

Instruction

Administrative Procedure - Service Animal Access Requests

A service animal that is individually trained to perform tasks for the benefit of a student with a disability is permitted to accompany that student to all school functions, whether in or outside the classroom. The student’s right to have a service animal in the educational setting must be carefully balanced with the rights of other students who are equally entitled to receive educational benefits at the school. Use this procedure to evaluate and manage legal and practical issues when the District receives a request for a service animal to accompany a disabled student at school.

Definitions

Service Animal - An animal such as a guide dog, signal dog, or any other animal that is individually trained to perform tasks for the benefit of a student with a disability. 105 ILCS 5/14-6.02. While The School Code and the Americans with Disabilities Act both use the word *animal*, research identifies that dogs are the most commonly used service animals.

Adult Handler - The adult who has been trained to handle a service animal and has agreed to handle the service animal in the educational setting.

Actor	Action
Parent/Guardian	Informs the School District of the need for a service animal to accompany their disabled child to school. Completes 6:120-AP3, E1, <i>Request for a Service Animal to Accompany a Student in School Facilities</i> .
Superintendent or designee	Discusses this procedure with the Building Principal, other appropriate administrative and special education staff, and the Board Attorney. The Board Attorney will be a necessary participant in the District’s efforts to manage the issues presented by a request for service animal access. The Superintendent may want to authorize the Building Principal to consult with the Board Attorney as needed. Contacts the District’s insurance carrier(s) to assess appropriate coverage for issues involving service animals, including the adult handler. Consults with the Building Principal and Special Education Coordinator to determine whether the student has the right to be accompanied by a service animal. 105 ILCS 5/14-6.02 only grants students with a disability the right to bring a service animal to school.
IEP and/or 504 Team	For a student who is not already identified as disabled, follows the District’s evaluation procedures for determining whether a student is a student with a disability within the meaning of IDEA or Section 504. See Board policy 6:120, <i>Education of Children with Disabilities</i> . If a student does not qualify as a student with a disability, denies the service animal access request unless special circumstances exist and the Board Attorney advises that the request be granted. For a student with an IEP or Section 504 plan, or who qualifies for one, determines: <ol style="list-style-type: none"> Whether the service animal is a required <i>related service</i> to ensure

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	<p>the provision of a “free appropriate public education” (FAPE), and/or</p> <p>2. Whether the service animal is an appropriate <i>reasonable accommodation</i> for the student’s disability.</p> <p>Conditionally approves the request if the answer to either of the above questions is positive (i.e., determines that the service animal will perform tasks for the benefit of a student with a disability). The service animal will be allowed to accompany the student to school, provided the service animal meets the criteria in 6:120-AP3, E1, <i>Request for a Service Animal to Accompany a Student in School Facilities</i>.</p> <p>If the request is denied, notifies the parent/guardian in writing of the reasons for the denial and the right to appeal. Provides any required procedural safeguard notices. See 23 Ill.Admin.Code Part 226; Section 504 of the Rehabilitation Act of 1973 (34 C.F.R. Parts 104 and 300); and 6:120-AP1, E1, <i>Notice to Parents/Guardians Regarding Section 504 Rights</i>.</p>
Building Principal	<p>When service animal access is allowed:</p> <p>Permits the service animal to accompany the student to school if: (1) the IEP and/or 504 Team determined that the service animal will perform tasks for the benefit of a student with a disability, and (2) all of the criteria are met in 6:120-AP3, E1, <i>Request for a Service Animal to Accompany a Student in School Facilities</i>.</p> <p>Ensures that the District conducts a criminal background check on the adult handler. See 6:250-AP, <i>Securing and Screening Resource Persons and Volunteers</i>, and 6:250-E, <i>Volunteer Information Form and Waiver of Liability</i>.</p> <p>The ADA regulation, 28 C.F.R. §35.130(f), and the Illinois White Cane Act, 775 ILCS 30/, both prohibit charging a disabled individual a deposit or a surcharge as a condition to allowing a service animal to accompany the disabled individual. Consult the Board Attorney about payment of any criminal background screening fees for an adult handler.</p> <p>Creates a plan with the student’s parent/guardian and the adult handler for:</p> <ol style="list-style-type: none"> 1. Integrating the animal into the classroom and school environment (assemblies, cafeteria, library, etc.), and 2. Meeting the service animal’s basic needs during the school day. <p>Any plan depends on the individual student’s service animal arrangement, any management issues, and the schedules within each individual building. The school staff is not required to provide care or assistance except in special circumstances (see 28 C.F.R. Part 35, App.A). Consider addressing: where the animal will urinate and defecate, who disposes of the waste, where the animal drinks water, and who provides it, etc.</p> <p>Checks with the school nurse regarding any known allergies among students attending the school.</p> <p>Manages identified students’ competing educational interests by:</p> <ol style="list-style-type: none"> 1. Consulting the Board Attorney.

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	<ol style="list-style-type: none"> 2. Minimizing contact between any allergic students and the service animal. 3. Creating a method to monitor identified competing educational interests between students. 4. Responding to future unidentified competing educational interests and managing them immediately. 5. Modifying any other conditions as the facts of the situation require. <p>See <u>Kalbfleisch ex rel. v. Columbia Community Unit School District</u>, Ill.App.3d 1105, for a discussion about the balancing of interests. Other helpful publications include:</p> <p style="padding-left: 40px;">The U.S. Department of Education’s “Reasonable Accommodation Handbook,” Section C10, provides information about balancing competing interests in the context of a service animal’s presence in the work environment. It is available at: www2.ed.gov/policy/gen/leg/foia/acshbom3.pdf.</p> <p style="padding-left: 40px;">The Ill. Attorney General Office’s “Disability Rights Service Animals: A Guide for Illinois Businesses and Other Public Accommodations,” available at: www.illinoisattorneygeneral.gov/rights/servanimals.html.</p> <p style="padding-left: 40px;">The U.S. Dept. of Justice’s “Commonly Asked Questions about Service Animals in Places of Business,” available at: www.ada.gov/qasrvc.htm.</p> <p>Facilitates the dissemination of accurate information about the presence of the service animal at school while respecting privacy rights.</p> <p>Creates a joint communication from the Building Principal and the parent/guardian of the student using a service animal. The communication should inform other students and their parents/guardians about the placement of a service animal in their educational setting.</p> <p style="padding-left: 40px;">Providing a joint communication allows the school to exchange the information needed to balance competing educational interests without violating federal or State laws that govern student records. See Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g, and its implementing rules at 34 C.F.R. Part 99; Ill. School Student Records Act, 105 ILCS 10/, and its implementing rules at 23 Ill.Admin.Code Part 375. FERPA prohibits schools from disclosing personally identifiable information from students’ education records without the consent of a parent or eligible student, unless an exception applies. See policy 7:340, <i>Student Records</i>.</p> <p>Prepares a list of answers to anticipated questions.</p> <p>Educates students, staff, and the community about the rights of students to use service animals in the school and the consequences for mistreatment of animals. See Humane Care of Animals Act (510 ILCS 70/4.03, 70/4.04, and 70/7.15 make it unlawful to meddle or tamper with a service dog or to tease, strike or mistreat one); White Cane Law</p>

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	<p>(775 ILCS 30/3 makes it unlawful to interfere with the rights of a disabled person); Guide Dog Access Act (720 ILCS 630/1 makes it unlawful to deny right of entry and use of facilities of any public place of accommodation).</p> <p>When a service animal arrives at school without notice:</p> <p>Requests the parent/guardian to retrieve the animal. Keeps the animal with the student until the parent/guardian removes the animal from school property.</p> <p>Informs school personnel that the animal may not be taken away from the student.</p> <p>Contacts animal control if the Principal or designee believes the animal may be dangerous or sick.</p> <p>Informs the parent/guardian upon retrieval of the animal of the requirements in this procedure.</p>

LEGAL REF.: 105 ILCS 5/14-6.02.
Humane Care for Animals Act, 510 ILCS 70/.
Guide Dog Access Act, 720 ILCS 630/.
Illinois White Cane Act, 775 ILCS 30/.
28 C.F.R. Part 35.
28 C.F.R. §36.104.
34 C.F.R. Parts 100 and 300.

Adopted: 10/26/10