

# LAUSD Guidance for Assistance Animals

The Americans with Disabilities Act (ADA) mandates that service animals are allowed to accompany people with disabilities in all areas of a State and local government facility where the public is allowed. The ADA specifically addresses only service animals and does not protect emotional support animals, however the Federal Housing Act (FHA), Equal Employee Opportunity Commission (EEOC) and California regulations allow individuals with disabilities to be accompanied by emotional support animals in public areas. The decision to allow a student or employee to use an emotional support animal that does not meet the criteria of a service animal should be made based on the request to use the animal to assist with task.

This reference guide will explain the difference between assistance animals, service animals and emotional support animals and guidance on how to manage these types of requests. The District is committed to fostering inclusion and access to people with disabilities and provides best practices for establishing reasonable accommodations for using assistance animals.

## Assistance Animals

The California Code Regulations Title II Section 14331 acknowledges that assistance animals include service animals and support animals. An **assistance animal** is not classified as a pet, rather it is defined in the ADA as *“an animal that works, provides assistance, or performs tasks for the benefit of an individual with a disability, or provides emotional, cognitive, or similar support that alleviates one or more identified symptoms or effects of an individual's disability.”*

## Service Animals

Determining whether an animal is a service animal or not depends on if the animal has been trained to perform specific tasks. According to The California Code Regulations (Section 14020), **service animals** are animals that are *specially trained to perform specific tasks to assist individuals with disabilities; this includes individuals with mental health disabilities*. Service animals do not need to be professionally trained or certified but may be trained by an individual with a disability or someone who is skilled in training service animals. No documentation is required from the individual to show or prove the service animal is certified or has undergone training. The California Disabled Persons Act allows service animals in training in public places, including businesses, transportation, and housing. The dog must be leashed and wear a county-issued tag. The owner is responsible for any damage the dog causes.

### **Service animals are:**

- Dogs
- Any breed and any size of dog
- Trained to perform a task directly related to a person's disability

### **Service animals are not:**

- Required to be certified or go through a professional training program
- Required to wear a vest or other ID that indicates they're a service dog
- Emotional support or comfort dogs, because providing emotional support or comfort is not a task related to a person's disability

## Support Animals

Contrary to service animals, **support animals** are animals that provide emotional, cognitive, or other similar support to an individual with a disability. Support animals are also known as “comfort animals” or “emotional support animals”. Additionally, support animals do not need to be trained or certified. Individuals may request reasonable accommodation for using a support animal to assist with their daily duties.

If the assistance animal creates an undue burden on the covered entity or constitutes a direct threat to others, as defined in section 14020, then the animal can be prohibited from entering the public facility. A direct threat means a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures, or by the provision of auxiliary aids or services. For example, if a service animal attacks or causes harm to the safety of those around it, then the service animal may be deemed a “direct threat” and may be restrained or asked to be removed from District property.

The District is not allowed to deny an individual with disability access due to their use of an Assistance Animal(s) or deny access onto the campus for the assistance animal itself. According to California Code Regulations Section 14020, individuals with disabilities are permitted to have service animals in all locations and facilities operated or controlled by public entities. When a service animal threatens the safety of those around it, the animal may be restrained, removed and prohibited from re-entry onto the facility. The Handler is expected to control their animal at all times.

There is no “Certification of Service Animals” that is recognized nationally or by the State, however there are numerous training organizations that are recognized for certifying Service Animals. The ADA states that Service Animals are well trained animals and are expected to be under control of the handler

(student, employee or visitor) at all times and not display harmful or disruptive behavior.

## **Students with Assistance Animals**

The ADA allows students with disabilities to bring their service animals to school. Additionally, the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act enable students to use animals that do not meet the ADA's definition of a service animal, as long as the student's Individual Education Plan (IEP) or Section 504 team determines the animal is essential for the student to receive a free and appropriate education.

However, under the ADA, the right to use a service animal is not dependent on the IEP or Section 504 team's decision.

Emotional support animals, therapy animals, and companion animals are generally not permitted in public schools. The ADA specifically addresses only service animals and does not include these other types of animals. The decision to allow a student to use an animal that does not qualify as a service animal should be made on an individual basis by the IEP or Section 504 team.

## **Employees with Assistance Animals**

Laws prohibit discrimination in employment based on disability, and employers must provide reasonable accommodation. Allowing a service animal or emotional support animal to accompany an employee with a disability could be considered an accommodation since the animal is used to assist the employee with their work duties. The Equal Employment Opportunity Commission (EEOC), which enforces the ADA's employment provisions (Title I), does not have a specific regulation regarding service animals.

If an employee's disability is not obvious or the need for the animal is unclear, the employer may request documentation to verify the disability and explain how the animal assists the employee in performing their job. This documentation may include details on how the animal helps with job tasks

and how it is trained to behave in the workplace. An employee may suggest a trial period for the animal's presence at work.

Both service and emotional support animals can be excluded from the workplace if they create undue hardship or pose a direct threat.

## **What can I ask?**

Essentially there are ***only two questions that can be asked of an individual to determine whether an animal is a service animal***, or something other than a Service Animal such as an emotional support animal.

The two questions are as follows:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Per California state law, fraudulently representing an animal as a guide, signal, or service animal to be an owner is a criminal misdemeanor punishable by a fine of up to \$1,000 (and/or up to six months imprisonment).

## **Responsibilities for LAUSD**

1. If a service animal is on a school site, Office, or Board Meeting, it is acceptable to inquire if the animal is a service animal (See questions that you may ask above).  
**NOTE:** You are NOT allowed to ask about an individual's disability.
2. Allow a service animal to accompany the partner/handler at all times and everywhere on campus, within District property, except where service animals are specifically prohibited due to health, environmental, or safety hazards.
3. Direct staff, students, and other people to refrain from petting, feeding, or deliberately startling a service animal.

4. Immediately report any disruptive behavior of a service animal to the School Police or School Safety Officer. No attempt should be made to separate a partner/handler from his or her service animal.

## **Requirements of Service Animals and their Handlers**

1. **TRAINING** – A service animal must be specifically trained to perform a service function.
2. **IDENTIFICATION** – The service animal should, however not required in the State of California, wear a harness, cape, identification tag or other gear that readily identifies its working status.
3. **CONTROL** – The partner/handler must always be in full control of the service animal. The care and supervision of a service animal is solely the responsibility of its partner/handler.
4. **LEASH** – The service animal must be on a leash at all times.
5. **LICENSE AND TAGS** – All service animals should have an owner identification tag.
6. **CLEAN UP RULE** – The partner/handler 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.

## **Conditions for Keeping Animal Service**

The partner/handler of a service animal may be asked to remove any animal that is unruly or disruptive (e.g. barking, running around and causing disruption) from District property and/or facilities at the time of the disruption. If improper behavior happens repeatedly, the handler may be required to take significant steps to mitigate the behavior before bringing the animal onto District property and/or facilities. Mitigation may include muzzling a barking animal, obtaining a refresher training course for both the animal and the handler, or other appropriate measures.

For more information about Service Animals, visit the [ADA: FAQ about Service Animals](#).

## **Sources:**

- [Table of State Assistance Animal Laws | Animal Legal & Historical Center](#)
- [Legal Brief: Service Animals and Individuals With Disabilities Under the Americans With Disabilities Act \(ADA\) | ADA National Network](#)
- [Section 14331 - Assistance Animals, Cal. Code Regs. tit. 2 § 14331 | Casetext Search + Citator](#)