



Illinois State Board of Education

February 2013

Guidance Document 13-14

Service Animals: Miniature Horses (PA 97-0956)

*This document is intended to provide non-regulatory guidance on the subject matter listed above.
For specific questions, please contact the person(s) identified in the document.*

Dr. Christopher Koch, State Superintendent

MEMORANDUM

TO: Directors of Special Education
Other Interested Parties

FROM: Elizabeth Hanselman
Assistant Superintendent for Special Education

DATE: February 2013

SUBJECT: Service Animals: Miniature Horses
[Public Act (PA) 97-0956]

Public Act 97-0956 (formerly HB 3826) added miniature horses to the definition of service animal. The law also amends the Guide Dog Access Act and renames it the Service Animal Access Act.

Consistent with the applicable provisions of the Illinois Statute on Statutes, this document provide guidance to local school authorities to implement this act. Please note that this guidance is intended to respond to various questions that have been received from the field regarding PA 97-0956 and is neither intended to be an exhaustive review of the act nor is it intended to be legal advice.

Frequently Asked Questions:

1. Where is this law found in School Code?

“Service animal” is defined in 105 ILCS 5/14-6.02. Visit the following link at <http://ilga.gov/legislation/publicacts/97/PDF/097-0956.pdf> to access a copy of this legislation.

2. When did this law take effect?

This legislation became effective on August 14, 2012, the date it was signed into law.

3. What are service animals?

Service animals include guide dogs, signal dogs or any other animal individually trained to perform tasks for the benefit of a student with a disability. For the purposes of this Section, “service animal” has the same meaning as in Section 1 of the Service Animal Access Act. (Source: P.A. 87-228.)

4. Where and when are the service animals allowed to be in the school?

Service animals shall be permitted to accompany that student at all school functions, whether in or outside the classroom. Consider the service animal as a necessary accessory such as a wheelchair would be considered and allowed at all times.

5. Who may use service animals?

A person with a physical, mental, or intellectual disability requiring the use of a service animal may use this service.

6. What do service animals do for a person with a disability?

Service animals may perform any number of functions. They may be trained as hearing animals, guide animals, assistance animals, mobility animals, psychiatric service animals, autism service animals, or animals trained for any other physical, mental, or intellectual disabilities.

7. May a school prohibit the use of a service animal?

Neither the person nor the service animal shall be denied the right of entry and use of facilities of any public place of accommodation as defined in Section 5-101 of the "Illinois Human Rights Act".

8. What animals may be service animals?

"Service animal" means a dog or miniature horse.

9. May a school place any limitations on the use of the miniature horse?

The school shall make reasonable accommodations, taking into consideration: (1) the type, size and weight of the miniature horse and whether the facility can accommodate its features; (2) whether the handler has sufficient control of the miniature horse; (3) whether the miniature horse is housebroken; and (4) whether the miniature horse's presence in the facility compromises legitimate safety requirements necessary for operation.

10. How do we know that a miniature horse, if brought to the school as a service animal, has been trained?

The school may ask the student's parents for verification of training and may ask the parents or student to demonstrate some of the services the miniature horse may provide. The law does not require that the service animal wear a harness, backpack, or vest identifying it as a service animal.

11. What are the penalties for not allowing a miniature horse into the school if being used as a service animal?

Any violation of this Act is a Class C misdemeanor. In addition, if the student has a Section 504 Plan or an Individualized Education Plan (IEP), there may be other penalties for not reasonably accommodating the student.

For further information, please contact Jessica Gerdes, RN, Principal Consultant, School Nurse / Health Issues. She can be reached at 312-814-5560 in the Chicago office of the Illinois State Board of Education, Special Education Services Division.