

## **INSTRUCTION**

### **Animals At School**

The Inyo County Board of Education recognizes that animals can contribute to the Inyo County Superintendent of School's (ICSOS) instructional program by being effective teaching aids to students and by assisting individuals with disabilities to access ICSOS 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. (cf. 0410 - Nondiscrimination in District Programs and Activities)  
(cf. 6142.4 - Service Learning/Community Service Classes)  
(cf. 6159 - Individualized Education Program)  
(cf. 6164.4 - Identification and Evaluation of Individuals for Special Education)  
(cf. 6164.6 - Identification and Education Under Section 504)

The Superintendent or designee shall develop rules and procedures to ensure that when animals are brought to school, the health, safety, and welfare of students, staff, and the animals are protected. However, ICSOS assumes no liability for the safety of animals allowed on ICSOS property. (cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

### **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

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**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>

**BOARD POLICY:**

**First/Second Reading/Adoption: May 17, 2011**

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#### **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. 5141.21 - Administering Medication and Monitoring Health Conditions)

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. 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)

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

For an individual with a disability, service animal means any dog that is individually trained to do work or perform tasks 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 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. (28 CFR 35.104)

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)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education Under Section 504)

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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 ICSOS'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 of the facility.

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, 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)

**ADMINISTRATIVE REGULATION:**

**First/Second Reading/Adoption:** May 17, 2011