

The Board of Education recognizes that animals can be an effective teaching aid. 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. Unless otherwise required by law, the only time animals are allowed on schools grounds is when they are being used for educational or service purposes. If any animal behaves aggressively or causes injury to staff or students, the animal must be immediately isolated and removed from the school premises until the situation is resolved.

Other than for those purposes (and with all the requirements met therein), no animals including pets may be brought on to school grounds during school hours or events by any individual.

Before any animal is brought into the classroom for educational purposes, the principal or designee shall provide written notification to staff and all parents/guardians of students in the affected class or who are reasonably expected to come into contact with the animal asking them to verify any known allergies, asthma, health condition, cultural aversion or fear that may be triggered or adversely affected by the animal's presence.

(cf. [3514](#) -Environmental Safety)

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

(cf. [5141.23](#) -Asthma Management)

The district assumes no liability for the safety of animals voluntarily brought to school.

(cf. [3320](#) - Claims and Actions against the District)

(cf. [3530](#) -Risk Management/Insurance)

#### Animals Brought to School for Educational Purposes

Animals may be brought to school for educational purposes, subject to approval by the Superintendent or designee and the rules and precautions specified in administrative regulations related to length of visit, number of animals, health, safety and sanitation. For the purposes of this policy and any accompanying administrative regulation, "educational purposes" shall not include circumstances where an animal serves an individual with a disability as a guide dog, signal dog or service animal. Teachers have the authority to enforce any school rule to compel the control of animals, brought to school for educational purposes, for the protection of both the students and the animal.

(cf. [5141](#) - Health Care and Emergencies)

(cf. [5141.22](#) - Infectious Diseases)

(cf. 5142 - Safety)

(cf. [5145.8](#) - Refusal to Harm or Destroy Animals)

(cf. 6142.93 -Science Instruction)

(cf. 6145.8 - Assemblies and Special Events)

Animals brought to school are the full responsibility of the owner or person in possession of the animal. The district assumes no liability for the safety of these and any other animals voluntarily brought to school.

#### Guide Dogs, Signal Dogs, and Service Animals at School

Individuals with disabilities, including children with disabilities, have the right to be accompanied by specially trained guide dogs, signal dogs, or service animals in all public places including schools. (Civil Code [54.6](#))

If the sole function of a service animal brought onto campus is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well being, it shall not be considered to be a service animal. All comfort animals, which are not service animals, shall be subject to the rules governing animals brought to school for educational purposes.

The district assumes no liability and shall not be responsible for the provision of a service animal. The user of the service animal is responsible for its care and conduct at all times. Service animals trained to provide assistance to individuals with disabilities may be transported in a school bus when accompanied by students with disabilities, by disabled teachers, and by individuals who train such service animals.

If the principal or designee determines that a student in the particular class has a health-related condition that would be affected by the presence of a service animal, the principal or designee shall attempt to accommodate both the individual controlling the service animal and the individual with the health-related condition affected by the presence of the service animal by assigning them, if possible, to different locations within the room or different rooms.

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>

**Animals Brought to School for Educational Purposes**

Any person wishing to bring any animal, other than a guide dog, signal dog or service animal on campus, must first seek approval from the Superintendent or designee as described below.

If a community group and/or volunteer group desires to bring a non-service animal onto campus, a request for permission must be submitted in writing to the Superintendent or designee no less than 10 calendar days before the intended date of the animal's presence on campus. The community group and/or volunteer group providing the non-service animal shall describe, in writing, its qualifications to handle the non-service animal and demonstrate that it will be able to control and clean up after the non-service animal, should permission be granted to bring the non-service animal onto campus. The community group and/or volunteer group must provide care, supervision and will be solely responsible for handling the non-service animal. The non-service animal must be in good health. The community group and/or volunteer group must always carry equipment sufficient to clean up the non-service animal's waste, immediately remove the waste and be responsible for the proper disposal of the non-service animal's waste.

If permission is granted, the community group and/or volunteer group shall provide a certificate of insurance naming the district and its Board of Education Members as additional insureds and provide the district with a minimum of one million dollars (\$1,000,000) of liability insurance holding the district, Board, officers, agents, volunteers and employee harmless from and against any and all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the acts of the non-service animal (the "Insurance Requirement"). The Superintendent, or designee, may waive or lower the Insurance Requirement based on factors including, but not limited to, the dangerousness of the animal, the purpose of the animal being on campus, the length of time the animal will be on campus, and the potential liability caused by the animal's presence.

If an employee of the district desires to bring a non-service animal onto campus, a request for permission must be submitted in writing to the Superintendent or designee no less than 10 calendar days before the intended date of the animal's presence on campus. The employee shall describe, in writing, his or her qualifications to handle the non-service animal and demonstrate that he or she will be able to control and clean up after the non-service animal, should permission be granted to bring the non-service animal onto campus. The employee must provide care, supervision and will be solely responsible for handling the non-service animal. The employee must always carry equipment sufficient to clean up the non-service animal's waste, immediately remove the waste and be responsible for the proper disposal of the non-service animal's waste. The purpose for having a non-service animal on campus should be for educational purposes only.

If permission is granted, the employee shall provide a certificate of insurance naming the district and its Board Members as additional insureds and provide the district with a minimum of \$1,000,000 of liability insurance holding the district, Board, officers, agents, volunteers and employee harmless from and against any and all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the acts of the non-service animal (the "Insurance Requirement"). The Superintendent, or designee, may waive or lower the Insurance Requirement based on factors including, but not limited to, the dangerousness of the animal, the purpose of the animal being on campus, the length of time the animal will be on campus, and the potential liability caused by the animal's presence.

The Superintendent or designee shall determine the appropriate number of non-service animals allowed per school site. Factors that shall be taken into consideration by the Superintendent or designee are: the educational purpose of the non-service animal; the impact upon the health, safety and welfare of the students on campus; any previous incidents involving the non-service animal or the person handling other non-service animals on

campus; specific or potential distractions or disruption to the learning environment on campus; the total number of non-service animals on campus at one time; and state and local student testing cycles on campus.

All animals brought to school for educational purposes must be:

1. In good physical condition;
2. Current in its vaccinations against transmittable diseases and in its immunizations; and
3. Properly controlled and humanely housed in cages or containers specifically designed for the species.

The certification of the vaccinations and immunizations must be provided to the district.

Prior to any animal, other than a guide dog, signal dog or service animal, being brought into any classroom, the principal or designee shall provide written notification to staff and all parents/guardians of students in the affected class or who are reasonably expected to come into contact with the animal in a classroom or confined area. Parents will be asked to verify if their child has any known allergies, asthma, health condition, cultural aversion, or fear that may be triggered or adversely affected by the animal's presence. If any child has any of the aforementioned conditions or aversion that may be triggered or adversely affected by the presence of the animal, other than a guide dog, signal dog or service animal, the Superintendent or designee may not allow the animal in the classroom.

No one shall bring poisonous or wild animals to school. If wildlife specimens are used in a science class, protective gloves and a face shield shall be worn by anyone handling these specimens and the animal's saliva and neurological tissue shall be treated as infectious.

Every reasonable precaution shall be taken to ensure that animals are not teased, abused, mistreated, tormented, or in any manner made to suffer by any person or by any means.

Non-service animals brought to school by students, with permission from the Superintendent or designee shall be taken home the same day as they are brought to school.

With the consent of the Superintendent or designee, non-service animals may remain at school longer under the following conditions:

1. The non-service 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 non-service animal.
3. The teacher shall be responsible for the non-service animal's care in the event of any school closure and may allow students to take class pets home over weekends with their parents'/guardians' permission
4. The teacher shall be familiar with any potential dangers caused by the non-service animal and shall give special consideration to any students who have allergies to certain non-service animals.

The purpose of Board Policy 6163.2 and these administrative regulations is not to preclude students from bringing non-dangerous animals to campus on a one-time basis for educational activities such as "show-and-tell." In such circumstances, the Superintendent, or designee, shall have discretion to waive one or all provisions

of these regulations to allow household, non-dangerous animals, including but not limited to guinea pigs, gold fish, hamsters, or other such animals generally deemed harmless, onto campus for a limited period of time.

## Guide Dogs, Signal Dogs, and Service Animals at School

Individuals with a disability requiring need for a guide, signal or service animals hereinafter referred to as "service animals" have the right to be accompanied on school property or at school sponsored programs or activities by a service animal specially trained for an individual with a disability.

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. These tasks may include, but not be limited to, guiding an individual with a disability, alerting individuals with impaired hearing, pulling a wheelchair, or fetching dropped items. The task performed by the service animals must be directly related to the functional limitation of the individual's disability. Service animals are working animals and are not pets.

If it is obvious what service the service animal provides to the individual with a disability, then staff should not make any further inquiries regarding the tasks performed by the service animal (i.e. a guide dog for an individual with impaired vision). Only limited inquiries are allowed by district staff to determine if an animal is a service animal when it is not obvious what service the animal provides and staff may ask only the following two questions:

- a. Is the service animal required because of a disability?
- b. What work or tasks has the service animal been trained to perform?

"Therapy," "emotional comfort," or "companion" dogs are not service animals and are not covered under the Americans with Disabilities Act. Therapy, emotional comfort or companion animals will be treated as non-service animals, and any person wishing to bring such non-service animal on campus must receive permission by the Superintendent or designee as set forth in this administrative regulation.

When an individual brings a service animal on school property, the individual shall:

1. Inform the Superintendent or designee that the service animal is needed as a result of a disability, unless it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability;
2. Inform the Superintendent or designee of the task(s) the service animal has been trained to perform for the individual, unless it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability;
3. Ensure the service animal is properly harnessed or on a leash at all times, 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);
4. Ensure the service animal wears an identification tag, issued by the county clerk, animal control department, or other agency, as authorized by Chapter 3.5 (commencing with Section 30850) of Division 14 of the Food and Agricultural Code, that identifies the dog as a guide dog, signal dog, or service animal;
5. Be responsible for the care, cleanliness and conduct of the service animal at all times. The service animal shall be treated for, and kept free of, fleas and ticks and other pests; be kept clean and groomed to avoid shedding and dander; and be under the user's control at all times;

6. The district is not responsible for the care or supervision of the service animal, such as walking the service animal, or responding to the service animal's need to relieve itself. The owner/handler of the service animal must always carry equipment sufficient to clean up the service animal's waste, immediately remove the waste, and be responsible for the proper disposal of the service animal's waste;

7. The owner/handler of the service animal is liable for any harm or injury caused by the service animal to other students, staff, visitors, and/or property. (Civil Code 54.2.)

The principal or designee shall provide written notification to all parents/guardians of students who attend the class(es) in which a service animal is expected to be regularly present, or who are reasonably expected to come in regular close proximity to a service animal while on campus. Parents/guardians will be advised to notify the principal if their child would be adversely affected by the animal's presence. If the principal or designee determines that a student in the particular class(es) has a health-related condition that would be adversely affected by the presence of a service animal, the principal or designee shall attempt to accommodate both the individual requiring the service animal and the individual with the health-related condition adversely affected by the presence of the service animal by assigning them, if possible, to different locations within the room or different rooms.

The Superintendent or designee shall not permit the service animal to be on school property or at school-sponsored programs or activities if:

1. The service animal is out of control and the animal's handler does not take effective action to control it; or
2. The service animal is not housebroken.

However, the Superintendent or designee shall give the individual with a disability the opportunity to participate in the service, program, or activity without having the service animal on the premises. (Education Code 39839; Civil Code 54.2; 28 CFR 35.136.)

To the extent possible, the service animal shall not exhibit aggressive behavior toward staff, students 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 environment. Pursuant to 28 CFR 35.104, a direct threat is defined as a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services.

In circumstances where a service animal responds unreasonably to a provocation or injury, the Superintendent or designee must give the handler a reasonable opportunity to gain control of the service animal. Further, if the individual with a disability asserts that the service animal was provoked or injured, or if the Superintendent or designee otherwise has reason to suspect that provocation or injury has occurred, the Superintendent or designee should seek to determine the facts and, if provocation or injury occurred, the Superintendent or designee should take effective steps to prevent further provocation or injury, which may include disciplining the provocateur.

The Superintendent or designee shall make a reasonable judgment that is based on available objective information regarding if the service animal presents an unacceptable risk or threat to others. In making this determination, the Superintendent or designee may consider factors such as, but not limited to, the service animal's actual behavior or history, and may not be based upon his/her determination on fears or generalizations about how an animal or breed might behave.

The district assumes no responsibility for any service animal brought on school property or to school-sponsored programs or activities.

The use of service animals must comply with all relevant federal and state laws.

## Presence of Animals on School Grounds

Other than for the purposes outlined in the sections above (and with all the requirements met therein), no animals, including pets, may be brought on to school grounds by any individual during school hours or events. This regulation applies regardless of if school is currently in session.

Conditions requiring removal of an animal from school premises:

1. Injury: Any animal that causes injury to staff or students must be immediately isolated and removed from the school premises until the situation is resolved. An injury report must be completed and the appropriate medical care must be administered.
2. Health Issue: If a student or staff member has an allergic reaction, health problem, or other adverse reaction because of the presence of an animal except service animals, the animal must be immediately removed from the classroom/workspace of the affected individual and removed from school premises until the situation is resolved. Service dogs that cause allergic reactions or other health problems shall be treated according to the section titled "Guide Dogs, Signal dogs, and Service Dogs at School" contained in this Administrative Regulation.
3. Aggression: Any animal, except service animals, that behaves aggressively must be immediately isolated and removed from the school premises. Service animals that behave aggressively shall be treated according to the section titled "Guide Dogs, Signal Dogs, and Service Animals at School" contained in this Administrative Regulation.

## Guide Dogs, Signal Dogs or Service Animals in Training

Licensed Trainers of service animals shall have the same rights and privileges under Board Policy 6163.2 and this Administrative Regulation as those individuals with disabilities who have the right to be accompanied by a service animal. (Civil Code 54 et seq. and Business and Professions Code 7200 et seq.)

Apprentices or volunteers who assist in the training of service animals do not have the same rights and privileges as Licensed Trainers or individuals with disabilities who have the right to be accompanied by a service animal.

On a case-by-case basis, and with prior approval from the Superintendent or designee, an apprentice or volunteer may bring a service animal in training on the campus in public and non-public areas. An apprentice or volunteer service animal trainer must be at least 13 years of age. An apprentice or volunteer service animal trainer must submit a written request for permission to bring a training animal onto campus to the Superintendent or designee no less than 10 calendar days before the intended date of the animal's presence on campus. The certified agency must name the district and Board members as additional insureds and carry a minimum of one million dollars (\$1,000,000) of liability insurance holding the district, Board, officers, agents, volunteers and employee harmless from and against any and all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the acts of the service animal in training.

Prior to receiving permission from the Superintendent or designee to bring a service animal in training on school property or to a school-sponsored program or activities, the apprentice or volunteer trainer of the service animal in training and/or parent/guardian shall do the following:

1. Provide information from a training certification agency to the Superintendent or designee establishing the individualized training of the animal and ability of the animal to be in public places.



2. Provide information to the Superintendent or designee establishing that the apprentice or volunteer trainer has received proper individualized training and/or certification to handle, control, train and supervise the animal.
3. Ensure the animal in training is properly harnessed or on a leash at all times and wears an identification tag that identifies the animal as a guide, signal dog, or service animal in training.
4. Complete and sign a release of liability form which shall release the district from any and all liability for damage to persons, premises, or facilities caused by the animal in training. If the apprentice or volunteer trainer is a minor under the age of eighteen (18) years old, the parent/guardian shall complete and sign the release of liability form.
5. Be responsible for the care, cleanliness and conduct of the animal in training at all times. The animal in training shall be under the user's control at all times.

If the apprentice or volunteer trainer fails to satisfy any of the above conditions, the Superintendent or designee shall not permit the service animal in training to be on school property or at school-sponsored programs or activities.

The principal or designee shall provide written notification to staff and all parents/guardians of students who attend the class(es) in which a service animal in training is expected to be regularly present or who are reasonably expected to come in regular close proximity to a service animal while on campus. Parents/guardians will be advised to notify the principal if their child has any known allergies, asthma, health condition, cultural aversion or fear that may be triggered or adversely affected by the animal's presence. If the principal or designee determines that a student in the particular class(es) has any of the aforementioned conditions or cultural aversions that would be affected by the presence of a service animal in training, the principal or designee may not allow the animal in training in the classroom.

The Superintendent or designee, upon receiving a request from an apprentice or volunteer trainer to bring a service animal in training on school property or to school-sponsored programs and/or activities, shall meet with the student apprentice or volunteer and the parent(s) to discuss expectations, and any limitation to the animal in training being on the campus including length of time and locations on the campus.

If the Superintendent or designee grants permission to the student apprentice or volunteer trainer to bring the service animal in training on school property or to school-sponsored activities, the apprentice or volunteer trainer shall continue to be subject to the conditions stated above. Should the apprentice or volunteer trainer fail to abide by these conditions at any time, the apprentice or volunteer trainer shall be required to remove the service animal in training immediately and not bring the service animal in training back on school property until he or she can demonstrate to the satisfaction of the Superintendent or designee that all conditions are met.

The service animal in training shall not exhibit aggressive behavior toward staff, students 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 environment. In circumstances where a service animal in training responds unreasonably to a provocation or injury, the Superintendent or designee must give the handler a reasonable opportunity to gain control of the service animal in training. Further, if the apprentice or volunteer trainer asserts that the service animal in training was provoked or injured, or if the Superintendent or designee otherwise has reason to suspect that provocation or injury has occurred, the Superintendent or designee should seek to determine the facts and, if provocation or injury occurred, the Superintendent or designee should take effective steps to prevent further provocation or injury, which may include disciplining the provocateur.

The Superintendent or designee shall make a reasonable judgment that is based on available objective information regarding if the service animal in training presents an unacceptable risk or threat to others. In making this determination, the Superintendent or designee may consider factors such as, but not limited to, the

service animal in training's actual behavior or history, and may not be based upon his/her determination on fears or generalizations about how an animal or breed might behave.

The district assumes no responsibility for any guide dog, signal dog, or service animal in training brought on school property or to school-sponsored programs or activities. The use of guide dogs, signal dogs, and service animals in training must comply with all relevant federal and state laws.