STUDENTS

Administrative Procedures Implementing Board Policy 7:320
“Service Animals On School Property For Assistance Of Students”

Checklist for Service Animals on School Premises
[TO BE COMPLETED BY BUILDING ADMINISTRATOR]

Student Requesting Use of Service Animal: __________________________________________

Type of Service Animal: ___________________________ Date of Request: ______________

This Checklist is intended for use by the Building Administrator and other Administrators to:

- Ensure the needs of a student with disabilities, or other person with disabilities, are reasonably accommodated consistent with federal and Illinois law,
- Ensure that the legitimate safety interests of staff and students are met,
- Inform their individual building staff of these guidelines when service animals are present in their individual buildings, and
- Request that staff members inform a building administrator if they observe a service animal that is not meeting any of the listed guidelines.

For each step in this process, legal citations and guidelines are noted to assist in gathering the required information.

STEP 1: Service Animal Accommodation Request Form Submitted to Building Administrator

STEP 2: Animal is Individually Trained To Perform Work / Tasks for the Benefit of a Student with a Disability

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:

1. Is the dog a service animal required because of a disability?
2. What work or task has the dog been trained to perform?

Document whether the service animal is required because of the student’s disability and what work or tasks the service animal has been trained to perform. Identify the individualized tasks (see guidelines below in legal reference box).
☐ The animal is individually trained to perform tasks for the benefit of a student with a disability. The individualized tasks are as follows:

____________________________________________________________
____________________________________________________________
____________________________________________________________

Legal Citation(s) and Resources
Section 14-6.02 requires the service animal to be individually trained to perform tasks for the benefit of a student with a disability. 105 ILCS 5/14-6.02. Note: Animals “in-training” to become service animals do not qualify as service animals under federal and Illinois law.

Sections 35.104 and 35.136 of the ADA regulations mirror state law and require that the work or tasks performed by a service animal be directly related to the student’s disability. 28 C.F.R. §§ 35.104, 35.136. 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 emotional support, well-being, comfort, companionship or being present to deter criminal behaviors does not satisfy the requirement to “perform work or tasks.” The work or task a service animal has been trained to provide must be directly related to the student’s disability.

STEP 3: Rabies Vaccination(s) & Registration/Licensure

A service animal must have a current rabies vaccination and tag for the safety interests of all individuals in the school environment.

Note: School officials must always assume that the service animal is properly licensed or certified as a service animal.

☐ The service animal has a current rabies vaccination tag.

☐ The service animal is registered or licensed if required by local law.

Legal Citation(s) and Resources
Service animals are subject to the same licensing and vaccination rules that are applied to all animals. The Illinois Animal Control Act requires a current rabies vaccination, which is verified through a current rabies vaccination tag, unless
STEP 4: Service Animal under Control and Housebroken

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

☐ The parent/guardian is required to provide the handler, but the school shall reasonably accommodate the needs of the handler in the school environment.

**Legal Citation(s) and Resources**

Federal law allows exclusion of a service animal from the school environment when its handler is not able to take effective action to control it or it is not housebroken. 28 C.F.R. § 35.136. 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 Guidance, pg. 87 at: www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.pdf.

The U.S. Department of Justice opines that a service animal handler is responsible for caring for and supervising the service animal, including toileting, feeding, grooming and veterinary care. Federal law provides that public entities are not responsible for the care or supervision of a service animal. 28 C.F.R. §35.136(e). However, the U.S. Department of Justice opines that in the school context, the school may need to provide some assistance to enable a particular student to handle his or her service animal. As a result, schools generally are not required to pay for a service animal handler, but may be required to provide a staff member to reasonably assist a student to handle his/her service animal or to reasonably accommodate the needs of an adult handler. This determination is made on a case-by-case basis. See DOJ Service Animal FAQ, July 2015 at: http://www.ada.gov/regs2010/service_animal_qa.pdf.

STEP 5: Adult Handler Information & Background

The service animal’s adult handler must not be a person who is a “sex offender,” as defined by the *Sex Offender Registration Act*, or a “violent offender against youth,”
as defined in the *Murderer and Violent Offender Against Youth Registration Act*. The service animal’s adult handler must present a current criminal background check prior to taking on handler responsibilities in the school environment.

☐ If an adult handler is required, the adult handler may lawfully: (1) be on school property, and (2) have contact with children.

Name and contact information for the adult handler:
__________________________________________________________________
__________________________________________________________________

<table>
<thead>
<tr>
<th>Legal Citation(s) and Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>A child sex offender is prohibited from being present on school property when persons under the age of 18 are present. 720 ILCS 5/11-9.3. 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). Note that some school boards forbid the use of convicted felons as volunteers. See applicable board policies.</td>
</tr>
<tr>
<td>Criminal background investigations are required only for employees under Section 5/10-21.9 of the <em>School Code</em>. (105 ILCS 5/10-21.9.) However, this does not prevent the District from requiring criminal background investigations of non-employees also working within schools.</td>
</tr>
</tbody>
</table>

**STEP 6: Notifications**

☐ The Building Principal must notify the staff in the building of the following information:

- There will be a service animal in use by a student in the building, and if there will be an adult handler accompanying the student and service animal.
- If they see the animal out of the control of the student/adult handler or expelling bodily fluids or solids they should inform the Building Principal immediately.
- Students or staff with allergens to the service animal should be brought to the attention of the Building Principal immediately.
- It is against the law to take the service animal away from a student with a disability.
- How the animal’s basic needs will be met during the school day.
STEP 7: School Nurse Notification

☐ The Building Principal must notify the School Nurse that a service animal will be present in the building, and that if any concerns arise as to the student or adult handler, the service animal, or other students to notify the Building Principal immediately.

STEP 8: Verification of Need and Safeguards

☐ The Director of Student Services has ensured that this information is noted in the student's IEP or 504 Plan.

STEP 9: Special Education Director’s Final Approval

☐ The Special Education Director has reviewed this information with the Board’s Attorney and the District’s Insurance Carrier.

_____________________________    ______________________
Signature of Building Principal                  Date

Documentation Attached:

_____ Service Animal Accommodation Request Form
_____ Proof that the service animal is individually trained (see Step 2)
_____ Proof that the service animal has rabies vaccinations
_____ Verification that the service animal is housebroken
_____ E-mail notifying staff and nurse
_____ Verification that the service animal handler is safe to be in schools
_____ Verification from Board’s Insurance Carrier

This form and all documentation shall be kept on file in the District Office.
Service Animal Accommodation Request Form
[TO BE COMPLETED BY PARENT/GUARDIAN AND RETURNED TO BUILDING PRINCIPAL]

Parent/Guardian: This Request Form must be completed, signed, and returned to the Building Principal for the District to properly respond to your request for a service animal to accompany your student. The Building Principal or designee will contact you to schedule a meeting to discuss your request. At the meeting, information will be requested based on criteria to help the District minimize risks that a service animal poses to students, staff, and the educational environment. It is not based on speculation, stereotypes, or generalizations about students with disabilities. A service animal that meets the criteria consistent with the requirements of federal and Illinois law may accompany a student at all school functions in or outside the classroom. Please note that if the service animal will be accompanied by an adult handler, the handler must present a current criminal background check prior to taking on handler responsibilities in the school environment.

Service Animal & Name: ____________________________________________________________

Student Name (please print) ___________________________ D.O.B __________

School Attending ___________________________ Grade __________

Parent/Guardian Name (please print) ___________________________ Contact Number __________

Service Animal Owner’s Name (if other than parent/guardian; please print) ___________________________ Contact Number __________

Service Animal Handler’s Name (if other than student; please print) ___________________________ Contact number __________

Acknowledgement

I. I understand that the presence of a service animal may present competing educational rights between my student and other students at school. These issues may present at any time, and I understand that the Building Principal or other school personnel must manage them immediately. I will:

A. Participate in any meetings requested of me by the Building Principal or other administrator;
B. Participate if requested in drafting a joint communication to notify other students and their parents/guardians about the placement of the service animal; and

C. Authorize the school to disclose information as necessary to balance competing educational interests and integrate the service animal into the classroom and the school environment.

II. I understand that for the safety and protection of students and staff, which is necessary for the safe operation of the school, the school may revoke access because:

A. The service animal is not housebroken.

B. The service animal is out of the control of its handler or displays aggression or appears to be an imminent threat to the safety or health of any person in the school. If this occurs, the Building Principal will immediately contact me to remove the service animal from school property and summon Animal Control.

C. The adult handler fails to follow the Building Principal’s instructions.

D. The service animal does not have the required local vaccinations, licensing, and/or registration.

III. I understand that a service animal’s owner is solely liable for any damage to persons, premises, or facilities that were caused by the service animal. I understand that the Illinois Local Governmental and Governmental Employees Tort Immunity Act protects staff members from liability arising from actions consistent with Board policies and administrative procedures. I further understand that I am required to provide a handler (which may be the student) for the service animal, but the school shall reasonably accommodate the needs of the handler in the school environment.

_________________________    ________________________
Parent/guardian signature          Date

_____ Approved   _____ Denied

_________________________    ________________________
Building Principal or designee          Date

Return a copy of this form to the parent/guardian, file the original in the student’s temporary record, and forward a copy to the District Office, Attn: Building Principal