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 C.S.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
OFFICE OF CIVIL RIGHTS OPINIONS
Bakersfield City School District (OCR 2008) 50 IDELR 169