



## **STUDENT USE OF SERVICE ANIMALS IN SCHOOLS**

### ADMINISTRATIVE OPERATIONAL PROCEDURES

In keeping with the Mission, Vision and Values of the Niagara Catholic District School Board, the following are the Administrative Operational Procedures for Student Use of Service Animals in Schools.

#### **PREAMBLE**

The *Accessibility Standards for Customer Service, Ontario Regulation 429/07*, the *Ontarians with Disabilities Act, 2005* and the *Ontario Human Rights Code* provide authority for certified service animals to accompany their handlers in all public places including schools and buses.

The Niagara Catholic District School Board is committed to the learning of all students and provides a range of differentiated placements, programs and interventions to support student success. It is the policy of the Board, in accordance with the *Ontario Human Rights Code*, to provide individualized accommodation to students with disabilities to enable them to have meaningful access to education services.

A request to have a service animal accompany a student while attending school or a school related event must be submitted in writing to the school principal. Requests will be reviewed on a case-to-case basis, respecting the student's dignity, integration, independence and disability-related learning needs by the school principal, in consultation with the Family of Schools' Superintendent, the Coordinator of Special Education, and if applicable, the Coordinator of Health and Safety, and the Executive Director or designate of Niagara Student Transportation Services (NSTS).

#### **PURPOSE**

The purpose of these Administrative Operational Procedures is to provide the expectations, and the process to a parent/adult student when making a request for a service animal to accompany a student while the student is attending school or a school-related event.

Any determination of whether a service animal is an appropriate accommodation for a student while receiving education services is a decision of the Board. A regulated health professional cannot unilaterally prescribe that a guide dog, service dog or service animal be a specific accommodation while the student is receiving education services at school.

Where the student is not the primary handler, and only in exceptional circumstances subject to the standards of undue hardship pursuant the *Ontario Human Rights Code* will the Board consider an application for an individual trained by an Accredited Training Organization who is managing the Guide Dog/Service Dog to act as the primary handler while the student is attending school or a school related event. In addition, the Board will consider the resources required, alternative accommodations that may meet the student's demonstrated disability-related learning needs and the impact on the staff and other students.

In addition, only in exceptional circumstances subject to the standards of undue hardship pursuant the *Ontario Human Rights Code*, will the Board consider a request for a service animal, other than a dog, as

an accommodation for a student and only if other reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student.

## DEFINITIONS

**Service Animal:** The term ‘Service Animal’ refers to any animal that provides support to an individual with a disability.

**Disability:** The *Ontario Human Rights Code* and *Accessibility for Ontarians with Disabilities Act* (AODA) define “disability as”

- (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,
- (b) a condition of mental impairment or a developmental disability,
- (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,
- (d) a mental disorder, or
- (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the [\*Workplace Safety and Insurance Act, 1997\*](#);

**Guide Dog:** A dog trained as a guide for a blind person and having the qualifications prescribed by the regulations pursuant to the *Blind Persons' Rights Act*.

**Service Dog:** A dog which has been certified after successfully completing a training program provided by an Accredited Training Organization.

**Alternative Service Animals:** A therapy dog, companion animal, comfort animal and emotional support animal includes a dog or other domesticated animal that may legally reside in an urban, residential home, that is not highly trained to perform particular tasks to assist with a student’s disability-related needs, but provides emotional support (and/or companionship, calming influence) for a student with a disability-related mental health and/or psychological need and/or comfort during a difficult period.

**Accredited training organization** is a guide dog or service dog trainer that is accredited by:

- International Guide Dog Federation (“IGDF”): which develops and ensures compliance with the standards by which Guide Dogs for the blind/low vision are trained by its member organizations;
- Assistance Dogs International (“ADI”): which develops and ensures compliance with the standards by which Guide, Hearing and Service Dogs are trained by its member organizations; and/or
- A Guide Dog or Service Dog trainer that attests to compliance with the [Meghan Search and Rescue Standard in Support of Accessibility: Persons with a Disability Teamed with Service Dogs](#) standard for training (MSAR).

**Parent:** The custodial parent or legal guardian of a student pursuant to the *Education Act*;

**Adult Student:** A student who is 18 years of age or older, or 16 or 17 years of age that has removed themselves from the care and control of their custodial parent and/or legal guardian.

**Handler:** The handler is usually the student for whom the service animal is provided. Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Ontario Human Rights Code* will the Board consider an application for an individual trained by an Accredited Training Organization who is managing the Guide Dog/Service Dog to act as the primary handler.

## ROLES AND RESPONSIBILITIES

### **Parent/Adult Student**

It is the responsibility of parent/adult student to initiate a request for accommodation of a service animal to accompany a student at school and/or on school-related activities.

A Parent/Adult Student is required to:

1. adhere to all aspects of the Niagara Catholic Student Use of Service Animals in Schools Administrative Operational Procedures (303.2) and work collaboratively with the principal, school and Board staff;
2. complete and submit the Student Use of Service Animals in Schools Request Form (Appendix A) along with the following documentation:
  - a) an assessment report from a registered pediatrician, psychologist, or psychiatrist containing the diagnosis and description of the disability-related learning needs or acts of daily living to be accommodated, and the services that the service dog will provide to support the student achieving their learning and daily living goals in a school setting;
  - b) a certificate (no older than 3 months) from a veterinarian qualified to practice veterinary medicine in the Province of Ontario attesting that, the dog is an adult; identifying the age and breed; does not have a disease or illness that may pose a risk to humans; has received all required vaccinations; and is in good health to assist the student (required annually);
  - c) confirmation of certificates of training (no older than 6 months) from an Accredited Training Organization attesting that the service dog and student Handler have successfully completed training and may safely engage in a public setting without creating a risk of safety or a risk of disruption within a school setting.
  - d) a copy of the Municipal Dog License (required annually)
  - e) Insurance Certificate providing coverage in an amount specified by the Board<sup>1</sup> in the event of an injury or death as a result of the presence of a service animal on school property or on a school-related activity (required annually)
3. be financially responsible for any costs incurred for the care of the service animal including but not limited to: veterinary care, food, grooming, harness, crate and/or mat.
4. ensure that the service animal is groomed, clean, and in good health prior to entering the school building or school-related activities.
5. arrange for the personal care and physical needs of the service animal, including bio-breaks and the removal and disposal of waste in a safe and environmentally friendly manner.

### **Student**

It is the expectation of the Board that the student will act as the primary handler of a service animal. Only in exceptional circumstances subject to the standards of undue hardship pursuant the *Ontario Human Rights Code*, will the Board consider an application for a student who will not be acting as the primary trained Handler of the Guide Dog/Service Dog.

The student Handler must:

1. demonstrate the ability to control the Guide Dog/Service Dog in accordance with the training received;

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<sup>1</sup> Note usually 2 million in general liability insurance coverage is requested. This requirement might need to be waived on the basis of equity in the event that it causes financial hardship for a family.

2. ensure that the Guide Dog/Service Dog is always wearing a vest and leash or harness when the dog is not in its crate;
3. ensure the Guide Dog/Service Dog does not disrupt the learning of other students with unnecessary movement, vocalization or other behaviour, including aggressive or threatening behaviour;
4. ensure that the biological needs of the service animal are addressed;
5. transition and maintain at all times the Guide Dog/Service Dog is on a leash, harness, mat and/or crate;
6. comply with an accommodation plan that addresses the competing rights of others.

### **Principal**

School principals are responsible for the management of the school premises, the staff providing educational programs and the safety of all students. A school principal has authority to exclude any animal, including Guide Dogs/Service Dogs and Service Animals, from entry onto school premises and school building(s), as an accommodation for a student, provided that the student is offered appropriate alternative accommodation to meet the student's demonstrated disability-related learning needs.

1. Upon receipt of a Request for Student Use of Service Animals in Schools (Appendix A), the school principal will consult with the Family of Schools' Superintendent, the Co-ordinator of Special Education and if applicable, the Coordinator of Health and Safety, and Niagara Student Transportation Services (NSTS) prior to any approval or planning of the implementation process.
2. The principal shall convene a meeting with the Board team supporting the student, the parent/adult student and student (as appropriate), the health practitioner recommending the Guide Dog/Service Dog or Service Animal for the student, the trainer of the Guide Dog/Service Dog and of the Handler, and any other individuals who may contribute to the accommodation process may be scheduled to review:
  - the individual learning strengths and needs of the student, the student's IEP goals, safety plan, behaviour plan and /or the student's medical plan of care (if applicable);
  - supporting documents such psychological assessments, occupational or physical therapy assessments, functional behaviour assessments etc.
  - evidence of how the presence of a service animal may provide accommodation for a demonstrated disability-related learning need and/or act of daily living necessary while at school;
  - assessment information provided by a regulated health professional with expertise regarding the student's disability-related needs supporting the request for a Guide Dog/Service Dog or Service Animal;
  - the training and certification of the Guide Dog/Service Dog and student as the handler;
  - the impact of the accommodation on the student's dignity, integration and independence;
  - whether one or more alternative accommodations can meet the needs of the student;
  - whether the presence of a service animal may require an increase in the level of staff support provided to the student;
  - whether training will be required for staff and/or the student;
  - the impact of the accommodation on the learning environment for the student, other students, including health, safety, disruption and distraction; and
  - any competing human rights of students, staff and community members using the school pursuant to a permit and recommendation for accommodations plans to reconcile competing rights.

## COMMUNICATION

The principal will communicate the decision including the rationale to approve or deny a request for accommodation in writing to the parent/adult student who made a request for a service animal to accompany a student while attending school or a school related event a timely manner.

When approval has been granted for a service animal to accompany a student while attending school or a school related event, communication, respecting the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living, will be provided in writing to:

- the school community;
- daycare providers using school facilities;
- the parents of the students in any of the classes where the service animal will be present.

The principal will also ensure that:

- signage is visible on entrance doors, library, classroom etc., and at any other places deemed necessary to advise staff and visitors that a service animal is on site;
- communication is provided to occasional staff assigned to a position where a service animal is present

## IMPLEMENTING THE ACCOMMODATION

Where approval is granted, the school principal will:

1. complete the Administrative Checklist for the implementation of Student Use of Service Animals in Schools.
2. in consultation with the parent/adult student and appropriate staff:
  - update the Individual Education Plan (IEP) goals and/or the student's medical plan of care which may provide for the accommodation on an interim trial basis. A copy of the application and confirmation of approval, as well as any other relevant documentation shall be attached to the revised IEP and filed in the student's Ontario Student Record (OSR).
  - develop a timetable identifying a bio-break, water break, location/process to be followed during the instructional and non-instructional times;
  - develop emergency procedure, to include a fire exit plan, lockdown plan and evacuation plan;
  - organize an orientation session for school staff, students and the student Handler
  - organize training related to the service animal for staff who will have direct contact in the school, if required.

## CONTINUOUS ASSESSMENT

To continue to support student learning and well-being, assessment of the effectiveness the service animal provides will be part of each review of the student's IEP and/or as deemed necessary by the school principal.

Approval may be revoked at any time by the principal if:

- there are any concerns for the health and safety of students, staff or the service animal;
- the behaviour of the service animal is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping. In the event that this behaviour occurs,

the Handler will be required to remove the service animal from the classroom immediately and the student's parent/guardian will be contacted to pick up the service animal from the school. Alternative options for accommodation will be discussed.

- there has been a change in the circumstances or disability-related needs of the student, which supported the implementation;
- new competing rights have been identified;
- the Board in its discretion determines that the accommodation is not effective for the student's demonstrated disability-related learning needs or acts of daily living.

## DATA COLLECTION

The Board shall be required to collect, use and disclose the personal information of the student in order to fulfill the accommodation process. Notice of the collection, use and disclosure must be provided to the parents/guardians or adult student. Efforts should be made to limit the personal information to only that which is necessary.

Pursuant to *PPM 163 School Board Policies on Service Animals*, the Board is required to collect data regarding the implementation and procedures of Student Use of Serviced Animals in Schools, including:

- the total number of requests for students to be accompanied by service animals;
- whether requests are for elementary or secondary school students;
- types of needs being supported: emotional, social, psychological, physical
- the species of service animals requested and approved; and
- the number of requests approved or denied;
  - if denied, the rationale for the decision, including a description of other supports and/or services provided to the student to support their access to education.

## FOOD AREAS

Regulation 493/17, of Ontario's *Health Protection and Promotion Act*, allows Guide Dogs and Service Animals in areas where food is served, sold, and offered for sale. Steps should be taken to ensure that Guide Dogs and Service Animals in school cafeterias, or areas where students are consuming food, are not disruptive and do not eat student food.

No animals are allowed in areas where food is prepared, processed, or handled such as the kitchen of the school cafeteria or the hospitality classroom.

### *Appendices:*

[Appendix A: Student Use of Service Animals in Schools Request Form](#)

[Appendix B: Management Plan for the Care of the Service Animal](#)

[Appendix C: Administrative Checklist](#)

[Administration: Sample Communication Letters](#)

### *References:*

- [Ontario Human Rights Code, RSO 1990, c.H.19](#)
- [Education Act, RSO 1990, c.E2, s. 170\(1\), s.265\(1\); O. Reg. 298, s.11](#)
- [PPM 163 School Board Policies on Service Animals](#)
- [J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 \(CanLII\)](#)
- [Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11](#)
- [Blind Persons' Rights Act, RSO 1990, c.B7,](#)
- [Dog Owners' Liability Act, RSO 1990, c.D16](#)
- [Health Protection and Promotion Act, RSO 1990, c.H7](#)

- **Niagara Catholic District School Board Policies/Procedures**
  - [Privacy Policy \(600.6\)](#)

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