

# **Saratoga USD**

## **Administrative Regulation**

### **Non-Service Animals At School**

AR 6163.21

#### **Instruction**

Due to health concerns, safety concerns, and in order to avoid disruption of school activities all animals, insects and reptiles are prohibited from school property, school facilities, school transportation, and school functions except when the animal has been permitted as a service animal (AR 6163.2), a service dog in training (AR 6163.20), or a live animal in the classroom used for instructional purposes (AR 6163.22).

All animals brought to school must be:

1. In good physical condition
2. Vaccinated against transmittable diseases
3. In clean, safe, and suitable cages or containers or otherwise appropriately controlled.

Students bringing animals to school must first obtain the consent of the teacher and the parent/guardian.

Students shall not bring poisonous or wild animals to school. If wildlife specimens are used in a biology class, protective gloves and a face shield shall be worn by anyone handling these specimens and the animals' saliva and neurological tissue shall be treated as infectious.

(cf. 5141.22 - Infectious Diseases)

Animals brought to school by students shall generally be taken home the same day they are brought to school.

With the consent of the principal or designee, animals may remain at school longer under the following conditions:

1. The animal shall remain in the classroom only for the number of days needed to achieve the educational goal.
2. The teacher shall provide a plan for the proper care, sanitation, feeding, and handling of the animal.
3. The teacher shall be responsible for the animal's care in the event of any school closure and may allow students to take class pets home over weekends.

4. The teacher shall be familiar with any potential dangers caused by the animal and shall give special consideration to any students who have allergies to certain animals.

See: BP 6163.2 - Animals at School  
AR 6163.2 - Animals at School  
AR 6163.20 - Service Animals in Training at School  
AR 6163.21 - Non-Service Animals at School  
AR 6163.22 - Live Animals at School for Instructional Purposes

#### 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

1. 54.1 Access to public places

2. 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 2

7293.6(a) Definitions

7294.0(e) Interactive process

##### 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

35.130 General prohibitions against discrimination

35.136 Service animals

35.139 Direct threat

##### 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>

Regulation     **SAN JOSE UNIFIED SCHOOL DISTRICT**

adopted: June 14, 2018     San Jose, California