

Instruction

SERVICE ANIMALS IN SCHOOLS

The Chula Vista Elementary School District recognizes that federal and state laws and regulations provide individuals with disabilities, including children with disabilities, the right to be accompanied by service animals in all public places, including schools. (CA Civil Code Sections 54.1, 54.2; 28 C.F.R. Section 104.36)

Individuals with disabilities, including students, school staff, and visitors, may be accompanied by service animals as that term is defined in Title 28 of the Code of Federal Regulations, Section 35.104, on District property or at school-sponsored programs or activities, subject to the rules set forth in Administrative Regulation 0411. (28 C.F.R. Sections 35.104, 35.136)

The Chula Vista Elementary School District assumes no liability and shall not be responsible for the provision of service animals brought on District property or to school-sponsored programs or activities. The user of the service animal shall be responsible for its care and conduct at all times. (CA Civil Code Sections 54.1, 54.2; 28 C.F.R. Section 35.136)

Legal Reference:

CALIFORNIA CONSTITUTION

Article I, Section 28(f)(1) Right to safe schools

CIVIL CODE

54.1 Access to public places

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

GOVERNMENT CODE

Section 12926 Definitions

EDUCATION CODE

Section 35160 Authority of governing boards

Section 39839 Transportation of guide dogs, signal, 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 (Public Law 100-325)

FEDERAL REGULATIONS

28 C.F.R. Section 35.104 Definition of service animal

28 C.F.R. Section 35.130(h) Imposition of legitimate safety requirements

28 S.F.R. Section 35.136 Service animals

28 C.F.R. Section 35.139 Direct threat

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

COURT DECISIONS

Sullivan v. Vallejo City Unified School District, 731 F. Supp. 947 (E.D. CA 1990)

OFFICE OF CIVIL RIGHTS OPINIONS

Bakersfield City School District (OCR 2008) 50 IDELR 169