

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

A. DEFINITION OF “SERVICE ANIMAL”

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

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

1. Introduction of a Service Animal

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

- a. The employee, student or student’s parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.
- b. The employee, student or student’s parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:
 - 1) appropriate training for school personnel and students regarding interaction with the service animal;

- 2) arrangements for meeting the service animal's basic needs during the school day
 - 3) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and
 - 4) when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.
- c. It is recommended, but not required, that the service animal be free of parasites and otherwise in good health. Veterinary records and records of vaccinations should be made available to the superintendent or designee or the principal for review.

2. Presence of a Service Animal on School Property

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

- a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.
- b. All costs related to the handling and care of the service animal are the responsibility of the parent/guardian of the student, or of the adult visitor or staff member who uses the animal.
- c. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.
- d. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.
- e. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

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

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

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

D. LIABILITY

The board 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 board policy or administrative 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.

E. EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability. However, when not readily apparent to school personnel, a principal or 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. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee 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 animal's 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 system.

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

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

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

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

The superintendent's decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policy 4020/7230, Discrimination and Harassment Prohibited by Federal Law, and any other procedure established by the superintendent under policy 4022, Nondiscrimination on the Basis of Disabilities.

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

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 4020/7230) Nondiscrimination on the Basis of Disabilities (policy 4022), School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

Adopted: July 14, 2014

Revised: February 9, 2015; January 11, 2021 (Legal references only)