

### **Service Animals in the School Setting**

As the benefits experienced by those with service animals becomes better understood, the request for inclusion in the school setting is inevitable. A service animal is defined as an animal that has been individually trained to perform tasks that benefit an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The [Americans with Disabilities Act](#) (ADA), requires schools to be accessible to all individuals with disabilities. In 2010 and updated in 2020, the [US Department of Justice \(DOJ\) revised regulations](#) under the ADA to clarify that service animals must be dogs, unless a miniature horse meets four assessment criteria and can be reasonably accommodated. No other animal, wild or domestic, is permitted to be classified as a service animal under the ADA. [G.S. 168-4.2](#) does not address mini horses as a service animal.

The ADA may require school districts to modify policy, practice, or procedures to permit the use of a service animal by a student with a disability. With careful planning and discussion, school nurses and staff can help successfully integrate service animals into the school setting. Planning should include student and staff education about service animals, accommodation plans for the student and their animal in order to care for the animal's needs, and resolution of issues that arise. If the service animal causes disruption or a direct threat to others that cannot be eliminated by modifying policies, the service animal may be removed from school. However, before denying a service animal access to the school environment, the school nurse, school staff and the student should attempt to eliminate the concerning issues.

The rights of students with disabilities is further supported by [G.S. 168-4.2\(a\)](#) which states, "Every person with a disability has the right to be accompanied by a service animal trained to assist the person with his or her specific disability in any of the places listed in G.S. 168-3." Service animals are not the same as emotional support animals. Emotional support, therapy, comfort, or companion animals are not addressed by the ADA. However, if a service animal is necessary for a Free Appropriate Public Education (FAPE), the student with a service animal is permitted. If the service animal helps the student to function successfully and improves the student's ability to behave appropriately and to develop and maintain positive social relationships, the school is required to permit the use of the service animal. The 2019 NASN position statement titled [Service Animals in Schools](#), explains the difference between psychiatric service animals and emotional support animals by referring to service animals as "dogs that have been trained to sense the onset of an anxiety attack and take a specific action to help avoid or lessen the attack," whereas emotional support animals are not trained to take a specific action, although they may provide a level of comfort to a student in a stressful moment. Providing comfort is not considered to be performing a specific task according to the ADA.

The Office for Civil Rights, responsible for overseeing school district compliance with Section 504, has determined that school districts violate Section 504 when they prohibit the use of service animals in schools. A school district may ask if the animal is required because of a disability and what tasks it is specifically trained to perform. Staff cannot ask about the person's disability, require medical documentation, require a special identification card or training documentation for

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the animal or ask that the animal demonstrate its ability to perform the work or tasks.

An [FAQ sheet](#) is available from the US Department of Justice regarding service animals.