

Service Animals in Training at School

The Board of Education acknowledges the responsibility to permit individuals to be accompanied by a “service animal” in training on school property and/or facilities and/or at school functions as required by Civil Code section 54.2 subject to the rules and procedures described in this regulation.

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

SERVICE ANIMAL IN TRAINING DEFINED

1. A service animal in training must be a dog. No other species of animal, whether wild or domestic, will be permitted as a “service animal in training.”
2. Only individuals with a disability and individuals authorized to train service dogs for individuals with a disability may request to bring a service dog in training on school property and/or facilities and/or at school functions.
3. A trainer, who has been authorized to bring a service dog in training on school property and/or facilities and/or at school functions, cannot be required to pay an extra charge or security deposit.

RESPONSIBILITIES OF TRAINER OF SERVICE DOG

1. The trainer of the service dog in training shall ensure the dog is on a leash and tagged as a guide dog, signal dog, or service dog by an identification tag issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Title 14 of the Food and Agricultural Code.
2. The service dog in training must be treated for, and kept free of, fleas and ticks and other pests.
3. The service dog in training must be kept clean and groomed to avoid shedding and dander.
4. The owner/trainer of the service dog in training is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property.
5. The Office of Education is not responsible for the care or supervision of the service dog in training, such as walking the dog or responding to the dog’s need to relieve itself. The trainer of the service dog in training must always carry equipment sufficient to clean up the dog’s waste, immediately remove the waste, and be responsible for the proper disposal of the dog’s waste.

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6. The trainer of the service dog in training must provide annual proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
7. All service dogs in training must be spayed or neutered.
8. “Therapy,” “comfort,” or “companion” dogs are not service animals in training and issues regarding these animals are addressed by AR 6163.22 – Non-Service Animals at School.
9. This policy does not address service animals actually performing a task for an individual with a disability. Please refer to AR 6163.20 – Service Animals at School.
10. 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.

REMOVAL OF A SERVICE DOG IN TRAINING

1. The principal or designee may ask any individual who brings a service dog in training to a school property and/or facility and/or school function to remove the service dog in training if any one of the following circumstances occurs:
 - a. The dog is out of control and the animal’s handler does not take effective action to control it;
 - b. The dog is not housebroken; and/or
 - c. The dog’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 a trainer’s service dog in training is excluded, he/she shall be given an opportunity to participate in the service, program, or activity without having the service dog in training present.

SERVICE DOG IN TRAINING REQUESTS BY A MEMBER OF THE PUBLIC

All requests for a member of the public to bring a service dog in training 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,

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designee, or school site administrator shall, in accordance with this policy, confirm that the dog is a service dog in training and shall, upon the request of the trainer, provide the trainer with a copy of this policy.

When practically possible, the member of the public requesting to bring a service dog in training 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 dog in training; however, the trainer cannot be required to provide this advance written notice in order to bring a service dog in training 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 dog in training 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 dog in training, to the site facility administrator.

The principal or designee shall, in accordance with this policy, confirm that the animal is a service dog in training 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 dog in training has received all required vaccinations. The student's parent(s) shall also be required to provide written documentation supporting that the student is authorized to train a service dog in accordance with Civil Code section 54.2(b).

The principal or designee shall review and approve or deny requests to bring a service dog in training 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 dog in training 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 dog in training'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 dog in training. Allergies and fear of dogs are not valid reasons for denying access or refusing service to individuals training service dogs. When an individual whose health is aggravated by the service dog in training's presence and an individual with a service dog in training 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 TRAINING REQUESTS ON BEHALF OF A STAFF MEMBER

Because staff members are expected to focus on performing the duties associated with their positions with the Office of Education and to ensure the safety and security of the school community, staff members may not either voluntarily or for compensation bring a service dog in training to a school property and/or facility and/or school function.

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