

In accordance with Section 504 of the Rehabilitation Act of 1973 ("Rehab Act"), the Americans with Disabilities Act of 1990 ("ADA"), and state law, Wake County Board of Education ("the Board"), may be required to accommodate an otherwise qualified individual with a disability by making a reasonable modification in its services, programs, or activities. The Board acknowledges the health and safety interests of the general community. This policy addresses the use of service animals on campus by qualified individuals with disabilities. Pets and therapy animals are not considered service animals and therefore are not covered by this regulation.

6780.1 This policy applies to any guide dog, signal dog, or other approved animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, fetching dropped items, or other tasks that are directly related to the individual's disability. The animal must be a dog or in limited circumstances, a miniature horse. No other type of service animal will be permitted. Animals whose sole function is to provide emotional support, comfort, therapy, companionship or therapeutic benefits, to promote emotional well-being or to act as a deterrent to crime are not service animals. An animal must meet this definition to be considered a service animal for purposes of this policy, regardless of whether it has or has not been licensed or certified by a state or local government, or by a private agency.

6780.2 The Wake County Public School System ("WCPSS") adheres to the Americans with Disabilities Act and state laws permitting the use of service animals by individuals with disabilities. When not readily apparent, school officials 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. School visitors shall not be asked about the nature or extent of their disability or for proof of a service animal's training.

6780.3 Use of service animals by staff or students with a disability is subject to the following requirements, and to adherence to approval procedures set forth in the accompanying R&P.

- A. Service animals must be housebroken; must wear proper identification; must have received all vaccinations as required by state law; must wear a rabies tag; must be free of parasites, must be kept clean and groomed, and otherwise in good health; must be under the control of its handler; and must be on a harness, leash or other tether, unless the service animal is required to perform a task that it could not accomplish while on a leash/lead or the handler is otherwise unable to maintain the animal on a leash/lead due to a disability. In such a case, the handler still must be able to maintain control over the animal through other means.
- B. All costs related to the handling and care of the service animal are the responsibility of the parent/guardian of the student or the staff member for whom the animal provides service.
- C. WCPSS is not responsible for the care or supervision of a service animal, including walking the animal or responding to the animal's need to relieve itself. A student or employee with a service animal is expected to care for and supervise the animal. In the case of a young child or a student with disabilities who is unable to care for or supervise his service animal, the parent is responsible for providing care and supervision to the service animal.
- D. The use of a service animal on School District property by a student or employee will be subject to a plan that is approved which introduces the service animal to the school environment, any appropriate training for staff and students regarding interaction with the service animal, and other activities or conditions deemed necessary by the School District.
- E. Service animals may be permitted on school district transportation vehicles if necessary to access educational services and programs and if consistent with safety requirements. Requests for transportation will be considered on an individual basis and may include review by the student's IEP team and/or Section 504 team, if appropriate. A representative of the Transportation Department may meet with the animal's owner to determine whether and under what conditions the service animal can be transported safely.

- 6780.4 Any animal that causes injury to staff or students or that demonstrates aggression (e.g. growling, lunging forward, biting or snapping, etc.) will be immediately isolated and removed from the school premises. In addition, School system representatives retain the discretion of removing or excluding a service animal for any of the following reasons:
- A. the animal is out of control and/or the animal's handler does not effectively control the animal's behavior;
 - B. the animal is not housebroken;
 - C. the animal's presence or behavior fundamentally interferes in the functions of the Wake County Public Schools; or
 - D. the animal poses a direct threat (perceived or real) to the health or safety of others that cannot be eliminated by reasonable modifications.
- 6780.5 The owner or handler of a service animal may be liable for any damage to WCPSS or personal property to the same extent required by other board policy or regulations that impose liability for property damage. The owner or handler of a service animal may also be liable for any physical damage or injuries caused by the service animal. The student and parent/guardian of a student who uses a service animal on WCPSS property will hold the Wake County Public School System harmless and indemnify the school system from any such damages.
- 6780.6 Decisions regarding the use of service animals may be appealed through the process identified in Policy 6520, *Student Grievances*, or 3900/4900, *Employee Grievance Policy*, as appropriate.

Legal Reference: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*: 28 C.F.R. Part 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; N.C. Gen. Stat. 168-4.2.

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