

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:

1. **Tags:** In accordance with North Carolina law, all dogs must wear a rabies tag. If an

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