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School Code Provisions on Service Animals Amended to Include Miniature Horses

Governor Quinn has signed into law Public Act 97-0956, which amends Section 14-6.02 of the School Code to permit not only dogs, but also miniature horses, to act as service animals for students with disabilities. Effective immediately, a "service animal" is defined as a dog or miniature horse trained or being trained as a hearing animal, guide animal, assistance animal, seizure alert animal, mobility animal, psychiatric service animal, autism service animal, or animal otherwise trained to assist an individual with a physical, mental or intellectual disability. (Prior to this Public Act, any animal individually trained to perform tasks for the benefit of a student with a disability was permitted to accompany the student.)

According to the U.S. Department of Justice Disability Rights Section, miniature horses generally range in height from 24-34 inches at the shoulders and generally weigh between 70 and 100

pounds. In determining whether a school must reasonably accommodate a request for a horse, the school must consider: (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 over the horse; (3) whether the horse is housebroken; and (4) whether the horse's presence in the facility compromises legitimate safety requirements necessary for operation of the school. These considerations are consistent with current Americans with Disabilities Act regulations regarding service animals.

School districts should consider the individual circumstances of students with disabilities who request to bring horses as service animals and be prepared to modify policies, practices and procedures as needed. For more information or assistance with review of your district's policies, procedures, or practices, contact one of our attorneys in Oak Brook or Flossmoor.