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## **Guidelines for Services Animals in SFUSD Facilities pursuant to a Facilities Use Permit**

(28 CFR 35.104, 35.136; AG Order No. 3180–2010; 75 FR 56178, Sept. 15, 2010;  
76 FR 13285, Mar. 11, 2011; California Civil Code 54.2)

### **Service Animals on and in SFUSD Premises**

An individual with a disability may be accompanied on and in SFUSD premises by a service animal pursuant to these guidelines. (28 CFR 35.104, 35.136; California Civil Code 54.2)

### **Service Animal Defined**

For an individual with a disability, service animal means any dog 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. (*See the exception for miniature horses, below.*)

The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(28 CFR 35.104)

### **Permissible Questions to Determine if Animal Qualifies as Service Animal**

SFUSD shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. SFUSD may ask: (1) if the animal is required because of a disability and (2) what work or task the animal has been trained to perform. SFUSD does not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal. Generally, SFUSD may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (*e.g.*, the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

(28 CFR 35.136(f))

### **Service Animal Shall Be Under the Individual's Control**

A service animal shall be under the control of the individual with a disability. A service animal shall have a harness, leash, or other tether, unless either the individual 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 individual's control (*e.g.*, voice control, signals, or other effective means). (28 CFR 35.136(d))

### **Removal of an Out-of-Control or Un-housebroken Service Animal**

The SFUSD Principal, Custodian, or other SFUSD representative may ask an individual with a disability to remove a service animal from the premises if (1) The animal is out of control and the individual with a disability does not take effective action to control it; or (2) The animal is not housebroken. When an individual's service animal is excluded, he/she shall be given the opportunity to participate in the service, program, or activity without having the service animal present. (28 CFR 35.136(b), (c); California Civil Code 54.2)

### **Care or Supervision of a Service Animal**

SFUSD is not responsible for the care or supervision of a service animal. (28 CFR 35.136(e))

### **Access to Areas of SFUSD Premises**

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of the SFUSD facilities where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. (28 CFR 35.136(g))

### **Surcharges; Damage**

SFUSD shall not ask or require an individual with a disability to pay a surcharge, even if people accompanied by pets are required to pay fees, or to comply with other requirements generally not applicable to people without pets. To the extent that SFUSD normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal. (28 CFR 35.136(h))

### **Miniature Horses**

SFUSD's Real Estate Office may permit the use of a miniature horse as a service animal when the miniature horse has been individually trained to do work or perform tasks for the benefit of an individual with a disability, provided that:

1. The SFUSD 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.

If the SFUSD Real Estate office permits a miniature horse on an SFUSD premises as a service animal, as above, the requirements listed in these guidelines which apply to service animals shall also apply to miniature horses.

(28 CFR 35.136(i))