

Policy Code: IMG Service Animals

I. Purpose In accordance with Section 504 of the Rehabilitation Act of 1973 ("Rehab Act"), the Americans with Disabilities Act of 1990 ("ADA"), and state law, the Charlotte-Mecklenburg Board of Education (CMS) 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 its general community. This policy addresses the use of Service Animals on CMS Property by qualified individuals with disabilities. Pets and therapy animals are not considered Service Animals and therefore are not covered by this regulation.

II. Definitions:

A. Service Animal: Any guide dog, signal dog, or miniature horse individually trained to 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 minimal non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, or retrieving dropped items. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. If an animal meets this definition, it is considered a service animal for purposes of this policy even if it has not been licensed or certified by a state or local government, or by a private agency.

B. Disability: A physical or mental impairment that substantially limits one or more major life activities of an individual in accordance with the Rehab Act or ADA.

C. CMS Property: Includes all property owned or operated by the Charlotte-Mecklenburg Board of Education, including school campuses and buildings, athletic fields, playgrounds, parking lots, bus stops, vehicles, school buses, activity buses and any other properties owned or controlled by CMS.

III. Requirements:

A. Student Requests: Parent/Guardian must submit in writing a request for the use of Service Animals to the office of the Superintendent or his/her designee. Such requests should identify and describe the need for the Service Animal as it relates to the student's disability and describe the manner in which the Service Animal will meet the student's particular need(s).

B. Notice: Requests for the use of Service Animals on CMS Property must, whenever possible, be made no less than ten (10) business days prior to the proposed use of the Service Animal.

C. Prior Approval: Under no circumstances may a Service Animal be on CMS Property without prior approval by the appropriate authority as listed above.

D. Costs: All costs related to the handling and care of the Service Animal are the responsibility of the parent/guardian of the student or the adult visitor or staff member who uses the Service Animal.

E. Violations: Any student who violates any provision of this regulation is subject to discipline under the policies of CMS. Such discipline may include the restriction or removal of the Service Animal.

F. Health and Safety: Service Animals must:

1. Be clean, well groomed, and must not have an offensive odor;
2. Be treated for, and kept free of, fleas and ticks;
3. Be able to walk or lie quietly beside the handler without obstructing aisles, doorways, etc.;
4. Be spayed or neutered;
5. Be housebroken;
6. Not urinate or defecate in inappropriate locations;
7. Not solicit attention or annoy other students and school staff;
8. Not interfere with or disrupt the classroom or other educational activities;
9. Not vocalize unnecessarily (i.e., barking, growling, or whining);
10. Not show aggression toward people or other animals; and
11. Work calmly and quietly on a harness, leash, or other tether.

IV. Responsibilities:

A. Handler: The care and supervision of a Service Animal is the responsibility of the Handler. CMS staff 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.

B. Vaccinations: The Handler must ensure that the animal is in good health and has been vaccinated against diseases common to that type of animal as recommended by the American Veterinary Medical Association. The school retains the right to request proof of veterinarian reports or visits and appropriate vaccinations. For example, dogs should have routine maintenance for flea and tick prevention, de-worming, and have annual examinations. In addition, the animal must be spayed or neutered.

1. **Tags:** In accordance with North Carolina law, all dogs must wear a rabies tag. If an animal other than a dog is to be used as a Service Animal, the Superintendent must approve the health requirements regarding that animal.

C. Control: The Handler must be in full control of the animal at all times. The Handler must keep the Service Animal on a leash/lead when the animal is in a public area (i.e. classroom, library, common area, outdoors on campus, etc.), 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 case the Handler still must be able to maintain control over the animal.

D. Damages: The parent of the student being assisted by the Service Animal or the adult staff member or visitor using the Service Animal is responsible for the cost to repair any damage done by the Service Animal to CMS Property, and for any harm or injury caused by the Service Animal.

E. CMS Staff and Students: CMS staff and students will:

1. Allow a Service Animal to accompany the person with a disability at all times and places on CMS Property where such persons would ordinarily be permitted to go;
2. Refrain from touching or feeding a Service Animal unless invited by the Handler to do so;
3. Not deliberately startle or aggravate the animal;
4. Not separate nor attempt to separate a Service Animal from its Handler;
5. Identify places where service animals will be dealt with in cases of emergencies;
6. Notify all safety and security personnel of the existence and possible location of Service Animals on CMS Property; and
7. Provide training to safety and security personnel as to the possible Service Animal responses to smoke, fire, wind, excessive rain, hail or flooding, noise, explosions, and similar emergency situations.

V. Removal ¹: CMS retains the discretion to exclude or remove a Service Animal from CMS Property if:

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 or the animal's presence or behavior fundamentally interferes in the functions of CMS;

C. The animal's presence would "fundamentally alter" the nature of the service, program, or activity; or

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

VI. Restricted Areas: CMS may prohibit the use of Service Animals in certain locations due to health or safety restrictions or where Service Animals may be in danger. Such restricted locations include, but are not limited to, food preparation areas ², mechanical rooms/custodial closets, laboratories, nurses' offices/areas, and/or other areas where the animal's presence may constitute a danger or a fundamental alteration of the program or activity conducted in the area. Access to restricted areas may be granted on a case-by-case basis by contacting the principal.

VII. Conflicting Disabilities: If another person on CMS Property has a covered disability under the ADA that includes an allergic reaction to animals and that person is in proximity of a Service Animal approved for presence on CMS Property, a request for assistance will be made to the principal, who will consider all facts surrounding the contact and make an effort to resolve this issue.

VIII. Appeals: In the event of a dispute about an accommodation relating to a Service Animal or an animal restriction, a complaining party who is a member of CMS (i.e. student, employee, etc.) may file a formal grievance through the established grievance procedure applicable to that classification of individual. All others should contact the Office of the Superintendent to file a complaint.

IX. Regulations: Superintendent will approve regulations to accompany this policy.

Date of Adoption: 11/9/2011

Legal Reference: ADA Section 35.104 & Section 35.136; [N.C.G.S. § 115C, Article 9; 130A-185](#)

Related CMS Policies: IHBA, IJOCA, IJOCA-E, IJOCA-R, JIJ

Footnotes

[1.](#) If the Service Animal is excluded under the conditions in Section V. above, CMS will give the student with a disability the opportunity to participate in the service, program or activity from which the Service Animal was excluded without having the Service Animal on the premises.

[2.](#) Food preparation areas do not include the cafeteria.

Charlotte-Mecklenburg Schools