

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. All animals brought into the classroom for instruction must be approved by the Superintendent or designee.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 6142.4 - Service Learning/Community Service Classes)
(cf. 6159 - Individualized Education Program)
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)
(cf. 6164.6 - Identification and Education Under Section 504)

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.

(cf. 3320 - Claims and Actions Against the District)
(cf. 3530 - Risk Management/Insurance)
(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)
(cf. 5141.23 - Asthma Management)

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

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>

Adopted 3.15.17

Section 6000

Instruction

Administrative Regulations

6163.2

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.

(cf. 3514 - Environmental Safety)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

(cf. 5141.23 - Asthma Management)

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 housed in cages or containers suitable for the species. The teacher shall ensure that cages and containers are cleaned regularly and that waste materials are removed and disposed of in an appropriate manner.

(cf. 5141 - Health Care and Emergencies)

(cf. 5142 - Safety)

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

(cf. 5141.22 - Infectious Diseases)

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

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 5131.1 - Bus Conduct)

Use of Service Animals by Individuals with Disabilities

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. A therapy animal may be allowed when appropriate and must be approved by principal or designee. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 3541.2 - Transportation for Students with Disabilities)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee may permit the use of a miniature horse as a service animal when the horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability, provided that: (28 CFR 35.136)

1. The district's facility can accommodate the type, size, and weight of the horse.
2. The individual has sufficient control of the horse.
3. The horse is housebroken.
4. The horse's presence in the specific facility does not compromise legitimate safety requirements of the facility.

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 or the animal is not housebroken. 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)

See following pages for definitions, conditions and requirements for Animals At Schools

1. Definitions

- a. Service Animal: animals that are individually trained to perform tasks for people with disabilities – such as guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting and protecting a person who is having a seizure, assisting a person with autism, or performing other special tasks.
 - 1) A service animal is only a service animal when it is partnered with a person with a disability. If a person is not disabled, then the pet cannot become a service animal unless it is donated for training as a service animal for someone who is disabled.
 - 2) Service animals can also be called assistance animals.
 - 3) Service animals are primarily dogs. Sometimes, but rarely, miniature horses or monkeys are used as service animals.
 - 4) Service animals are working animals, not pets.
- b. Service Dog-in-Training: puppies that are fostered by their programs to private families to be reared until they are old enough for advanced training.

- 1) Service Dogs-in-Training are not service animals.
 - a) Exception: in the presence of a person with a disability or a licensed trainer, a service dog-in-training has the same legal status of a fully trained service animal.
- c. Therapy Animal: animals that are trained to provide affection and comfort to people in hospitals, retirement homes, and nursing homes and for people with learning difficulties and people in stressful situations, such as disaster areas.
 - 1) Therapy animals are also called comfort or social animals.
 - 2) Therapy animals are not service animals.

2. Hazards

- a. Bites: Although service animals are supposed to be carefully tested for their ability to handle stress (called a temperament test) and should have very steady nerves, ALL animals, no matter how well-behaved are capable of biting if pushed too hard.
 - 1) In California, the owner of any dog is liable for the damages suffered by any person who is bitten by the dog while in a public place regardless of the viciousness of the dog or the owner's knowledge of such viciousness.
 - 2) Regardless of the fact that the owner has insurance, a person who is bitten by a dog on school or district property could still seek damages against the school district. The principal or designee, as appropriate, are required to make sure attachment (A) or (B) has been completed prior to allowing an animal on campus.
- b. Allergies: Animal dander, animal waste products, contaminated bedding, water, or habitat, food debris, and animal odors have been associated with classroom indoor air quality concerns and are suspected of being potential asthma triggers among sensitive students and staff.
- c. Waste products: Animal waste causes unsanitary conditions. Visiting animals should not be allowed to defecate in or near areas where students routinely play or congregate. Animal wastes are the responsibility of the owner.

3. Service Animals

- a. Types of Service Animals
 - 1) **Guide animal:** An animal that is individually trained to serve as a travel tool for individuals who are blind or have low vision.
 - 2) **Hearing animal:** An animal that has been individually trained to alert deaf persons or those with significant hearing loss, to sounds such as knocks on doors, fire alarms, telephone ringing, etc.
 - 3) **Signal animal:** An animal individually trained to assist a person with autism. The animal makes a person aware of movements, which may appear distracting to others and are common to those with autism. A person with autism may also have deficits in sensory input and may need service animals to provide similar assistance as is provided to a person who is blind or deaf.

- 4) **Seizure response animal:** An animal individually trained to assist persons with seizure disorders. The method by which the animal serves varies depending on the individual's needs.
- 5) **Service animal (assistance animal):** An animal that has been individually trained to assist a person with a mobility or health impairment. Types of duties the animal may perform include carrying, fetching, opening doors, ringing doorbells, activating elevator buttons, steadying a person while walking, assisting a person to get up after a fall, etc.

b. General

- 1) The school or district may ask if an animal is a service animal or ask what tasks the animal has been trained to perform, but cannot require special ID cards for the animal or ask about the person's disability.
- 2) Allergies and fear of animals are generally not valid reasons for denying access or refusing service to people with service animals.
- 3) A person with a disability cannot be asked to remove his or her service animal from the premises unless:
 - a) The animal is out of control and the animal's owner does not take effective action to control it (for example, a dog that barks repeatedly during a class time),
 - b) The animal poses a direct threat to the health or safety of others, or
 - c) The animal is not housebroken.

c. Students

- 1) Families of students wanting a service animal to accompany the student on campus are to complete the "Notification and Application: Service Animal" form (see Attachment A), and submit it to the school or district.
- 2) If the school or district determines that the animal meets the definition of a service animal under the Americans with Disabilities Act (ADA) and applicable California law, and no exceptions described above in Section 3.b.3) apply, the school or district will reasonably accommodate the request to use a service animal on campus.
- 3) If the animal does not meet the definition of a service animal under the ADA and applicable California Law, the school or district will assess the need for the animal based on the student's needs, and determine if alternative reasonable accommodations can be performed by the school or district in lieu of the animal.
 - a) It is an important distinction to note that it is the person with disabilities who has access rights and not the animal.
 - b) The alternative reasonable accommodation is to allow the student to access the district's programs and facilities at least as effectively as a service animal could provide such assistance.
 - c) The school or district should verify the training of the animal (see Attachment A).

- d) The school or district should be cautious in writing an animal into a student's individualized education program (IEP).
 - 4) If the animal is not allowed, the school or district should communicate the accommodations with the family and explain how the district will provide services for the student, rather than the animal.
 - 5) If the service animal is allowed, the student and his/her family will be responsible for the cost of any damage caused by the service animal, if any.
- d. Employees
- 1) Employees wanting a service animal on school or district sites are to complete the "Notification and Application: Service Animal" form (see Attachment A), and submit it to the school or district.
 - 2) If the school or district determines that the animal meets the definition of a service animal under the ADA and applicable California law, and no exceptions described above in Section 3.b.3) apply, the school or district will reasonably accommodate the request to use a service animal on campus.
 - 3) If the animal does not meet the definition of a service animal under the ADA and applicable California law, the school or district is to conduct the interactive process with the employee to determine a reasonable accommodation that may or may not include the animal.
 - a) It is an important distinction to note that it is the person with disabilities who has access rights and not the animal.
 - 4) If the service animal is allowed, the employee will be responsible for the cost of any damage caused by the service animal.
- e. Public Visitors
- 1) Under the ADA, service animals are allowed to accompany visitors with disabilities into all areas of the school or district facility that visitors are normally allowed to go. Service animals are allowed in areas where food is prepared, sold, and/or eaten even if state or local health codes prohibit animals on the premises.
 - a) A visitor with a disability cannot be asked to remove his or her service animal from the premises unless one or more of the reasons discussed above in Section 3.b.3) apply.
 - 2) Where the service animal is allowed, the visitor will be responsible for the cost of any damage caused by the service animal.
4. Therapy Animals
- a. Therapy animals are not service animals.
 - 1) Therapy animals do not provide direct assistance and are not mentioned in the Americans with Disabilities Act.
 - 2) Therapy animals do not have the same legal status as service animals.
 - b. A school or district may invite, limit, or prohibit access by therapy animals.

- 1) A school or district that allows therapy animals are to set specific times when the animals are allowed at school. The principal or designee must approve.
 - 2) Therapy animals should not become resident animals.
- c. If therapy animals or other animals are allowed on a school or district property, the owner is to provide the following:
- Indemnification / hold harmless agreement for therapy animals, (See attachment B)
 - The name of the Training organization and certificate of completion,
 - The name of the Certification organization and certificate of accreditation,
 - The name of the Veterinarian and a health certificate including vaccination date(s),
 - A certificate of insurance and an endorsement naming the district as additional insured. The insurance limits should be \$500,000 per occurrence/\$1,000,000 aggregate, or a \$1,000,000 combined single limit.

5. Control Requirements for all Animals At School

- a. The animal is to be leashed at all times, as appropriate to species. Exceptions are only permitted when the animal is performing a specific duty that requires it to be unleashed.
- b. The handler/partner is to be in full control of the animal at all times.
- c. The animal is to be as unobtrusive as possible.
- d. The animal is to be well-groomed; measures should be taken at all times to maintain flea and odor control.
- e. Consideration of others is to be taken into account when providing maintenance and hygiene of service animals or other animals.
- f. When a animal is determined to be out of control, the infraction will be treated on an individual basis. If the animal poses a threat to the safety of others, a collaborative team can be assembled to determine the outcome of the behavior. Consequences may include, but are not limited to:
 - 1) Muzzling a barking dog,
 - 2) Refresher training for the animal and its partner, or
 - 3) Exclusion from school facilities.
 - a) Refer to Section 3.b.3) for conditions in which exclusion can apply.

Attachment A

**Notification and Application
Service Animal**

The district reserves the right to review this notification. The district will grant access to the animal or provide an alternative and effective accommodation. You will receive a reply within 14 school days.

School Site

District

Animal Owner

Animal Name and Type

Address

Telephone

Training Organization

Completion Date

Tasks the animal is trained to assist the student perform major life functions

Veterinarian

Vaccination Date (Please attach health certificate)

Acknowledgements By initialing below, I hereby understand and acknowledge that:

_____ (Initial here) The district is not responsible for the health and safety of the animal (named above), including injury, illness, or runaway.

_____ (Initial here) The district is not responsible for the exercising, feeding, watering, or housing of the animal (named above).

_____ (Initial here) The district is not responsible for any loss, damage, or theft of property associated with the animal (named above).

_____ (Initial here) The district is not responsible for any waste from the animal (named above).

_____ (Initial here) The student and his/her family will be responsible for the cost of any damage caused by the service animal.

Signature of animal owner

Date

District Routing

Principal or Site Administrator

Date

Special Education Director (if applicable)

Date

Facilities

Date

Assistant Superintendent, Educational Services Date
Or Designee

Attachment B

**Indemnification / Hold Harmless Agreement
Therapy Animal**

_____	_____
School Site	District
_____	_____
Animal Owner	Animal Name and Type
_____	_____
Address	Telephone
_____	_____
Training Organization	Completion Date
_____	_____
Certification Organization	Certification Date
_____	_____
Veterinarian	Vaccination Date (Please attach health certificate)
_____	_____
Insurance Company	Limits (Please attach certificate and endorsement)

Acknowledgements

By initialing below, I hereby understand and acknowledge that:

- _____ (Initial here) The district is not responsible for the health and safety of the animal (named above), including injury, illness, or runaway.
- _____ (Initial here) The district is not responsible for the exercising, feeding, watering, or housing of the animal (named above).
- _____ (Initial here) The district is not responsible for any loss, damage, or theft of property associated with the animal (named above).
- _____ (Initial here) The district is not responsible for any waste from the animal (named above).

Animal owner (named above) agrees to defend, indemnify, and hold harmless the district (named above), its officers, agents, employees, and volunteers from any and all loss, costs, and expense, including legal fees, or other obligations or claims, arising out of any liability or claim of liability for personal injury, bodily injury to persons, or damage to property or any other loss, sustained or claimed to have been sustained arising out of activities involving the animal (named above), whether such act is authorized by this agreement or not; and the animal owner shall pay for any and all damage to the property of the district, its officers, agents, employees, volunteers, and students, done or caused by the animal.

The animal owner further agrees to waive all rights of subrogation against the district.

_____	_____
Signature of animal owner	Date

District Approval

_____	_____
Signature of Principal or Site Administrator	Date

_____	_____
Signature of Special Education Director (if applicable)	Date

_____	_____
Signature of Facilities	Date

_____	_____
Signature of District Office (Risk Management/HR/Business)	Date