

Instruction

SERVICE ANIMALS IN SCHOOLS

This regulation is designed to provide guidance regarding the use of service animals by students with disabilities enrolled in schools within the Chula Vista Elementary School District, as well as the use of such animals by school staff and visitors on District property and at school-sponsored programs and activities.

1. Definitions

- a. Individual with a disability: As defined by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990, and the ADA Amendments of 2008. (29 U.S.C. Section 705 (20), 42 U.S.C. Section 12101)
- b. Service animal: Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. (28 C.F.R. Sections 35.104, 35.136)
 - i. Under limited circumstances, a service animal, as that term is defined in paragraph 1.b. above, may include a miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability. However, a miniature horse may be excluded from District property or a school-sponsored program or activity if its presence results in a fundamental alteration to the nature of the program, activity, or service provided. In making this determination, the school principal or designee shall consider the following:
 1. The type, size, and weight of the miniature horse and whether the school or facility can accommodate these features.
 2. Whether the individual with a disability has sufficient control of the miniature horse.
 3. Whether the miniature horse is housebroken.
 4. Whether the miniature horse's presence on District property or at a school-sponsored program or activity compromises the legitimate safety requirements necessary for a safe school operation.
 - ii. Other species of animals, whether wild or domestic, trained or untrained, shall not constitute service animals.

Instruction

SERVICE ANIMALS IN SCHOOLS (continued)

- c. User: An individual with a disability as defined in paragraph 1.a. above and persons authorized to train service animals for individuals with disabilities. (Civil Code Sections 54.1, 54.2)
 - d. Work or tasks performed: The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, the following:
 - i. Assisting individuals who are blind or have low vision with navigation and other tasks.
 - ii. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
 - iii. Providing non-violent protection or rescue work.
 - iv. Pulling a wheelchair.
 - v. Assisting an individual during a seizure.
 - vi. Alerting individuals to the presence of allergens.
 - vii. Retrieving items, such as medication or the telephone.
 - viii. Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
 - ix. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. (28 C.F.R. Section 35.104)
 - e. The prime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship for an individual with a disability do not constitute work or tasks for the purposes of this definition. (28 C.F.R. Section 35.104)
2. Service Animals on District Property or at School-Sponsored Programs and Activities
- a. A user has the right to be accompanied on District property or to school-sponsored programs or activities by a service animal specially trained for an individual with a disability. (Civil Code Sections 54.1, 54.2; 28 C.F.R. Section 35.136)

Instruction

SERVICE ANIMALS IN SCHOOLS (continued)

- b. Notification shall be provided to the school principal or designee on behalf of the user of the service animal before the service will be permitted on District property or at a school-sponsored program or activity. (CA Constitution Article I, Section 28(f)(1); 28 C.F.R. Section 35.130(h))
- c. Prior to receiving permission to bring a service animal on District property or to a school-sponsored program or activity, the school principal or designee shall determine whether the animal qualifies as a service animal. In making this determination, the school principal or designee may ask the user whether the animal is required because of a disability and what work and/or tasks the animal has been trained to perform, unless it is readily apparent that the service animal is trained to do work or perform a task for an individual with a disability. However, one may not ask about the nature or extent of the individual's disability or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. (28 C.F.R. Section 35.136)
- d. If the school principal or designee determines that the animal qualifies as a service animal, the following rules shall apply when the user is accompanied by a service animal on District property or to a school-sponsored program or activity:
 - i. The service animal shall be under the user's control at all times.
 - ii. The user shall ensure that the service animal is properly harnessed or on a leash or tether at all times. However, if the user is unable because of a disability to use a harness, leash, or tether, or the use of a harness, leash, or tether would interfere with the service animal's safe, effective performance of work or tasks, the service animal must otherwise be under the user's control (e.g., voice control, signals, or other effective means).
 - iii. The user shall be responsible for the care, conduct, and supervision of the service animal at all times.
 - iv. The service animal shall not exhibit aggressive behavior toward students, school staff, or any other individuals; may not otherwise pose a direct threat to the health and/or safety of others' and may not be disruptive to the educational

Instruction

SERVICE ANIMALS IN SCHOOLS (continued)

environment. The school principal or designee shall make a reasonable judgment that is based on available objective information regarding whether the service animal presents an unacceptable risk or threat to others or a disruption to the educational environment.

- v. The user shall be responsible for the cleanliness of the service animal, including flea control, to protect the health and safety of others.
 - vi. Any service animal brought on District property or to a school-sponsored program or activity shall be taken home the same day. (CA Constitution Art. I, Section 28(f)(1); Civil Code Sections 54.1, 54.2; 28 C.F.R. Sections 35.130(h), 35.136, 35.139)
- e. Before an individual with a disability may bring a service animal into a classroom, the school principal or designee shall first provide written notification to all staff, parents/guardians, or students in the particular class, requesting information regarding whether any child has any known allergies, asthma, or other health-related conditions that may be affected by the service animal's presence in the classroom. If the school principal or designee determines that a student and/or teacher has a health-related condition that would be affected by the presence of the service animal, the principal or designee shall make alternative arrangements to accommodate the individual with a disability. (CA Constitution Art. I, Section 28(f)(1); 28 C.F.R. Section 325.130(h))
- f. Before granting permission to a student with a disability to bring a service animal to school as part of his or her Section 504 Plan or Individualized Education Program (IEP), the school principal or designee shall determine whether the student's Section 504 or IEP team has addressed the student's educational needs and has offered the student a free, appropriate public education (FAPE), such that he or she does not require the use of a service animal at school. Nothing shall preclude the school principal or designee, upon receiving a request from or on behalf of a student with a disability to bring a service animal on District property or to a school-sponsored program or activity, from convening a Section 504 or IEP team meeting to further clarify the student's need for

Instruction

SERVICE ANIMALS IN SCHOOLS (continued)

additional support in the classroom. (20 U.S.C. Section 1414 et seq, Education Code Section 56000 et seq.)

- g. A user shall be required to immediately remove the service animal from District property or a school-sponsored program or activity if any of the following occur:
 - i. The service animal is out of control, and the user does not take effective action to control it.
 - ii. The service animal is not housebroken.
 - iii. The circumstances where a service animal misbehaves or reasonably responds to a provocation or injury, the user shall be given a reasonable opportunity to gain control of the animal.
 - iv. If the individual with a disability is required to remove his or her service animal from District property or a school-sponsored program or activity, the individual shall continue to have the opportunity to participate in the program, activity, or service without having the service animal on the premises. (28 C.F.R. Section 35.136)

3. Right to Use of School Transportation

Service animals trained to provide assistance to individuals with disabilities may be transported in a school bus when accompanied by students with disabilities enrolled in a public or private school, by disabled teachers employed in a public or private school or community college, or by individuals who train such animals. (Education Code Section 39839.)

4. Liability for Service Animals

- a. The District assumes no responsibility for any service animal brought on District property or to school-sponsored programs or activities. (Civil Code Sections 54.1, 54.2; 28 C.F.R. Section 35.136)
- b. The use of service animals must comply with all relevant federal and state laws and regulations.