

1 The Transylvania County Board of Education (the “board”) will make reasonable
2 accommodations for qualified persons with disabilities in accordance with policy
3 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state
4 and federal law. An individual with a disability may be accompanied by his or her service
5 animal on school property subject to the requirements of this policy. If necessary, the
6 superintendent may establish administrative regulations for the use of service animals on school
7 property.

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9 **A. DEFINITION OF “SERVICE ANIMAL”**

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11 A “service animal” for purposes of this policy is any dog that has been individually
12 trained to do work or perform tasks for the benefit of an individual with a disability,
13 including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental
14 disability. The work or tasks performed by a service animal must be directly related to
15 the individual’s disability or necessary to mitigate a disability. Federal regulation 28
16 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service
17 animals do not include any other species of animal, whether wild or domestic, trained or
18 untrained, except that a miniature horse will be permitted for use as a service animal if
19 reasonable modifications can be made after assessing the specific factors listed in 28
20 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-
21 being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are
22 not service animals for the purposes of this policy.

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24 **B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES**

25
26 1. Introduction of a Service Animal

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28 School administrators shall facilitate the introduction of an eligible service animal
29 into the school environment. To promote a successful integration of the service
30 animal into the educational program and to minimize unnecessary disruption, an
31 employee or student with a disability who intends to bring a service animal to
32 school during the school day is encouraged to follow these guidelines.

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34 a. The employee, student, or student’s parent should notify the
35 superintendent and the principal of the applicable school in writing at least
36 ten (10) work days prior to the date proposed to bring the service animal
37 onto school property.
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39 b. The employee, student, or student’s parent should work with school
40 personnel to create a plan addressing the presence of the service animal
41 during the school day. A plan to integrate a service animal into the school
42 environment should include the following:
43

- 44 1) appropriate training for school personnel and students regarding
45 interaction with the service animal;
- 46
- 47 2) arrangements for meeting the service animal’s basic needs during
48 the school day;
- 49
- 50 3) any necessary modifications to the educational program so that the
51 employee or student with a disability may be accompanied by the
52 service animal; and
- 53
- 54 4) when necessary, provisions for the presence of a handler other than
55 the employee or student with the disability to control or care for
56 the service animal.
- 57
- 58 c. It is recommended, but not required, that the service animal wear
59 identification to provide adequate notice to students, school personnel, and
60 school visitors that the dog is a service animal.
- 61
- 62 d. The service animal should be free of parasites and otherwise in good
63 health.

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65 2. Presence of a Service Animal on School Property

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67 An employee or student with a disability accompanied by a service animal must
68 meet the following requirements for a service animal to be present on school
69 property.

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- 71 a. A student or employee who elects to be accompanied by a service animal
72 will be expected to care for and supervise the animal. If a student is not
73 capable of providing adequate care and supervision, the parent will be
74 responsible for providing such care and supervision.
- 75
- 76 b. If a student requires assistance from a parent or handler to control and care
77 for the service animal while on school property, that individual must
78 submit to a background screening, which may include a criminal history
79 check in accordance with state law and any procedures established by the
80 superintendent.
- 81
- 82 c. The service animal must be on a leash or other mechanical restraint at all
83 times. If mechanical restraint is not feasible due to a student’s disability,
84 the animal must be under other sufficient means of control.
- 85
- 86 d. The service animal must be housebroken, under the control of its handler,
87 and have received all necessary vaccinations as required by state law.

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89 The principal or designee shall notify all security personnel of the existence and possible
90 locations of any service animals on school property.

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92 **C. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

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94 A school visitor who is an individual with a disability may be accompanied by a service
95 animal in accordance with all applicable state and federal laws and regulations and with
96 policy 5020, Visitors to the Schools. A service animal that is accompanying a school
97 visitor may be properly excluded from school property for a reason(s) set forth in Section
98 E of this policy.

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100 **D. LIABILITY**

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102 The board may hold the owner or handler of a service animal liable for any property
103 damage caused by the animal to the same extent required by other board policy or
104 administrative rules that impose liability for property damage. In addition, either the
105 owner or handler, or both, may be liable for personal injury caused by the animal or
106 related to the presence of the animal on school property.

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108 **E. EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

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110 School personnel shall not ask an individual with a disability about the nature or extent of
111 his or her disability or for proof of a service animal's training as a condition of allowing
112 the animal onto school property. However, when not readily apparent to school
113 personnel, a principal or designee may inquire as to whether the animal is required
114 because of a disability and what work or task the animal has been trained to perform.
115 Such inquiries may be made to confirm that the dog is a service animal and is rightfully
116 present on school property.

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118 A principal or designee may exclude a service animal from school property for the
119 following reasons:

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121 1. The animal poses a direct threat to the health or safety of others that cannot be
122 eliminated by reasonable modifications.

123

124 2. The animal is out of control and the animal's handler does not take effective
125 action to control it.

126

127 3. The animal is not housebroken.

128

129 4. The presence or behavior of the animal fundamentally alters the service, program,
130 or activity of the school system.

131

132 If a principal or designee excludes a dog or service animal from school property, the
133 principal or designee must document the reasons for the exclusion and notify the
134 superintendent. The superintendent or designee will make a determination on whether a
135 service animal will be allowed to return to the school and, if reasonably possible, notify
136 the individual with the disability in writing of the decision within five (5) work days of
137 the initial exclusion.

138
139 If the superintendent determines that an animal does not meet the definition of a service
140 animal or that a service animal should be excluded for one or more of the reasons
141 described in this section, the student's Section 504 or IEP Team shall meet to consider
142 and document whether the animal's presence is necessary for the child to receive an
143 appropriate education or to have equal access to the educational program and, if not,
144 whether the child needs other aids and services or accommodations.

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146 If a service animal is excluded, an individual with a disability will be provided the
147 opportunity to participate in educational services, programs or activities as required by
148 law without having the service animal on the premises.

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150 **F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

151
152 The superintendent's decision regarding exclusion of a service animal from school
153 property in accordance with this policy may be appealed consistent with policy
154 ~~1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure~~
155 **1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law**, and any
156 other procedure established by the superintendent under policy 1730/4022/7231,
157 Nondiscrimination on the Basis of Disabilities.

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159 Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;
160 Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Rehabilitation Act of 1973,
161 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

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163 Cross References: **Discrimination and Harassment Prohibited by Federal Law (policy**
164 **1710/4020/7230)**~~Discrimination, Harassment, and Bullying Complaint Procedure (policy~~
165 ~~1720/4015/7225)~~, Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231),
166 School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

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168 Adopted: January 19, 2016

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170 Revised: [DATE]