

EC Director Webinar Questions

February 4, 2020

1. Please review the regulations/processes for determining what constitutes a private school under IDEA and state regulations. What should a school district do when they believe and/or receive notice that the parent is withdrawing the student to enroll in a private school. What constitutes a special education private school in NC?

A list of private schools (including home schools) can be found at the website for the NC Department of Administration Division of Non-Public Education:

<https://ncadmin.nc.gov/citizens/private-school/nc-directory-private-schools>.

Requirements for private schools can be found here: <https://ncadmin.nc.gov/citizens/private-school/private-schools-k-12-requirements>

If a parent is withdrawing a student to enroll in a private school and there is a dispute concerning FAPE, the LEA should hold an IEP meeting within 10 days and make an offer of FAPE in the prior written notice. As appropriate, the team should meet to develop a service plan if the private school is located in the same LEA.

The application requirements for a non-public to receive EC program approval can be found here: <https://ec.ncpublicschools.gov/policies/non-public-schools/initial-approval-process.pdf>

2. What, if any, are the parameters under which a school district can refuse to allow a service dog in schools? If a teacher assistant is in place and attends to the child's needs, can a district refuse to allow a dog in the school if the intent of using the dog is to help with the needs already addressed by the T/A and school staff or if the student is not yet ready to perform tasks (i.e. independent movement in the school building) that the dog is trained to help with?

A person with a disability who uses a service animal has a right to the same service and treatment as someone who does not use a service animal. This means that many "No Pet" or "No Animal" policies do not apply to service animals. However, a government entity or public accommodation can exclude a service animal if:

- (1) Making such modifications would fundamentally alter the nature of the entity's goods, services, facilities, privileges, advantages, or accommodations;

or

- (2) There are legitimate safety requirements necessary for the safe operation of its services, programs, or activities.

Allegations of a safety risk "must be based on actual risks rather than on mere speculation, stereotypes, or generalizations about individuals with disabilities."

“Allergies or a fear of dogs are not valid reasons for denying access or refusing service to people using service animals. When a person who is allergic to dog dander and a person who uses a service animal must spend time in the same room or facility, for example, in a school classroom or at a homeless shelter, they both should be accommodated by assigning them, if possible, to different locations within the room or different rooms in the facility.”