



GUIDELINES REGARDING SERVICE ANIMALS IN THE CHICAGO PUBLIC SCHOOLS (CPS)

PURPOSE

The use of service animals to assist people with disabilities to more fully participate in a work and/or school setting has expanded beyond persons with obvious physical disabilities. Service animals can be trained to perform many important tasks for people with disabilities, such as providing stability for a person who has difficulty walking, picking up items for a person who uses a wheelchair, preventing a child with autism from wandering away, or alerting a person who has hearing loss when someone is approaching from behind.

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504) require state and local government agencies, which includes the Board of Education of the City of Chicago (Board), to make reasonable accommodations for qualified students, parents and other stakeholders in order to allow access to its programs, services and activities, and for qualified employees to be able to perform the essential functions of their jobs.

These Guidelines establish the procedures for requesting a service animal in the school or workplace environment pursuant to the Board's *Americans with Disabilities Act Policy*, Office of Diverse Learners Supports + Services (ODLSS) IDEA Procedural Manual, ODLSS Section 504 Manual, federal and state law.

DEFINITIONS

Service Animal is a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

NOTE: *Emotional support animals, comfort animals, and therapy dogs are **NOT** service animals under the ADA and are not allowed in any CPS school, on Board property or at Board events. Other species of animals, whether wild or domestic, trained or untrained, are also not considered service animals.*

Work or Task - The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks;
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- pulling a wheelchair;
- assisting an individual during a seizure;
- alerting an individual to low blood sugar level;

- alerting individuals to the presence of allergens
- alerting others when the individual with disabilities is in distress;
- retrieving items, such as books, school supplies or medicine;
- providing physical support and assistance with balance and stability to individuals with mobility disabilities; or
- preventing or interrupting impulsive or destructive behaviors, including retrieving students who elope.

Work or task does **NOT** include providing therapeutic benefits to the owner through support and companionship.

Handler - The handler is the student, employee, parent/guardian or other stakeholder who has requested the accommodation and received approval to have the service animal in school, on Board property and/or at Board events. The handler may also include a trainer of a dog in training to be a service animal.

NOTE: *Under Illinois law, a reasonable accommodation for a student may include assigning an adult to care and supervise a service animal, if the student's age or disability makes it impossible for him/her to act as the handler. It is the parent's/ guardian's responsibility to identify the person who will provide the care and supervision of the service animal, and the Principal must agree to this person. Board employees cannot be required to provide this care and supervision. The handler MUST adhere to the Board's Volunteer Policy, which includes passing a background check.*

Support Animals – “support animal” is an umbrella term that includes emotional support animals/therapy dogs/comfort animals. A support animal is an animal (typically a dog or cat though can include other species) that provides a therapeutic benefit to its owner through companionship. Emotional support animal/therapy dog/comfort animal or any other kind of support animal is **NOT** considered a service animal and is **NOT** permitted in any CPS school, on Board property or at Board events.

Animals in the Classroom are animals which are part of a CPS approved curriculum, such as, *Sit, Stay, Read*. All such animals must be comply with the *CPS Guidelines on Animals in the Classroom*.

Resident Animal is an animal approved by the principal under the *Resident Animal Guidelines* found on the Knowledge Center and that is cared for at the school and under the supervision of a responsible teacher. Resident animals are not service animals or animals brought to the school for day visits.

GUIDANCE

A. How to Request the Use of a Personal Service Animal at a CPS School, on Board Property or at Board Events

1. Students

A parent/guardian of a student with disabilities (or the student him/herself if he/she is 18 years or older) who wishes for his/her child with a disability to have the use of a service animal provided by the family during school hours and/or at school activities must contact the Principal. The request must be memorialized on the *Service Animal Request* form found in SSM.

Within three school days of receipt of the fully executed *Service Animal Request* form, the Principal must contact the ODLSS Section 504 Coordinator at (773)553-2257 about the service animal request. The parents/guardians must be contacted within two school days after the ODLSS Section 504 Coordinator has been contacted to inform them of next steps.

- Prior to the service animal entering the school building or attending a school activity, the school's case manager (if the student has an Individualized Education Program (IEP) or Section 504 Coordinator (if the student has a Section 504 Plan) must meet with the parents/guardians and complete the *Service Animal Accommodation* form found in SSM.
- If any accommodations are needed to assist the student in handling the service animal during school hours and at school activities, they must be listed on this form. Such accommodations may include, but are not limited to, allowing the student certain time during the school day to take the service animal outside to allow the animal to relieve itself, identifying how/where/when the student will feed the service animal, etc. If the student's age and/or disability makes it impossible for the student to act as the dog's handler, this should be noted as an accommodation and identify the person who will act as handler. The adult handler will be expected to comply with the Board's Volunteer Policy, including successfully completing a background check.

NOTE: *A Board employee should NEVER be identified as the dog's handler.*

NOTE: *The school must complete the Service Animal Request Form and Service Animal Accommodation Form found in SSM. The student's IEP/Section 504 Plan should never reference the student's service animal.*

- The Principal must ensure that all necessary school personnel have access to and/or copies of the *Service Animal Accommodation* form.

- The Principal, as appropriate, should also ensure that other members of the school community are made aware of the presence of the service animal. A sample notification letter is attached to these guidelines

NOTE: *Service animals do not have to be hypoallergenic. If another student is allergic to dogs and the presence of the service animal is affecting him/her in school, the allergic student may require additional evaluations or accommodations. If the allergic student is already on an IEP or Section 504 Plan, his/her plan should be revised to address any accommodations needed because of the presence of the service animal. If the allergic student is not on an IEP or Section 504 Plan, a Section 504 evaluation should be considered to determine if the student qualifies under Section 504 for accommodations during school because of the presence of the service animal.*

2. Employees

The Americans with Disabilities Act Compliance Office (ADA Office) implements the Board's *Americans with Disabilities Act Policy* and assists Board employees with disabilities who are seeking reasonable accommodations in the workplace. If an employee wishes to have a service animal as a reasonable accommodation under the ADA, he/she should follow the procedures outlined on the CPS website for requesting ADA accommodations. These procedures can be accessed at:

<http://cps.edu/Pages/EqualOpportunityCompliance.aspx>

Any employee who brings a dog or any other animal into a CPS school or to a Board activity that has not received prior approval either as an ADA service animal reasonable accommodation request or via *CPS Guidelines on Animals in the Classroom* may be subject to disciplinary action.

3. Members of the Public

Parents, local school council members, and any other stakeholders may bring a service animal onto Board property if the person is attending a Board meeting, local school council meeting, or any other event, program, or activity open to the public. If the parent, local school council member or any other stakeholder needs to attend an event, program or activity not open to the public, such as parent/teacher conference, chaperoning a field trip, visiting a classroom, or any other event, program or activity not open to the general public, the person can request the use of a service animal to attend the event as a reasonable accommodation under the ADA. To make such a request, contact the Board's ADA Office at 773/553-1013, Option 2.

Parents, local school council members and any other stakeholders are not permitted to bring any other type of animal into a CPS school, on Board property, or to a Board event.

B. Permissible Inquiries and Required Documentation

Only two inquiries are permitted when determining whether an animal qualifies as a service animal, and they are:

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

Students with disabilities and employees are not required to provide written documentation of training or certificates of completion of training. The requester may voluntarily provide documentation of training, but the service animal cannot be excluded or removed solely because no such documentation is provided.

C. Types of Animals

A service animal may be any breed of dog or a miniature horse. A dog cannot be excluded as a service animal solely because of its breed. Additionally, service animals do not have to be hypoallergenic.

D. Training

A service animal must be trained prior to entering a CPS school, Board property or attending a Board event. Documentation proving training cannot be mandated, but the Principal and/or the ADA Office may ask the student or employee for such certification. If the student/employee refuses to provide written documentation, the Principal and/or ADA Office may ask for a verbal response to the following question: What work or task has the animal been trained to perform?

E. Care and Supervision of Animal during the Day

1. **Vaccinations** – The owner of the service animal must provide *annual* proof of the following vaccinations: DHLPPC (Distemper, Hepatitis, Leptospirosis, Parainfluenza, Parvovirus, Coronavirus), Bordetella, and Rabies.
2. **License** – A service animal is subject to the City of Chicago dog licensing and registration requirements, and the owner must provide *annual* proof of such compliance.
3. **Under Control of the Handler** – A service animal must be harnessed, leashed, or tethered at all times while in a CPS school, on Board property, or attending a Board event unless these devices interfere with the service animal's work or the individual's disability prevents use of these devices. In that case, the individual with disabilities must use voice, signal, or other effective means to maintain control of the animal. A service animal should also not be allowed to bark repeatedly.

NOTE: Board employees are not responsible to walk the service animal or to provide any other care or assistance to the animal.

F. Exclusion/Removal of a Service Animal

An individual with disabilities who has a service animal may be asked to remove the animal from a CPS school, Board property and/or Board event if:

- The service animal is out of control and the animal's handler does not take effective action to control the animal; or
- The service animal is not housebroken.

Additionally, if admitting a service animal would fundamentally alter the nature of a service or program or present a legitimate safety issue, the service animal may be prohibited.

NOTE: A service animal cannot be removed or excluded solely based on the breed of the dog.

Data will be required demonstrating how the service animal is out of control, the handler's ineffectiveness and/or the incidents demonstrating the service animal is not housebroken.

Prior to a service animal being removed/excluded from a CPS school, Board property and/or Board event, the Principal or supervisor must contact the Law Department at (773)553-1926. The Law Department will work with the Principal or supervisor to ensure the proper notice is given to the student, employee, parent or other stakeholder and other accommodations provided.

G. Liability

The owner of the service animal is liable for any harm or injury caused by the animal to other students, staff, visitors, and/or property. The owner of the service animal must procure and maintain insurance covering the animal and any possible injuries to employees, students, or any person or damage to Board property caused by the service animal. All insurers shall be licensed by the State of Illinois and rated A-VII or better by A.M. Best or a comparable rating service. The owners of the service animal shall annually submit to the Board an insurance certificate evidencing all coverage as required above. The certificate must be provided prior to the service animal entering Board property and should be sent to:

Risk Management
Board of Education of the City of Chicago
42 West Madison, 2nd Floor
Chicago, Illinois 60602
riskmanagement@cps.edu

Sources:

- Americans with Disabilities Act, 42 §§ U.S.C. 12101 et seq.
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794
- ADA regulations at 28 CFR 35.104 and 35.136
- 105 ILCS 5/14-6.02
- *Frequently Asked Questions about Service Animals and the ADA, U.S. DOJ (2015)*
- *DOJ, Civil Rights Division, Disability Rights Section, 2010 ADA.gov/service animals*
- *Job Accommodation Network, Service Animals in the Workplace.*