

## **Instruction**

### **ANIMALS AT SCHOOL**

**AR 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)*

## **Instruction**

### **ANIMALS AT SCHOOL**

**AR 6163.2**

#### **Service Animals by Individuals with Disabilities**

##### **Definition**

For an individual with a disability, service animal means any animal that is individually trained to do work or perform tasks directly 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 include an animal that is individually trained to help him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would include an animal that is individually trained to alert him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would include an animal that is individually trained to assist him/her by preventing or interrupting impulsive or destructive behaviors. (28 CFR 35.104)

In addition, the service animal must be under the control of the disabled individual or an agent of the disabled individual.

##### **Service Animals and School Transportation**

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

Service animals may be transported in a school bus when they are:

1. Accompanied by disabled pupils enrolled in the school or
2. Accompanied by disabled teachers/staff employed in the school or
3. By persons training the service animals.

*(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)*

##### **Right to Use of Facilities and Services**

Under California Law, individuals with disabilities have the right to be accompanied by service animals specially trained to perform tasks directly related to the disability for that person and are entitled to full and equal access to service animals in public facilities and accommodations in or on SELPA/LEA

## **Instruction**

### **ANIMALS AT SCHOOL**

**AR 6163.2**

property and facilities subject to the following conditions:

1. The user of the service animal must keep the animal on a leash, tether or harness.
2. The animal is appropriately tagged as a certified service animal.
3. Upon request, the user of the service animal shall provide information about the specific individualized training of the animal, including what task(s) the animal performs for the individual.
4. The user of the service animal must provide evidence of proper licensure, inoculation and identification.
5. The user of the service animal is responsible for the care and conduct of the service animal at all times. The service animal must be under the user control at all times. The user of the service animal is responsible for the cleanliness of the service animal, including flea control and other protective measures for health and safety.
6. The service animal shall not exhibit aggressive behavior toward staff, students, or 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.

### **Liability for Service Animals**

The individual using the service animal is liable for any damages caused by the service animal and solely responsible for any damage to persons, premises or facilities by that service animal.

The use of service animals must comply with all relevant federal and state laws. Requests for exceptions to this policy may be evaluated and considered by the SELPA/LEA on a case-by-case basis.

The district may request an express waiver of liability related to damage and/or injury caused by or related to the service dog. (Civil Code § 3342 (a))

The District and SELPA/LEA assume no responsibility for service animals.

## **Instruction**

### **ANIMALS AT SCHOOL**

**AR 6163.2**

#### **Miniature Horses**

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 for the safe operation of the facility.

#### **Prohibiting or Excluding Service Animals**

If the animal is out of control and the individual or handler does not take effective action to control it or the animal is not housebroken, the Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation and not bring the service animal back until the user has mitigated the relevant deficiency. 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)

In addition, the district may deny the request for or the use of a service animal for the following reasons:

1. Determining after an interactive process that the animal is not a service animal
2. Demonstrating that the service animal will not improve the student's condition
3. Demonstrating that the presence of the service animal poses health or safety risks

## **Instruction**

### **ANIMALS AT SCHOOL**

**AR 6163.2**

4. Demonstrating that the presence of the service animal results in a fundamental change of the nature of the services provided by the LEA.

### **Special Education and Service Animals**

An individualized education program (“IEP”) team shall consider whether a service animal is required in order to provide a free appropriate public education (“FAPE”).

Determining factors to be considered include

1. The individual in question is eligible for a FAPE
2. The service animal is necessary in order to provide the individual with a FAPE

Responsibility, care and supervision for the service animal would be determined by the IEP team.

#### *Legal Reference:*

##### *COURT DECISIONS*

*Trinity Area School District, 56 IDELR 143, 111 LRP 19289 (OCR 2010)*

*Bakersfield City School District, 50 IDELR 169, 37 NDLR 218 (OCR 2008)*

## **Regulation**

**Adopted: October 11, 2011**

## **PASADENA UNIFIED SCHOOL DISTRICT**

Pasadena, California