



DISTRICT POLICY

UPDATES

**Strategy Four – Balance Change for All
with Excellence for All**

**Objective 4.1 Continuous Improvement of Service
Quality**

**THIS GROUP OF POLICIES/PROCEDURES HAVE BEEN RECOMMENDED BY WSSDA
FOR REVISIONS & Possible WSD Changes Added**

3000 Policy Series Review

Policy	Title	Suggested Action	District Recommendation	Rationale
2030	Service Animals in School	Encouraged	Approve	Reflects the changes in law about what qualifies as a service animal.
2030P	Service Animals in School	FYI		
3143	District Notification of Juvenile Offenders		Approve	Clarifies district's responsibilities when receiving notification of juvenile offenders present in district schools.
3231	Student Records		Approve	Minor changes and addition of web address.
				2/2019

Service Animals in Schools

The Wenatchee School Board of Directors acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a "service animal" as required by federal laws and Washington State's law against discrimination. This policy governs the presence of service animals in the schools, on school property, including school buses and at school activities.

A "service animal" means ~~an animal~~ any dog or miniature horse that is individually trained for the purpose of assisting or accommodating a disabled person's sensory, mental or physical disability 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 the service animal must be directly related to the individual's disability.

Examples of work or tasks include, but are not limited to the following:

- 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 nonviolent protection or rescue work,
- Pulling a wheelchair,
- 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.

It is a civil infraction to misrepresent an animal as a service animal. A student's~~The parent/guardian of a student~~ who believes their student needs to bring a service animal to school or an employee who wishes to bring a service animal to school, must submit a written request to the building principal. The building principal, in consultation with the Section 504 coordinator or director of special services, as appropriate, will determine whether ~~or not~~ to permit the service animal in school. The principal shall not ask about the nature or extent of a person's disability, but may make two inquires to determine whether an animal qualifies as a service animal. The principal may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The principal shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. The principal may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

The superintendent will develop procedures to implement the policy.

Cross References:	5010 - Nondiscrimination and Affirmative Action
	3210 - Nondiscrimination
	2162 - Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973
	2161 - Special Education and Related Services for Eligible Students
	2029 - Animals as Part of the Instructional Program

Legal References: American Disabilities Act (ADA), Revised Title II Regulations,
35 Service animals
Section 504 of the Rehabilitation Act of 1973
RCW 28A.642 Discrimination Prohibition
RCW 49.60.040 Definitions
WAC 162-26 Public accommodations, disability discrimination
WAC 392-145-021(3) General operating requirements
WAC 392-172A-01035 Child with a disability or student
eligible for special education
WAC 392-172A-01155 (3) Related services
WAC 392-190 Equal education opportunity - Unlawful
discrimination prohibited

Adoption Date: 6/26/12

Revised Dates: 06.11, 3/15, 2/16, __/19

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Cross References: 5010 - Nondiscrimination and Affirmative Action
 3210 - Nondiscrimination
 2162 - Education of Students With Disabilities Under Section
 504 of the Rehabilitation Act of 1973
 2161 - Special Education and Related Services for Eligible
 Students
 2029 - Animals as Part of the Instructional Program

Legal References: American Disabilities Act (ADA), Revised Title II Regulations,
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Section 504 of the Rehabilitation Act of 1973
RCW 28A.642 Discrimination Prohibition
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Procedure - Service Animals in Schools

A. **Service Animal Uses**

Service animals are any dog or miniature horse-animals that isare individually trained to do work or perform tasks for the benefit of an individualpeople with a disabilitydisabilities, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability.

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~~-such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure or performing other special tasks. Service animals are working animals, not pets.~~

It is a civil infraction to misrepresent an animal as a service animal. Use of a service animal by a student with a disability will be allowed in school when it is determined that the student's disability requires such use in order to assist or accommodate access to the instructional program, school services and/or school activities.

Use of a service animal by an employee with a disability will be allowed when such use is necessary as a reasonable accommodation to enable the employee to perform the essential functions of their job or to access benefits of employment provided to all employees in the same job classification.

The use of a service animal by an individual with a disability will not be conditioned on the payment of a fee, security deposit, or surcharge.

-The principal shall not ask about the nature or extent of a person's disability, but may make two inquires to determine whether an animal qualifies as a service animal. The principal may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The principal shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. The principal may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability.

A.B. **Requirements for Service Animal Access**

Before a service animal will be permitted in school, on school property or at school sponsored events, the student's parent or the employee must provide a description of the task(s) the service animal is expected to perform in assisting the person with a disability.

The district will provide access to a person with a disability who needs a service animal provided

that the tasks performed by the service animal are directly related to the disability; and the animal has been individually trained to perform a task, is housebroken; is free of disease and parasites, has a harness, leash or tether so it cannot run free and is under the control of the person with a disability.

A service animal must also be licensed and immunized in accordance with the laws, regulations, and ordinances of the city of _____, the county, and the state of Washington.

B.C. Parents or Animal Handlers

Parents or animal handlers who will be present in school for the purpose of assisting a student with his/her service animal are required to submit to a sex offender registry and criminal background check. In addition, parents and handlers must comply with all standards of conduct that apply to school employees and volunteers.

C.D. Removal or Exclusion of a Service Animal from School or School Property

The building principal or district administrator may request an individual with a disability to remove a service animal from school, a school sponsored activity, or school property if the animal is out of control and the animal's handler does not take effective action to control the animal. Examples of the animal being out of control include, but are not limited to the following:

1. The presence of the animal poses a direct threat to the health and/or safety of others;
2. The animal significantly disrupts or interferes with the instruction program, school activities or student learning. However, annoyance on the part of the others is not an unreasonable risk to property or others to justify the removal of the service animal;
3. The presence of the animal would result in a fundamental alteration of any school program;
4. The individual in control of the animal fails to appropriately care for the animal, including feeding, exercising, taking outside for performance of excretory functions and cleaning up after the animal;
5. The animal fails to consistently perform the function(s)/service(s) to assist or accommodate the individual with the disability;
6. The animal is ill; or
7. The animal is not housebroken.

If the district excludes a service animal, it will provide the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises.

E. Service Animals at School-Sponsored Events

Individuals with disabilities may be accompanied by their service animals to events or activities open to the public that are held in schools or on school property.

The building administrator may revoke or exclude the service animals for the reasons set forth in paragraph "D" above.

F. Responsibility/Liability

1. Neither the district, nor its employees, are responsible for the cost, care or supervision of the service animal. (See Policies 2161, *Special Education and Related Services for Eligible Students*, and 2162, *Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973, for responsibility for related services*);
2. A service animal must be under the control of its handler. A service animal must also 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 the 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 handler's control (*e.g., voice control, signals or other effective means*); and

3. The owner/handler of the service animal is responsible for any and all damage caused by the service animal at school, on school premises or at school activities.

G. Appeals

A parent or employee whose service animal has been excluded or removed may appeal the decision to the superintendent. If dissatisfied with the superintendent's decision, the parent or employee may appeal to the board.

H. Resources

1. District Contact
[*Insert the name/title of the district contact*]
2. Superintendent of Public Instruction
Equity and Civil Rights Office
P.O. Box 47200
Olympia, WA 98504-7200
360.725.6162
3. Washington State Human Rights Commission
711 South Capitol Way, Suite 402
P.O. Box 42490
Olympia, WA 98504-2490
360.753.6770
4. Office for Civil Rights
U.S. Department of Education
915 Second Avenue, Room 3310
Seattle, WA 98174
206.607.1600

Adoption Date: 2/16
Revised Dates: [2/19](#)

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206.607.1600

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Revised Dates: 2/19

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DISTRICT NOTIFICATION OF JUVENILE OFFENDERS

A court will notify the ~~common principal of a~~ school in which a student is enrolled if the student has been convicted, adjudicated, or entered into a diversion agreement for any of the following offenses: a violent offense, a sex offense, a firearms offense, inhaling toxic fumes, a drug offense, liquor offense, assault, kidnapping, harassment, stalking or arson. ~~The principal must inform any teacher of the student and any other personnel who should be aware of the information. The information may not be further disseminated.~~ If the district receives this information instead of the principal, the district will provide it to the building principal.

The Department of Social and Health Services (DSHS) will notify the board of directors in writing at least thirty days before a juvenile convicted of a violent offense, a sex offense, or stalking is discharged, paroled, given authorized leave, or otherwise released to reside in the district. The district will ensure that this written information is provided to the pertinent building principal. The DSHS Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victims' siblings. If there is a conflict in schools, DSHS program staff will work with JRA to have the offender moved to another school.

A community residential facility to which an adjudicated juvenile is transferred will provide written notice of the offender's criminal history to the district if the juvenile is attending school in the district while residing at the community residential facility. The district will ensure that such written notice is provided to the pertinent building principal.

When the principal receives notification of juvenile offenders as described above, he or she must provide the information received about the student to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The information that the principal must provide is based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

~~A student convicted, adjudicated, or entering into a diversion agreement for an assault, kidnapping, harassment, stalking, or arson against a teacher shall not be assigned to that teacher's classroom during the duration or the student's attendance at that school or any school to which the teacher is assigned. Neither shall the student be assigned to a classroom where another student who was his or her victim for the offense is enrolled.~~

~~The state department of social and health services will notify the board of directors in writing at least thirty days before a juvenile convicted of a violent offense, a sex offense or stalking is discharged, paroled, given authorized leave or otherwise released to reside in the district. The Department of Social and Health Services (DSHS) Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or victims' siblings. If there is a conflict in schools, DSHS program staff will work with JRA to have the offender moved to another school.~~

Any information received by a principal or school personnel under this policy is confidential and may not be further disseminated except as allowed by the statute for transfer of records (RCW

28A.225.330), other statutes and case law, or the Family and Educational and Privacy Rights Act, 20 U.S.C. Sec. 1232g et seq.

If student convicted, adjudicated, or entering into a diversion agreement for an assault, kidnapping, harassment, stalking, or arson against a teacher, then that student will never be assigned to that teacher's classroom. Additionally, if a student is convicted of, adjudicated for, or has entered into a diversion agreement for assault, kidnapping, harassment, stalking, or arson against another student, the offending student will never be assigned to the same class as the other student.

Convicted juvenile sex offenders will not attend a school attended by their victims or their victims' siblings. Offenders and their parents or guardians will be responsible for providing transportation or covering other costs related to the offenders' attendance at another school.

~~A community residential facility to which an adjudicated juvenile is transferred shall provide written notice of the offender's criminal history to the district if the juvenile is attending school in the district while residing at the community residential facility.
Convicted juvenile sex offenders shall not attend a school attended by their adjudicated victims or a victim's sibling. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender's attendance at another school.~~

Cross References: Board Policy 2161 - Special Education and Related Services for Eligible Students
 Board Policy 3140 - Release of Resident Students
 ~~Board Policy 4315 - Release of Information Regarding Sexual Offenders~~
 Board Policy 3144 - Release of Information Concerning Student Sexual and Kidnapping Offenders
 Board Policy 3231 - Student Records
 Board Policy 4020 - Confidential Communications

Legal References: RCW 13.04.155 Notification to school principal of conviction, adjudication, or diversion agreement-provision of information to teachers and other personnel — Confidentiality
 RCW 13.40.215 Juveniles found to have committed violent or sex offense or stalking — Notification of discharge, parole, leave release, transfer, or escape — To whom given — School Attendance - Definitions
 RCW 28A.600.460 Classroom discipline — policies — classroom placement of student offenders — data on disciplinary actions

Management Resources:

2018 - December Issue

2018 - August Issue

2010 - October Issue

~~Policy News, August 1997 - Legislature addresses student discipline~~

Policy News, June 1999 - School Safety Bills Impact Policy

Policy News, August 1997 - Legislature addresses student discipline

Adoption Date: 11.28.95 _____
Revised: 06.00; 10.10; 2/22/11; 12.11; 08.18; /19

Student Records

The district will maintain those student records necessary for the educational guidance and/or welfare of students, for orderly and efficient operation of schools, and as required by law. All information related to individual students will be treated in a confidential and professional manner. The district will use reasonable methods to ensure that teachers and other school officials obtain access to only those education records for which they have legitimate educational interests. When information is released in compliance with state and federal law, the district and district employees are immune from civil liability unless they acted with gross negligence or in bad faith.

The district will retain records in compliance with the current, approved versions of the Local Government General Records Retention Schedule (CORE) and the School Districts and Educational Service Districts Records Retention Schedule, both of which are published on the Secretary of State's website at: www.sos.wa.gov/archives/recordsretentionschedules.aspx.

Student records are the property of the district but will be available in an orderly and timely manner to students and parents. "Parent" includes the state Department of Social and Health Services when a minor student has been found dependent and placed in state custody. A parent or adult student may challenge any information in a student record believed inaccurate, misleading, or in violation of the privacy or other rights of the student.

Student records will be forwarded to other school agencies upon request. A high school student may grant authority to the district, which permits prospective employers to review the student's transcript. Parental or adult student consent will be required before the district may release student records other than to a school agency or organization, except as otherwise provided by law.

A grades report, transcript, or diploma will not be released until a student has made restitution for damages assessed as a result of losing or damaging school materials or equipment. If a student has transferred to another school district that has requested the student's records, but the student has an outstanding fee or fine, only records pertaining to the student's academic performance, special placement, immunization history, and discipline actions, official juvenile court records, and history of violence will be sent to the enrolling school. The content of those records will be communicated to the enrolling district within two school days and copies of the records will be sent as soon as possible. The official transcript will not be released until the outstanding fee or fine is discharged. The enrolling school will be notified that the official transcript is being withheld due to an unpaid fee or fine.

The superintendent will establish procedures governing the content, management, and control of student records.

Cross References: 2100 - Educational Opportunities for Military Children
 3143 - District Notification of Juvenile Offenders
 3211 - Transgender Students
 3520 - Student Fees, Fines, or Charges
 4020 - Confidential Communications
 4040 - Public Access to District Records