

## **Policy Code: 4390 USE OF SERVICE ANIMALS**

The Board of Education adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. The use of service animals by students, employees, volunteers, and visitors on all school property will be governed by this policy.

### Definition of Service Animal

A service animal is an animal 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. The work or tasks performed by the service animal must be directly related to the handler's disability, including, but not limited to, guiding an individual who is blind or has impaired vision, alerting an individual who is deaf or has impaired hearing of the presence of people or sounds, providing physical support and assistance with balance and mobility, alerting and protecting an individual with a seizure disorder, alerting individuals to the presence of allergens, helping an individual with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors, pulling a wheelchair, retrieving objects, or performing other special tasks.

An animal whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote general emotional well-being is not a service animal. To be considered a service animal, the animal must be trained to perform tasks directly related to the individual's disability. Unless the animal is specially trained to perform an activity that qualifies as work or a task in response to the needs of a disabled student, employee, volunteer, or visitor, the animal is a pet or support animal and does not qualify as a service animal.

Unless readily apparent, school personnel are authorized to ask a disabled individual accompanied by a service animal (1) whether the animal is required because of a disability and (2) what work or task the animal has been trained to perform. School personnel will use the responses to these questions to determine if an animal is in fact a service animal that should be properly permitted access to school property.

Service animals are limited to dogs. In very limited circumstances, accommodations may be made for miniature horses that otherwise meet the requirements of this policy. Other species of animals, whether wild or domestic, will not be considered service animals.

### Requirements for Use of Service Animals by Individuals with Disabilities

Service animals will be permitted on school property or at school-sponsored events to the extent consistent with federal and state law. The School Principal is required to notify the School Resource Officer of the presence of a service animal.

A service animal must wear a harness, leash, or tether at all times when used on school property, unless either the handler is unable because of a disability to use a harness, leash, or tether, or the use of a harness, leash, or 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 handler's control (e.g., voice control, signals, or other effective means). The animal's handler must be capable of providing proper handling and maintaining control of the service animal at all times, to include the physical care of the service animal.

The regular use of a service animal by students or employees may be subject to a plan which introduces the service animal to the school environment, includes any appropriate training for staff and students regarding interaction with the service animal, and provides for other conditions deemed necessary by school personnel.

School personnel will deny a service animal access to school property, or immediately remove a service animal from school property, if:

- (1) the animal is not housebroken;
- (2) the animal is out of control;
- (3) the animal poses a direct threat to the health or safety of others; or
- (4) the animal becomes aggressive, behaves in a dangerous manner, causes injury or property damage, or substantially disrupts the educational process or school activity.

If the service animal is removed from school property, the disabled individual will be given the opportunity to participate in the school event or educational activity without the service animal's assistance.

If a student or school employee has an allergic reaction or other severe health concern because of the presence of a service animal, the animal must be immediately removed from the classroom/workspace of the affected individual and, if necessary, removed from school premises until the situation is resolved. Legitimate health concerns of other students or school employees will be addressed through reasonable modifications of school system policies, practices, and procedures to accommodate both the legitimate health concern and the use of the service animal. If the school system knows in advance that an individual is likely to have an allergic or other adverse reaction or health concern in the presence of a service animal, school personnel will take appropriate and reasonable measures to address the situation to accommodate both the legitimate health concern and use of a service animal. This may include reassignment of the student or employee with the service animal to another classroom or other appropriate measures.

The school system is not responsible for the care or supervision of a service animal. All costs related to the handling and care of the service animal are the responsibility of the individual or parent/guardian of the student who uses the service animal.

### Requests for Use of Service Animals by Individuals with Disabilities

The Board appreciates and strongly encourages individuals who intend to use a service animal on school property to meet the school system's requested guidelines on providing advanced notice and taking other steps to assure the effective introduction of the service animal into the school environment. While school personnel cannot deny access of a service animal due to an individual's failure to provide advanced notice or to meet the other guidelines set forth in this section, a disabled student, a disabled student's parent or guardian, or a disabled employee, volunteer, or visitor should notify school personnel of the intended use of a service animal on school property at least three (3) weeks prior to the use of the service animal whenever possible. Such prior notification should identify and describe the need for the service animal in the school setting, the manner in which the service animal will meet the individual's particular need(s), documentation that the service animal is properly trained and licensed, certification by a veterinarian that the service animal has received all required vaccinations and has been treated for fleas and ticks, documentation that the handler for the service animal is properly trained, and proof of adequate liability insurance.

### Liability

The individual using the service animal is wholly liable for any damage to school property or personal property and for any injuries caused by the service animal. The individual using the service animal will hold the Board harmless and indemnify the school system from any such damages.

LEGAL REF: Americans with Disabilities Act, [42 U.S.C. 12131](#); [28 C.F.R. Part 35](#); [N.C. Gen. Stat. 168-4.2](#).

ADOPTED: November 5, 2012

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**Edenton-Chowan Schools**