

Instruction

Exhibit - Guidelines for Service Animals in School Facilities 1

For use by Superintendent and Building Principal only.

This exhibit’s guidelines are not intended for use as an agreement between the District and its students and their parents/guardians as a condition of the student using a service animal. It is intended for use by the Building Principals to:

1. Ensure that the legitimate safety interests of staff and students are met,
2. Inform their individual building staff of these guidelines when service animals are present in their individual buildings, and
3. Request that staff members inform the Building Principal if they observe a service animal that is not meeting any of the listed guidelines.

These guidelines are not based on speculation, stereotypes, or generalizations about students with disabilities. Each guideline includes an explanation based upon State and federal law with legal citations and resources that provide further information.

The animal is *individually trained* to perform tasks for the benefit of a student with a disability.

Explanation	Legal Citation(s) and Resources
<p>A service animal must perform work or an individualized task(s) for the benefit of a student with a disability. When it is not obvious what service the service animal provides, only the following questions may be asked:</p> <ol style="list-style-type: none"> 1. Is the animal a service animal required because of a disability? 2. What work or task has the service animal been trained to perform? 	<p>105 ILCS 5/14-6.02 requires the service animal to be <i>individually trained</i> to perform tasks for the benefit of a student with a disability.</p> <p>28 C.F.R. §§35.104 and 35.136 mirror state law and require that the work or tasks performed by a service animal be directly related to the student's disability. Section 36.104 defines work or tasks, which include but are not limited to, assisting a student who is blind or has low vision with navigation and other tasks; alerting a student who is deaf or hard of hearing to the presence of people or sounds; providing non-violent protection or rescue work; pulling a wheelchair; assisting a student during a seizure; alerting a student to the presence of allergens; retrieving items such as medicine or the telephone; providing physical support and assistance with balance and stability to a student with mobility disabilities; and helping a student with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. Note: Providing</p>

The footnotes should be removed before the material is used.

~~1 Managing service animals in the school setting presents many unsettled and complex legal issues. Consult the board attorney for advice before using this exhibit. Illinois law provides little guidance on the issue of service animals in the school setting. Recently amended federal rules now clarify and strengthen the rights of disabled individuals to use service animals in public places. 28 C.F.R. Parts 35 and 35.136.~~

Explanation	Legal Citation(s) and Resources
	emotional support, well-being, comfort, companionship or being present to deter criminal behaviors does not satisfy the requirement to “perform work or tasks.”

The animal has a current rabies vaccination tag.

Explanation	Legal Citation(s) and Resources
<p>A service animal must have a current rabies vaccination and tag for the safety interests of all individuals in the school environment.</p> <p>School officials must always assume that the service animal is properly licensed.</p>	<p>510 ILCS 5/8 requires a current rabies vaccination, which is verified through a current rabies vaccination tag. Because State law requires animals to receive this vaccination, it is a legitimate safety requirement that is based upon an actual risk for the service animal to access school facilities. 28 C.F.R. §35.130(h).</p> <p>Federal law does not allow the District to ask for proof of a license. This is true even when local municipalities, cities, or villages within the District’s boundaries have additional registration requirements. The U.S. Dept. of Justice opines that unlicensed animals do not pose the same safety concern as those that are not vaccinated, i.e., the fundamental nature of the school environment is not affected by failing to obtain a license. The District may call animal control if there is a legitimate suspicion that the animal is not licensed, and the animal’s owner may then be subject to a fine. However, the animal must still be allowed in the school.</p>

The handler(s) may lawfully:

- 1. Be on school property, and**
- 2. Have contact with children.**

Explanation	Legal Citation(s) and Resources
<p>The animal handler must not be a person who is a <i>sex offender</i>, as defined by the Sex Offender Registration Act, or a <i>violent offender against youth</i>, as defined in the Murderer and Violent Offender Against Youth Registration Act.</p>	<p>720 ILCS 5/11-9.3 prohibits a child sex offender from being present on school property when persons under the age of 18 are present. Because this requirement is State law, it is a legitimate safety requirement based upon an actual risk for the service animal’s handler to access school facilities. 28 C.F.R. §35.130(h).</p> <p>The U.S. Dept. of Justice opines that a service animal’s handler should be treated the same as the District treats all other resource persons and volunteers. Note: Some school boards forbid the use of convicted felons as volunteers.</p> <p>Board policy 6:250, <i>Community Resource Persons and Volunteers</i>, requires the Superintendent to establish procedures for securing and screening resource persons and volunteers. 6:250-AP, <i>Securing</i></p>

Explanation	Legal Citation(s) and Resources
	<i>and Screening Resource Persons and Volunteers</i> , requires criminal history records checks for individuals who work in direct contact with students or where a check would be prudent.

The animal is under the control of the handler and housebroken.

Explanation	Legal Citation(s) and Resources
<p>A service animal must be under the control of its handler.</p> <p>A service animal must be housebroken.</p>	<p>Federal law allows exclusion of a service animal from the school environment when its handler is not able to take effective action to control the animal or the animal is not housebroken. The U.S. Dept. of Justice opines that one accident, however, will not be sufficient for exclusion of a service animal. 28 C.F.R. §35.136.</p> <p>For more examples and explanation regarding effective action to control a service animal and whether an animal is housebroken, see Americans with Disabilities Act, Title II Regulations, Nondiscrimination on the Basis of Disability in State and Local Government Services, <i>2010 Guidance and Section-by-Section Analysis</i> at: www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm .</p>