability bringing a service animal to school district property when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability.

An individual with a disability may not be required to provide documents such as proof that the animal has been certified, trained or licensed as a service animal.

4. Management of Service Animals.

A service animal must be under the control of its handler. A 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 tether, or the use of the harness, leash or tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

5. Care of, and responsibility for, service animals; liability.

The handler is solely responsible for the care and supervision of the service animal including, but not limited to, feeding, watering, cleaning, and toileting. Neither the school district nor its staff will assume such responsibilities. 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 is responsible for providing care and supervision of the animal. Issues related to the care and supervision of service animals will be addressed on a case-by-case basis at the direction of the building administrator.

Individuals with disabilities who are assisted by service animals are responsible for providing the supplies and equipment needed by the service animal.

Owners of service animals are liable for any damage, harm or injury caused by the service animal to other students, staff, visitors and/or property.

All service animals must be in compliance with applicable municipal ordinance, county, state and/or federal laws and the handler must be able to demonstrate that his/her service animal is in compliance with public health and local animal control requirements.

6. Removal or exclusion of a service animal.

A school official may require a handler to remove a service animal from school district property, a school building, school transportation vehicle, or a school-sponsored program or activity, if:

- The service animal is out of control and the handler does not take effective action to control it;
- The service animal is not house broken;
- The presence of the animal would fundamentally alter the nature of a service, program or activity; or
- The handler fails to submit proof of current vaccinations and immunizations of the service animal.

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

If the service animal is properly excluded, the school district shall give the individual with a disability the opportunity to participate in the service, program or activity without the service animal, unless such individual has violated a law or a school rule or regulation that would warrant the removal of the individual.

7. Additional limitations for miniature horses.

In assessing whether a miniature horse may be permitted in a school building or on school grounds as a service animal, the following factors shall be considered:

- The type, size and weight of the miniature horse and whether the facility can accommodate these features;
- Whether the handler has sufficient control of the miniature horse;
- Whether the miniature horse is housebroken;
- Whether the miniature horse's presence in a specific building or on school grounds compromises legitimate safety requirements that are necessary for safe operation; and
- Whether the miniature horse's presence is contrary to any other provision of this policy.

8. Allergies; fear of animals.

If a student or employee notifies the school district that he/she is allergic to a service animal, the school district will balance the rights of the individuals involved. In general, allergies that are not life threatening are not a valid reason for prohibiting the presence of a service animal. Fear of the animal is generally not a valid reason for prohibiting the presence of a service animal.

9. Animals for students with IEPs or Section 504 plans.

If a special education student or a student with a Section 504 plan seeks to bring an animal onto school property that is not a

ANIMALS IN SCHOOLS/SERVICE ANIMALS IN SCHOOLS

service animal, the request shall be referred to the student's IEP team or Section 504 team.

10. Service animals for employees.

Use of a service animal by a school district employee who is a qualified individual with a disability will be allowed when such use is necessary to enable the employee to perform the essential functions of his/her position or to enjoy the benefits of employment in a manner comparable to those similarly situated non-disabled employees.

28 CFR Section 35.136

Wyo. Stat. Ann. 35-13-201 et seq.

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