

Saratoga USD

Administrative Regulation

Animals At School

AR 6163.2

Instruction

The Governing Board acknowledges the District's 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 functions as required by the Americans with Disabilities Act, 28 CFR Part 35, and applicable California law.

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 a District school 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, including a physical, sensory, psychiatric, intellectual, or other mental disability. These tasks may include, but not be limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with

psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The task performed by the service animal must be directly related to 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 animal (i.e. the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability). 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 animal required because of a disability?
- b. What work or task has the 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 animals," "emotional support animals" or "comfort animals," including pets, are not considered service animals under the Americans with Disabilities Act. Such animals may, however, be permitted under Section 504 as reasonable accommodations for students.

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 6163.20 - Service Animals in Training at School.

RESPONSIBILITIES OF INDIVIDUAL WITH A DISABILITY/HANDLER

1. **Animal under handler's control.** A service animal shall be under the control of its handler. A service animal shall 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 service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means).

2. **Care or supervision.** A public entity is not responsible for the care or supervision of a service animal

REMOVAL OF A SERVICE ANIMAL

1. The Superintendent 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

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. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136).

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

AR 4032 - Reasonable Accommodations

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 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.aspc.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 SARATOGA UNION SCHOOL DISTRICT
approved: _____ Saratoga, California