



# CLIENT NEWS BRIEF

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## DISTRICT COURT CLARIFIES REQUIREMENTS FOR ALLOWING SERVICE ANIMALS AT SCHOOL

A federal district court clarified under what circumstances a service animal may accompany a student at school. In C.C. v. Cypress School District (C.D. Cal., June 13, 2011, Case. No. 11-352), the court issued a preliminary injunction allowing an elementary school student with autism to bring his service dog to school. In making this determination, the court emphasized that allowing the service dog at school would not significantly affect the school district's educational program.

A student with severe autism was paired with a service dog to help prevent him from engaging in destructive behavior. Cypress School District ("District") refused to allow the service dog at school. The child's parents sued the District, claiming that it had violated the Americans with Disabilities Act (ADA) by discriminating against their son because of his disability.

In issuing the injunction against the District, the court concluded that the dog met the ADA requirements of a service dog and that the District's program would not be significantly altered by the dog accompanying the student to school.

Under the ADA, a service dog is a dog trained to do work or tasks for a disabled individual, and the work or tasks must be directly related to the disability. In this case, the student's dog qualified as a service dog because it was trained with the student's special needs in mind and prevented the student from engaging in harmful behavior.

The District argued that the presence of the dog would significantly alter the District's program because it would cause additional expenses and heightened responsibilities for staff members. The court, however, found that these related expenses would not be extreme. The court also dismissed as irrelevant the District's argument that the dog would negatively affect the student's educational process. The court believed that the District's strongest argument was that the service dog would affect the other students in the class, but because the District only minimally addressed this issue, the court concluded that the District's program would not be fundamentally altered by the dog's presence.

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This decision illustrates that school districts may be required to allow service animals to accompany students with disabilities at school when the service animals cause only minor expenses and inconveniences. Districts seeking to prohibit service animals at school must demonstrate that the animal's presence would cause a drastic change to their educational program.

If you have any questions about the ADA and service animal requirements or special education generally, please do not hesitate to contact one of our [eight offices](#) located statewide or consult our [website](#).

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