

SECTION 24-Q

SERVICE ANIMALS AT SCHOOL

Pursuant to Civil Code section 54.2, individuals with disabilities, including children with disabilities, have the right to be accompanied by specially trained guide dogs, signal dogs, or service dogs in all public places, including schools. Civil Code section 54.1 defines a “guide dog” as a dog trained by an appropriately licensed person to assist an individual with a disability; a “signal dog” as any dog trained to alert an individual, who is deaf or hearing impaired, to intruders or sounds; and a “service dog” as any dog individually trained to the requirements of the individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair, or fetching dropped items.

Guide dogs, signal dogs, and service dogs 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, and by individuals who train such dogs.

If the sole function of the dog is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote emotional well being, it shall not be considered to be a guide dog, signal dog, or service dog.

If an individual with a disability seeks to bring a service animal other than a guide dog, signal dog, or service dog, as defined in Civil Code section 54.1, on school property or to a school-sponsored program or activity, the Superintendent or designee shall make the determination of whether the individual may bring the service animal on a case-by-case basis. The principal and his/her supervisor, or other district administrator will determine if the animal is considered a service animal. The Superintendent/designee shall ensure that individual consideration is given to each request, with particular attention paid to the underlying needs being addressed, that cannot be appropriately addressed in any other way.

Before an individual may bring a guide dog, signal dog, or service dog into a classroom, the principal or designee shall first provide written notification to all parents/guardians of students in the particular class, requesting information regarding whether their child has any known allergies, asthma, or other health-related conditions that may be affected by the dog’s presence in the classroom. 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 the dog, the principal or designee may deny the individual’s request to bring the dog into the classroom. The principal or designee may also make alternative arrangements to accommodate the individual’s request.

Any guide dog, signal dog or service dog brought to school by an individual with a disability shall be taken home the same day.

The district assumes no liability and shall not be responsible for the provision of a guide dog, signal dog, or service dog. The user of the dog is responsible for its care, cleanliness to protect the health and safety of others, and conduct at all times.

Legal References:

CIVIL CODE

54.1 Access to public places

54.2 Guide, signal, or service dogs, right to accompany

GOVERNMENT CODE

Section 12926

EDUCATION CODE

Section 39839 Transportation of guide dogs, signal dogs, service dogs

Section 56363(b)(3) Designated Instruction and Services

FEDERAL LAW

Titles II and III of the Americans with Disabilities Act of 1990

(Public Law 101-336)

ADA Amendments Act of 2008

FEDERAL REGULATIONS

34 C.F.R. Section 300.34(b)(7) Orientation and Mobility

COURT DECISIONS

Sullivan v. Vallejo City USD, 731 F.Supp. 947 (1990)

OFFICE OF CIVIL RIGHTS OPINIONS

Bakersfield City School District (OCR 2008) 50 IDELR 169.