

SAN LORENZO UNIFIED SCHOOL DISTRICT BOARD POLICY

Instruction

BP 6163.2

ANIMALS AT SCHOOL

The Governing Board recognizes that animals can contribute to the district's instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access district programs and activities. In addition, instruction related to the care and treatment of animals teaches students a sense of responsibility and promotes the humane treatment of living creatures.

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, the district assumes no liability for the safety of animals allowed on district property.

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

Management Resources:

FEDERAL REGISTER

Rules and Regulations, September 15, 2010, Vol. 75, Number 178, pages 56164-56236

CSBA PUBLICATIONS

Indoor Air Quality: Governing Board Actions for Creating Healthy School Environments, Policy Brief, July 2008

Asthma Management in the Schools, Policy Brief, March 2008

U.S. DEPARTMENT OF JUSTICE

Civil Rights Division, Disability Rights Section: Frequently Asked Questions about Service Animals and the ADA

WEB SITES:

CSBA: <http://www.csba.org>

American Society for the Prevention of Cruelty to Animals: <http://www.asPCA.org>

Humane Society of the United States: <http://www.hsus.org>

U.S. Department of Education, Office of Civil Rights: <http://www.ed.gov/about/offices/list/ocr>

Board adopted: August 16, 2016

SAN LORENZO UNIFIED SCHOOL DISTRICT ADMINISTRATIVE REGULATIONS

Instruction

AR 6163.2

ANIMALS AT SCHOOL

1. Use of Animals for Instructional Purposes

Before any student or employee brings an animal to school for an instructional purpose, he/she shall receive written permission from the principal or designee. The principal or designee shall give such permission only after he/she has provided written notification to all parents/guardians of students in the affected class, asking them to verify whether their child has any known allergies, asthma, or other health condition that may be aggravated by the animal's presence. When a parent/guardian has provided notification that his/her child has an allergy, asthma, or other health condition that may be aggravated by the animal, the principal shall take appropriate measures to protect the student from exposure to the animal.

All animals brought to school must be in good physical condition and must be appropriately immunized. The teacher shall ensure that the species of animal is appropriate for the instructional purpose and age and maturity of the students.

All animals brought to school shall be adequately fed, effectively controlled, humanely treated, and properly harnessed, leashed, caged, containered or tethered while in public places. Except for service animals, as defined below, designated school staff shall ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner.

The teacher shall ensure that students receive instructions regarding the proper handling of and personal hygiene around animals.

Except for service animals, as defined below, all animals are prohibited on school transportation services. (Education Code 39839; 13 CCR 1216)

2. Use of Service Animals by Individuals with Disabilities While on School or District Property

For an individual with a disability, service animal means any dog that is individually trained to do work or perform tasks related to the individual's disability and for his/her benefit. For example, for an individual who is blind or has low vision, a service animal would mean a dog that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

Individuals with disabilities may be accompanied on school premises and on school transportation by service animals, including specially trained guide dogs, signal dogs, or service dogs. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

All animals brought to school shall be adequately fed, effectively controlled, humanely treated, and properly harnessed, leashed, caged, containered or tethered while in public places unless these devices interfere with the service animal's work or the person's disability prevents use of these devices.

Service animals must be allowed to accompany individuals with disabilities in all areas of the facility where the public is normally allowed to go (e.g. offices, restrooms and cafeterias.)

There are certain isolated circumstances under which a service animal may be removed from the premises. The Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the individual does not take effective action to control it, the animal is not housebroken, or the does not have current immunizations (may be excluded until the immunizations are brought to current.) 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. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

Service animals should wear a vest or other device to identify them as such to distinguish them from a personal pet or stray animal.

Emotional support animals, comfort animals, and therapy animals are not service animals under Title II and Title III of the ADA.

Staff cannot ask about the individual's disability or ask that the animal demonstrate its ability to perform the work or task. They may ask two questions: (1) Is the animal a service animal required because of a disability and (2) What work or task has the dog been trained to perform.

3. Use of Service Animals by Students with Disabilities

In cases where a student with a disability is determined to be in need of a service animal, the IEP or Section 504 team, as applicable, will develop and implement necessary accommodations for the student through the applicable process.

The IEP or Section 504 team, as applicable, will determine whether the school may need to provide assistance to enable a particular student to handle his or her service animal.

All other related district administrative regulations written in this document shall apply to service animals.

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