

Section: 5000 Academic Achievement

Title: Service Animals Policy

Code: 5005

Status: Active

Adopted: October 3, 2018

Revised:

The North Carolina Charter Educational Foundation prohibits discrimination on the basis of disability in the implementation of its educational program and services in accordance with state and federal law. Accordingly, an individual with a disability may be accompanied by his/her service animal on school property or at school-sponsored events in accordance with state and federal law and pursuant to the policy set forth below.

A. Definition of Service Animal

A service animal is any dog 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 a service animal must be directly related to the individual's disability. Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote general emotional well-being are not service animals for the purpose of this policy.

B. Procedures for Use of a Service Animal at School

1. An individual requesting use of a service animal at school must submit a written request to the Principal at least ten (10) work days prior to the proposed use of the service animal. Service animals will not be permitted in the school setting without prior approval.
2. School employees will not ask an individual with a disability about the nature or extent of the person's disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent, the Principal or his/her designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform.
3. The use of a service animal at school may be subject to a plan addressing: introduction of the service animal to the school environment, any necessary training for staff and/or students regarding interaction with the service animal, the presence of a handler other than the individual with the disability to control or care for the service animal, and other issues deemed necessary by school officials.
4. Requests for use of a service animal must be renewed annually, prior to the start of each subsequent school year. Approval of the use of a service animal on school property is subject to review by the Board at any time.

C. Presence of a Service Animal on School Property

1. An individual accompanied by a service animal is expected to be able to care for and supervise the service animal. If a student is not able to care for and supervise the animal, the student's parent will be responsible for providing such care and supervision of the service animal. The school is not responsible for the care or supervision of the service animal.
2. If a student requires assistance from his/her parent or handler to care for and supervise the animal, an individual criminal history check for the person providing such assistance will be required in accordance with state law and school board policy.
3. Service animals must wear proper identification and must always be on a harness, leash or other tether at all times. If such tethering is not feasible due to the individual's disability, the service animal must be under other sufficient means of control such as the student or handler's control by way of voice controls, signals or other effective means.
4. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.
5. The service animal should be free of parasites and otherwise in good health.

D. Health and Safety

1. Any animal that causes injury to students or staff or that behaves aggressively must be immediately isolated and removed from school premises. The service animal will not be permitted to return to school property unless the owner can establish that the animal does not pose a threat to the safety or well-being of students or staff.
2. If a student or staff member has an allergic reaction or other health concern related to the presence of a service animal, the animal must be immediately removed from the classroom or work area of the affected individual and, if necessary, removed from school premises until the situation is resolved. Legitimate health concerns of other students or staff members that cannot be eliminated by reasonable modifications may necessitate additional conditions or limitations being placed on the use of the service animal.

E. Liability

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

F. Exclusion of a Service Animal from School Property

The Principal may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the handler does not take effective action to control it.



3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program or activity of the school.

The Principal's decision regarding exclusion of a service animal from school property may be appealed pursuant to the school's Grievance Policy.

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

Adopted: 10/3/18

Reviewed:

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Legal Reference: [Title II of the Americans with Disabilities Act \("ADA"\), 42 U.S.C. 12134; 28 C.F.R. Pt. 35.](#)