

Service Animals at School

The Board of Education acknowledges its responsibility to permit students and/or adults with disabilities to be accompanied by a “service animal” on school property and/or facilities and/or at school and Office of Education functions as required by the Americans with Disabilities Act, 28 CFR Part 35, and applicable California law subject to the rules and procedures described in this regulation.

This regulation only applies to members of the public, students, and staff with disabilities who are requesting to be accompanied by a service animal to an Office of Education property and/or facility and/or school function.

SERVICE ANIMAL DEFINED

1. A service animal must be a dog or, in limited specific circumstances, a miniature horse. No other species of animal, whether wild or domestic, will be permitted as a “service animal.”
2. Miniature Horses: Requests to permit a miniature horse to accompany a student or adult with a disability on school property and/or facilities and/or at school functions will be handled on a case-by-case basis, considering:
 - a. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
 - b. Whether the handler has sufficient control of the miniature horse;
 - c. Whether the miniature horse is housebroken; and
 - d. Whether the miniature horse’s presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.
3. A service animal must be “required” for the individual with a disability and the service animal must be “individually trained” to do work or a task for the individual with a disability. These tasks may include, but not be limited to, guiding an individual with a disability, alerting individuals with impaired hearing, pulling a wheelchair, or fetching dropped items. The task performed by the service animal must be directly related to the functional limitation of the individual’s disability. Service animals are working animals and are not pets.
4. If it is obvious what service the animal provides to the individual with a disability, then staff should not make any further inquiries regarding the tasks performed by the service animal (i.e. a guide dog for an individual

with impaired vision). Only limited inquiries are allowed by District staff to determine if a dog is a service animal when it is not obvious what service the dog provides and staff may ask only the following two questions:

- a. Is the service animal required because of a disability?
- b. What work or task has the service animal been trained to perform?

Staff cannot ask about the individual's disability, require medical documentation, require a special identification card or training documentation for the service animal, require the service animal to wear an identifying vest, or ask that the service animal demonstrate its ability to perform the work or task.

5. "Therapy," "comfort," or "companion" animals are not service animals and issues regarding these animals are addressed by AR 6163.22 – Non-Service Animals at School.
6. This policy does not address service animals being trained as service animals but not actually performing a task for an individual with a disability. Please refer to AR 6163.21 – Service Animals in Training at School.
7. Any person knowingly and fraudulently representing himself or herself through either verbal or written notice to be the owner or trainer of a service dog shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six months, by a fine not exceeding one thousand dollars, or both by fine and imprisonment.

RESPONSIBILITIES OF INDIVIDUAL WITH A DISABILITY/HANDLER

1. All animals must be treated for, and kept free of, fleas and ticks and other pests.
2. All animals must be kept clean and groomed to avoid shedding and dander.
3. The owner/handler of the animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
4. All animals 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 animal's safe, effective performance of work or tasks, in which case the animal must be otherwise under the handler's control.

5. The District is not responsible for the care or supervision of the service animal, such as walking the animal or responding to the animal's need to relieve itself. The owner/handler of the service animal must always carry equipment sufficient to clean up the animal's waste, immediately remove the waste, and be responsible for the proper disposal of the animal's waste.
6. Students with service animals are expected to care for and supervise their animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the student's parents are 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 discretion of the Principal or designee.
7. If the request is for a service dog, the person making the request must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
8. All service dogs must be spayed or neutered.
9. If the request is for a service miniature horse, the person making the request must provide annual proof of the following vaccinations: Equine Infectious Anemia (Coggins Test), Rabies, Tetanus, Encephelomyelitis, Rhinoneumonitis, Influenza, and Strangles.

REMOVAL OF A SERVICE ANIMAL

1. The Principal or designee may ask any individual who brings a service animal to a school property and/or facility and/or school function to remove the service animal if any one of the following circumstances occurs:
 - a. The animal is out of control and the animal's handler does not take effective action to control it;
 - b. The animal is not housebroken; and/or
 - c. The animal's presence would pose a "direct threat." Pursuant to 28 CFR 35.104, a direct threat is defined as a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

2. When an individual's service animal is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service animal present.

SERVICE ANIMAL REQUESTS BY A MEMBER OF THE PUBLIC

All requests for a member of the public to bring a service animal to a school property and/or facility and/or school function must be directed to the principal, designee, or school site administrator as appropriate. The principal, designee, or school site administrator shall, in accordance with this policy, confirm that the animal is a service animal and shall, upon the request of the individual, provide the individual with a copy of this policy.

When practically possible, the member of the public requesting to bring a service animal to a school property and/or facility and/or school function is encouraged to make the request in writing 10 business days prior to the date the member of the public plans to bring the service animal; however, the individual cannot be required to provide this advance written notice in order to bring a service animal to a school property and/or facility and/or school function. The written notice may be provided to the site facility administrator.

SERVICE ANIMAL REQUESTS ON BEHALF OF A STUDENT

All requests for a student to bring a service animal to a school property and/or facility and/or school function must be made in writing, 10 business days prior to the date the student plans to bring the service animal, to the site facility administrator.

The principal or designee shall, in accordance with this policy, confirm that the animal is a service animal and shall provide the student's parents with a copy of this policy and require the student's parent(s) to acknowledge in writing that the parent(s) has received a copy of the policy, the parent(s) understands the contents of the policy, and the parent(s) agrees to comply with the policy. As part of the approval process, the student's parent(s) must provide proof that the service animal has received all required vaccinations.

The principal or designee shall review and approve or deny requests to bring a service animal to school property and/or facility and/or school function on a case-by-case basis.

The principal or designee shall give such permission to bring a service animal to school property and/or facility and/or school function only after he/she has provided written notification to all parents/guardians of students in the affected class(es) and staff in the affected class(es), asking them to verify whether their child or if they have any known allergies, asthma, or other health

condition that may be aggravated by the service animal's presence. When an individual has provided notification that his/her child or the staff member has provided notification that he/she has an allergy, asthma, or other health condition that may be aggravated by the service animal, the principal or designee shall take appropriate measures to protect the student or staff member from exposure to the service animal. Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals. When an individual whose health is aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a school cafeteria, both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

SERVICE ANIMAL REQUESTS ON BEHALF OF A STAFF MEMBER

All requests for a staff member to bring a service animal to a school property and/or facility and/or school function must be made in writing, 10 business days prior to the date the staff member plans to bring the service animal, to the site facility administrator.

The principal, or designee shall, in accordance with this policy, confirm that the animal is a service animal and shall provide the staff member with a copy of this policy and require the staff member to acknowledge in writing that he/she has received a copy of the policy, he/she understand the contents of the policy, and he/she agree to comply with the policy. As part of the approval process, the staff member must provide proof that the service animal has received all required vaccinations.

The principal or designee shall review and approve or deny requests to bring a service animal by a staff member to school property and/or facility and/or school function on a case-by-case basis. This approval process shall include a meeting with the principal, or designee, the staff member, and if requested by the staff member, a representative from the staff member's bargaining unit and other individuals deemed appropriate by the District. The purpose of the meeting will be to address any questions or concerns regarding the approval process that either the District and/or staff member may have.

The principal, or designee shall give such permission to bring a service animal to school property and/or facility and/or school function only after he/she has provided written notification to all parents/guardians of students in the affected class(es) and staff in the affected class(es), asking them to verify whether their child or if staff have any known allergies, asthma, or other health condition that may be aggravated by the service animal's presence. When an

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individual has provided notification that his/her child or the staff member has provided notification that he/she has an allergy, asthma, or other health condition that may be aggravated by the service animal, the principal, or designee shall take appropriate measures to protect the student or staff member from exposure to the service animal. Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals using service animals. When an individual whose health is aggravated by the service animal's presence and an individual who uses a service animal must spend time in the same room or facility (for example, in a school classroom or at a school cafeteria) both individuals should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.

All requests for permission for an employee with a disability to bring a service animal or assistive animal, as defined in Title 2 of the California Code of Regulations section 7293.6(a), into the workplace as a reasonable accommodation will be addressed through the Interactive Process as described in AR 4032.

Legal Reference:

EDUCATION CODE

233.5 Instruction in kindness to pets and humane treatment of living creatures

39839 Transportation of guide dogs, signal dogs, service dogs

51202 Instruction in personal and public health and safety

51540 Safe and humane treatment of animals at school

CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

GOVERNMENT CODE

810-996.6 California Tort Claims Act, especially:

815 Liability for injuries generally; immunity of public entity

835 Conditions of liability

VEHICLE CODE

21113 Public grounds

CODE OF REGULATIONS, TITLE 13

1216 Transportation of property

UNITED STATES CODE, TITLE 20

1400-1482 Individuals with Disabilities Education Act

UNITED STATES CODE, TITLE 29

794 Rehabilitation Act of 1973, Section 504

CODE OF FEDERAL REGULATIONS, TITLE 28

35.104 Definitions

35.136 Service animals

COURT DECISIONS

Sullivan v. Vallejo City USD, (1990) 731 F.Supp. 947