

ADMINISTRATIVE REGULATION

Placentia-Yorba Linda Unified School District

Instruction

6163.2 - AR

ANIMALS AT SCHOOL

A. Purpose and Scope

The Governing Board recognizes that animals can contribute to the District's instructional program by being effective teaching aids to students for assemblies, instructional programs, or classroom presentations. Service animals may also assist individuals with disabilities to access district programs and activities. 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.

B. General

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 (Exhibit 1). 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. If any child has a health condition that may be triggered or affected by the presence of an animal, the principal or designee shall not allow the animal in the classroom unless or until an alternative instructional activity is provided to students, as appropriate.

The District encourages individuals with disabilities who are considering use of a service animal to notify their principal or designee prior to bringing the service animal to school or on school transportation. However, advance written permission from the principal or designee is not required for the use of service animals by individuals with disabilities at school or on school transportation. Once the principal or designee becomes aware that an individual intends to use a service animal at school or on school transportation, the principal or designee shall follow the same parent/guardian notification process above to determine if any children have a health condition that may be aggravated by the service animal's presence, and, if so, take appropriate measures to protect the affected student from exposure to the service animal.

Animals under the control of public safety officials may have access to District property and program locations for enforcement, educational, and public relation purposes. Use of these animals is under the jurisdiction of the applicable local ordinance, or state and/or federal laws, codes and regulations. The provisions of this policy directly related to the safety of students, staff and visitors are to be brought to the attention of the officials by the site or principal designee; or the teacher in the absence of an administrator.

1. Animals for Educational Purposes

Animals may be brought to school for educational purposes, subject to rules and precautions specified in administrative regulations related to length of visit, number of animals, health, safety and sanitation. Staff shall ensure that these rules and precautions are observed so as to protect both the students and animals.

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.

Animals brought to school by professional handlers for demonstration purposes must be under the control of the handlers at all times. All precautions should be taken to assure that the animals do not pose a threat to students, staff or visitors. If wildlife specimens are used in a 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.

All animals brought to school must be:

- a. in good physical condition
- b. vaccinated against transmittable diseases
- c. properly controlled and humanely housed in cages or containers specifically designed for the species

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.

2. Use of Service Animals by Individuals with Disabilities

An individual with a disability has the right to be accompanied on school property, at school sponsored programs or activities, or on school transportation by a service animal specially trained for an individual with a disability. A service animal is defined as:

[A]ny animal 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. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability.

For example, a service dog could assist an individual who is blind or has low vision, a service animal would mean a dog that helps him/her with vision, navigation, and other tasks; for an individual who is deaf or hard of hearing, a service animal would mean a dog that alerts him/her to the presence of people or sounds; and for an individual with psychiatric or neurological disabilities, a service animal would mean a dog that assists him/her by preventing or interrupting impulsive or destructive behaviors.

However, the crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not work or tasks for the purposes of the definition of a service dog.

The Superintendent or designee may ask the handler/partner of the service animal: (1) Whether the animal is required because of a disability; and (2) What work or task the animal has been trained to perform, except when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability. If the handler/partner of the service animal refuses to answer these questions, the Superintendent or designee shall not permit the service animal to be on school property, at school-sponsored programs or activities, or on school transportation. 3) The Superintendent/designee shall notify the handler/partner of their responsibilities related to a service animal on campus (Exhibit 2).

The service animal shall be under the control of its handler. The service animal shall have a harness, leash, or other tether, unless 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).

The Superintendent or designee may ask any individual with a disability to remove his/her service animal from school premises or transportation if the animal is out of control and the individual does not take effective action to control it, or the animal is not housebroken. When an individual's service animal is excluded, the individual shall be given an opportunity to participate in the service, program, or activity without having the service animal present.

The service animal shall not exhibit aggressive behavior toward staff, students, or any other individuals, may not pose a direct threat to the health and/or safety of others, and may not be disruptive to the educational environment. The principal or designee shall make individual assessments regarding a specific service animal's actual conduct that is not based on fears, stereotypes, or generalizations.

The District is not responsible for the care or supervision of a service animal. The handler/partner of the service animal is responsible for the care, cleanliness, and conduct of the service animal at all times. The handler/partner must always carry equipment sufficient to clean up the animal's waste, immediately remove the waste, and be responsible for the proper disposal of the animal's waste. The principal/designee will identify area(s) at the facility where a service animal may eliminate waste.

3. Presence of Animals on School Grounds

Other than for the purposes outlined in this regulation (and with all the requirements met therein), no animals, including pets, may be brought onto school grounds by any individual at any time while facilities are in use.

No animals, other than service animals, are permitted on school transportation at any time.

Conditions requiring removal of an animal from school premises:

- a. 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.

- b. Health Issue: If a student or staff member has an allergic reaction or other health problem because of the presence of an animal, the animal must be immediately removed from the classroom/workspace of the affected individual and removed from school premises until the situation is resolved.
- c. Aggression: Any animal that behaves aggressively must be immediately isolated and removed from the school premises.

C. Reports Required

- 1. Exhibit 1 – Parent Notification Letter
- 2. Exhibit 2 – Parent Letter – Service Animal Owner

D. Record Retention

As required.

E. Responsible Administrative Unit

Deputy Superintendent- Educational Services

F. Approved by:

<u>Candy Plahy</u>	<u>12/10/18</u>	<u>Greg Plutko, Ed.D.</u>	<u>12/10/18</u>
Responsible Division Head	Date	Superintendent	Date

LEGAL REFERENCE:

Education Code	Section 200	Education Equity
	Section 233.5	Instruction in kindness to pets and humane treatment of living creatures
	Section 32262	Interagency School Safety Demonstration Act
	Section 39839	Transportation of guide dogs, signal dogs, service dogs
	Section 44806	Instruction in kindness to pets and humane treatment of living
	Section 49350(a)	Safe School campuses
	Section 51202	Instruction in personal and public health and safety
	Section 51540	Safe and humane treatment of animals at school
California Constitution	Article I. Section 28	Right to Safe Schools
Civil Code	54.1	Access to public places
	54.2	Guide, signal, or service dogs, right to accompany
Code of Federal Regulations	28 C.F.R. § 35.104	Americans with Disabilities Act

Exhibit 1

Date:

RE: Service animal at _____ School

Dear Parent/Guardian:

This letter is to notify you of the presence of a service animal at _____
(School)

Service animals are highly trained to provide specific assistance to individuals with a designated need.

If your child has any known allergies, asthma, or other health-related conditions that may be affected by the presence of a service animal, please fill out and return the bottom portion of this page to the school staff by _____ so that arrangements can be made.

If you have any questions, please feel free to call or email me.

Sincerely,

School Principal

✂ _____

To: Staff

From: Parent/Guardian of _____

Please be advised that my child should NOT be in an environment with a service dog because he/she

If you have any questions, please contact me at:

Exhibit 2

Dear [Parent],

Thank you for participating in our discussion on XX DATE regarding your request for your child, NAME, to have his/her service dog accompany him/her to school at CAMPUS NAME. Placentia-Yorba Linda Unified School District ("District") has considered your request in accordance with its obligations under Title II of the Americans with Disabilities Act ("ADA"), Section 504 of the Rehabilitation Act of 1973, and related California laws, and hereby agrees to your request for your child to be accompanied by their service animal while on campus.

The purpose of this letter is to provide you with further information as to the rights and responsibilities of service dog handlers, and the expectations of the District regarding control of the animal on campus. As this letter will summarize, you are responsible for handling, care, and supervision of the service dog during all times it may accompany your child on campus.

Service Dog Access to School Campuses

First, it is the District's understanding that your child is the handler of the service dog. As the dog's handler, your child has certain responsibilities. These responsibilities include ensuring that the dog is under control at all times, normally by being leashed, and that the dog is properly marked as a service dog. Although the District does not require proof that your dog has been certified as a service animal, California law does require that the dog be registered with animal control so that it can be issued a service animal identification tag. For more information on how to register your animal, if this has not already been done, see California Food and Agriculture Code Section 30850.

The California Civil Code sets forth guidelines for ensuring that individuals with disabilities, including those with service animals, have equal access as other members of the general public to public places. (Civil Code §54 *et seq.*) Accordingly, the District will permit your child to bring the service dog on campus for any activity or event open to his/her class, or to the public. There may be special events, such as off campus field-trips, which require special arrangements to be made for your child and their service dog. The District would appreciate any advance notice you can provide if you anticipate that the service dog will accompany your child to an off-campus school-sponsored event.

While the District will make accommodations as necessary to ensure your child's equal access to all public spaces, please note that the District also has a responsibility to all students to ensure that their campus is safe, secure, and peaceful. Therefore, the District may ask you to remove the service dog from the campus if the animal is out of your child's control, or if the animal is not housebroken.¹ (28 C.F.R. § 35.136(b).) In addition, the site principal may take reasonable measures to restrict or limit your child's access to any controlled areas of the school campus if the presence of the service dog presents a health or safety risk to students or school staff, or results in a fundamental alteration of the educational program.

¹ The site principal will designate a relief area on campus for the service dog, and your child is responsible for cleaning up any waste.

Liability for the Service Dog

The District expressly disclaims any liability for the actions of your service dog. Please note that both state and federal law specifically state that the dog's handler may be held liable for any damage caused by the animal. (Cal. Civ. Code §54.1(c); 28 C.F.R. § 35.136(h).)

District Policies on Service Animals

Enclosed, please find copies of the District's current Board Policy and Administrative Regulation regarding service animals in District schools.

If you have any questions about the District's policies, or the rights and responsibilities of the service dog handler summarized above, please contact my office.

Sincerely,