

## **USE OF SERVICE ANIMALS ON SCHOOL PROPERTY**

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The Avery County Board of Education does not discriminate on the basis of disability, and strives to make reasonable accommodations for a disabled person's use of a service animal on school property. This policy addresses service animals by any member of the public at a school event in which the general public are invited as well as students using a service animal during the instructional day.

### **SERVICE ANIMALS AT EVENT OPEN TO THE GENERAL PUBLIC**

There is no explicit statutory right for a disabled person to be accompanied by a service animal in a schools. However, ACS does believe that “every person with a disability has the right to be accompanied by a trained service animal to assist the person with his or her specific disability” in certain places. The public places covered by N.C.G.S. § 168-3, 4.2 are public transportation and places of public accommodation to which the general public are invited. These statutes do not specifically refer to schools. However, when a school is being used for an event in which the general public is invited. (i.e. concerts, athletic event), the school will allow members of the general public to be accompanied by a registered service animal or a legitimate service animal that meets the definition as set forth by the American with Disabilities Act. If the service animal is in training, the animal must be accompanied by the animal's trainer and the animal must wear a leash, collar harness or cape that identifies that the animal as a service animal in training. The owner of a service animal or the trainer of an animal shall be liable for any damages caused by the animal while on school property.

If a service animal becomes unruly or threatens the safety of anyone participating in the event, school officials may require that the animal leave school premises.

### **SERVICE ANIMALS AND STUDENTS**

During the instructional day, school is not a place where the general public is invited. Therefore, Avery County Schools will review requests to use service animals by students during the instructional day or on the school bus on a case by case basis and any decisions will be based on the individualized needs of the student. For students with an IEP Plan, the decision will be made by the student's respective IEP or 504 Team, Subject to any appeal rights sent forth in the law or Board policy.

The decision to allow a student to use a service animal during the instructional day or on a school bus will be determined as set forth by the applicable federal law (Section 504, IDEA, ADA) as well as the other considerations below. The Team shall consider any and all relevant information about the animal and the need for the animal. The team should also consider the following factors:

1. the purpose of the animal and whether the purpose may be accomplished in another, less intrusive manner;

2. whether the use of an animal would require a change in placement;
3. whether the animal would create an unreasonable disruption to the school environment;
4. whether the animal poses an unreasonable risk to the health and safety of students and staff.

#### **DEFINITION OF SERVICE ANIMAL**

Avery County Schools follows the definition of a service dog as outlined in the ADA. A service animal is not a pet.

The ADA defines a service animal as an animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. Guide dogs are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- Alerting persons with hearing impairments to sounds.
- Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.
- Assisting persons with mobility impairments with balance.

Service animal means an animal trained to accompany its owner or handler for the purpose of carrying items, retrieving objects, pulling a wheelchair, alerting the owner, or handler to medical conditions, or other such activities of service or support necessary to mitigate the disability.

#### **GUIDELINES FOR STUDENT USE OF SERVICE ANIMALS**

There are certain guidelines that need to be followed if, after review, the review team feels that a student is entitled to bring a service animal to school during the instructional day:

- The service animal must be a certified/licensed service animal.
- The service animal's owner must provide, upon written request, veterinary care and vaccination records.
- The service animal must be under the control of the handler (leashed, harnessed).
- The service animal must be "housebroken".
- The presence of a service animal must not alter the fundamental nature of the classroom routine.
- The service animal does not substantially interfere with the rights of other students and staff.
- The parent or handler is responsible for the health, condition and bodily functions of the animal.
- The animal is clean, well-groomed and does not have an offensive odor.

- The animal does not urinate or defecate in inappropriate locations.
- The animal does not solicit attention, visit or annoy any member of the student body or school personnel.
- The animal does not vocalize unnecessarily, i.e., barking, growling or whining.
- The animal shows no aggression towards people or other animals.
- The animal does not solicit or steal food or other items from the student body or school personnel.
- The service animal must not in any other way interfere with the educational process of any student.
- The service animal must not pose a health or safety threat to any student, personnel or other persons.
- The owner of the service animal must provide proof of liability insurance that will cover any damage done by the animal. The owner of the service animal will be liable for any damage caused by the animal.

#### **STANDARDS BY WHICH THE REQUEST WILL BE EVALUATED**

The animal must be a trained service animal. A "trained service animal" can be called a:

- hearing animal
- guide animal
- assistance animal
- seizure alert animal
- mobility animal
- autism service animal

A "trained service animal" is NOT called a:

- skilled companion animal
- therapy animal
- social animal
- facility animal
- agility animal
- helping animal
- support animal

The service animal must have a health certificate that evidences the animal is currently in good health, free from parasites, and has received all recommended vaccinations.

Guide dogs for totally or partially blind persons and hearing dogs for deaf or hearing impaired or otherwise disabled persons must wear a harness, backpack, or vest identifying the dog as a trained service dog.

The service animal and its primary handler must be certified for "public access". Any purported service animal that is being brought into a school setting must have sufficient training to be certifiable for public access. Having "Public Access" is an important, objective measure of the animal's ability to behave appropriately in public and the handler's ability to handle the service animal in public. If the handler cannot produce such a certificate, then either the animal must pass the ADI Public Access Test or the

handler must produce credible proof that the dog has met ADI's "Minimum Standards for Training Service Animals." Costs associated with the certification are the responsibility of the parent(s).

5. Even if the service animal is certified for public access, it will be denied access to school property if at any time ADI's "Minimum Standards For Assistance Animals in Public" are not maintained.

Cross References: Individuals with Disabilities Education Act (IDEA); The Rehabilitation Act of 1973; Americans with Disabilities Act (ADA)

Adopted: 1/17/11