

SCHOOL-COMMUNITY RELATIONS	8000
SERVICE ANIMALS IN SCHOOLS PROCEDURES	8075

1. Purpose

- 1.1. It is the policy of Lakehead District School Board, in accordance with its obligations pursuant to the Ontario *Human Rights Code*, to provide individualized accommodation to students with disabilities to enable them to have meaningful access to education services in a manner that respects their dignity, maximizes integration and facilitates the development of independence.
- 1.2. These procedures identify the individualized process to be followed when a Parent or Adult Student applies to the Board to have a Guide Dog/Service Dog or Service Animal accompany the student while the student is attending school or a school-related event.
- 1.3. Any determination of whether a Guide Dog/Service Dog or 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.

2. Background

- 2.1. Service Animals have traditionally been trained dogs that assist individuals with various tasks of daily living (Guide Dog, Hearing and Signal Dogs, Mobility Assistance Dogs, Seizure Response Dogs).
- 2.2. In most circumstances, a Guide Dog will be a trained dog provided to support the orientation and mobility needs of a student Handler who has blindness/low vision, and the Guide Dog will provide the student Handler with greater independence, dignity and opportunity for integration.
- 2.3. The term Service Animal is used in the *Accessibility Standards for Customer Service* made under the *Accessibility for Ontarians with Disabilities Act (AODA)*, to describe an animal that assists an individual with a disability to be able to access goods and services available to the public. A school is not a public space and is not generally accessible to the public. The AODA does not apply to a student's use of a Service Dog/Service Animal when accessing education services in school buildings.
 - a) Pursuant to the *Code* it is possible that a Service Animal might include different species that provide a therapeutic function (horses), emotional support, sensory function, companionship and/or comfort.

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- b) The determination of whether the animal is an appropriate accommodation in the school setting to accommodate a demonstrated disability-related learning need and/or act of daily living necessary while at school, is a decision of the Board. Such a decision will consider that animals, other than dogs, are not trained by an Accredited Training Organization and may pose a risk to the safety of students and staff and/or may be disruptive to the learning environment.

3. Definitions

For the purpose of this 8075 Service Animals in Schools Policy and Procedures, the following definitions apply:

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; 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).

Adult Student shall be defined to mean a student who is 18 years of age or older or 16 or 17 years of age and has removed him/her/themselves from the care and control of their custodial parent.

Disability means:

- 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 coordination, 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;
- a condition of mental impairment or a developmental disability;

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- a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;
- a mental disorder; or
- 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 means 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*.

Handler refers to the individual trained by an Accredited Training Organization who is managing the Guide Dog/Service Dog and, in most cases, will be the student for whom the Guide Dog/Service Dog is provided.

Parent shall be defined to mean a custodial parent of the student or a guardian pursuant to the *Education Act*.

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

Service Animal, for the purpose of these procedures, includes a therapy dog, companion animal, comfort animal and emotional support animal, and 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. A Service Animal provides support relating to a student's disability to assist that student in meaningfully accessing education.

4. Roles and Responsibilities

4.1. Principals

4.1.1. School principals are responsible for the management of the school premises, the staff providing educational programs and the health and safety of all students.

- a) A school principal has authority to exclude any animal, including Guide Dogs/Service Dogs/Service Animals, from entry onto school premises and school building(s), as an accommodation for a student, provided that the student is offered alternative accommodation to meet the student's demonstrated disability-related learning needs and/or act of daily living necessary while at school.

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- b) School principals, before admitting a Guide Dog/Service Dog to the school or at school related activities with the student Handler, shall require a Parent/Adult Student to submit a completed application, included in Appendix A of the Procedures.
 - c) Before admitting a Service Animal, the school principal shall require the Parent/Adult Student to submit a completed application, included in Appendix B of the Procedures.
- 4.1.2. On receipt of an application for a Guide Dog/Service Dog or Service Animal, the school principal shall review the application for completeness and may request any additional information or clarification necessary to assess the request for accommodation.
- 4.1.3. The school principal shall be responsible for communication with the Parent/Adult Student with respect to the accommodation process, and where approved, the implementation and management of the accommodation.
- 4.1.4. Where a student supported by a Guide Dog/Service Dog/Service Animal, whose parent is the Handler, seeks only to attend a school excursion with the Guide Dog/Service Dog/Service Animal, which is at a location where the public is customarily admitted, efforts will be made to facilitate the student's participation with the Guide Dog/Service Dog/Service Animal and parent as the Handler. Inquiries may need to be made regarding competing rights and transportation arrangements.
- 4.2. Parents/Adult Students
- 4.2.1. Parents or Adult Students are required to provide all necessary documentation and engage in the consultation process for the purpose of considering and implementing, if appropriate, the request that a Guide Dog/Service Dog accompany the student at school and/or on school-related activities. The Parent or Adult Student shall be responsible for:
- a) submission of Appendix A;
 - b) costs related to the dog, food, grooming, harness, crate and/or mat and veterinary care;
 - c) obtaining training and maintaining the Guide Dog/Service Dog training to provide the accommodation in a safe manner that does not disrupt student learning;

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- d) providing confirmation of municipal license for the dog (to be updated annually);
- e) providing confirmation of certificates of training not older than six months from an Accredited Training Organization attesting that the 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;
- f) assessment information provided by a registered pediatrician, psychologist, psychiatrist (or other regulated health professional as determined by the Board) with expertise regarding the student's disability-related needs supporting the request for a Guide Dog/Service Dog;
- g) supporting documents such as psychological, occupational or physical therapy assessments, functional behaviour assessments, etc. about the student's disability-related needs and learning needs;
- h) a description of the services provided by the Guide Dog/Service Dog to the student, and how those services will accommodate the student's disability-related needs and assist the student in achieving their learning goals and/or goals of daily living while at school;
- i) a certificate not greater than three months old (to be updated annually), 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 might pose a risk to humans; has received all required vaccinations; and is in good health to assist the student (to be updated annually); and
- j) general liability insurance (to be updated annually), providing coverage in an amount specified by the Board ¹ in the event of an injury or death as a result of the Guide Dog/Service Dog's attendance on school property or on a school-related activity ².

4.3. Students

4.3.1. Students will be expected to act as the Guide Dog/Service Dog's primary handler. The student Handler must:

¹ 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 Note insurance should not pose a barrier to the provision of accommodation as a result of socio-economic factors.

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- a) demonstrate the ability to control the Guide Dog/Service Dog in accordance with the training received;
- b) ensure that the Guide Dog/Service Dog is always wearing a vest and leash or harness when the dog is not in its crate;
- c) ensure the Guide Dog/Service Dog does not disrupt the learning of others with unnecessary vocalization or other behaviour, including aggressive or threatening behaviour;
- d) ensure the Guide Dog/Service Dog's biological needs are addressed;
- e) transition and maintain at all times the Guide Dog/Service Dog on a leash, harness, mat and/or crate; and
- f) comply with an accommodation plan that addresses the competing rights of others.

4.3.2. In exceptional circumstances subject to the standards of undue hardship pursuant to the *Ontario Human Rights Code*, the Board will consider an application for a student who will not be acting as the primary Handler of the Guide Dog/Service Dog.

4.4. Guide Dog / Service Dog

The Parent/Adult Student need to co-operate in the accommodation process by taking necessary care of the Guide Dog/Service Dog to maintain a safe learning environment as follows.

The Guide Dog/Service Dog:

- a) shall be a trained and certified by Accredited Training Organization;
 - i) will have evidence of training or re-certification confirming compliance with training requirements within the last six months be required.
- b) must be groomed and clean;
- c) needs to be responsive to commands and demonstrate that it can perform the necessary tasks or accommodation while on school property;

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- i) not engage in behaviour that puts at risk the safety of others, including other animals, or that creates disruption in the learning environment, which will be assessed considering the behaviour such as, but is not limited to, growling, nipping, barking and biological functions in the school building; and
- ii) such behaviour is grounds to prohibit the Guide Dog/Service Dog's attendance on school property and in the school building.
- d) needs to have control of its biological functions so as not to soil the inside of buildings, and
- e) needs to demonstrate continuous appropriate behaviour with its Handler and others in the school environment to remain eligible for entry in school buildings or school-related events.

5. Assessment of the Accommodation Request

- 5.1. Once the application and all necessary documentation is received by the school principal, a review will take place by the Board team supporting the student and a meeting shall be scheduled to review the accommodation request. Every effort will be made to review the documentation and schedule a meeting in a reasonable timeframe.
- 5.2. A meeting(s) with the Board's 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 request for accommodation.
- 5.3. Each request for a Guide Dog/Service Dog or Service Animal will be addressed on an individual basis giving consideration to factors including:
 - a) the individual learning strengths and needs of the student, the student's existing IEP goals, safety plan, behaviour plan and/or student's medical plan of care (if any);
 - b) supporting documents such as psychological, occupational or physical therapy assessments, functional behaviour assessments, etc.;
 - c) evidence of how the Guide Dog/Service Dog or Service Animal's attendance at school might provide accommodation for a demonstrated disability-related learning need and/or act of daily living necessary while at school;

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- d) 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;
 - e) the training and certification of the Guide Dog/Service Dog and student as Handler;
 - f) the impact of the accommodation on the student's dignity, integration and independence;
 - g) whether one or more alternative accommodations can meet the needs of the student;
 - h) whether the student's attendance with a Guide Dog/Service Dog or Service Animal might require an increase in the level of staff support provided to the student;
 - i) whether training will be required for staff and/or the student;
 - j) the impact of the accommodation on the learning environment for the student, other students, including: health, safety, disruption;
 - k) any competing human rights of students, staff, and community members using the school pursuant to a permit; and
 - l) recommendations for accommodation plans to reconcile competing rights.
- 5.4. The process of accommodation, including inquiries regarding competing rights and notice to the school community, shall respect the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living.
- 5.5. Where the student is not the primary Handler, Board staff must be trained as the Handler(s) and accompany the student and dog at all times. As a result, such requests will be individually considered, in accordance with the duty to accommodate to the point of undue hardship, including consideration of the resources required and alternative accommodations that might meet the student's demonstrated disability-related learning needs.
- 5.6. Service Animals shall only be considered when reasonable methods in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs and/or act of daily living necessary while at school for meaningful access to education. Parents must complete an application for a Service Animal included in Appendix B of the Procedures.

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- a) The accommodation process following a request by a Parent/Adult Student for a Service Animal shall be consistent with the process noted above, but shall also include any special considerations that may arise if an animal is a species other than a dog, including the ability to be trained, necessary biological functions, the capacity for the animal to respond to commands, whether the animal may be kept on a leash/harness/crate/mat and how such restrictions might impact accommodation.

5.7. The determination with respect to the application for a Guide Dog/Service Dog or Service Animal shall be communicated to the Parent/Adult Student, in writing, in accordance with Appendix D. If the request for a Guide Dog/Service Dog/Service Animal is being denied, the decision will be made in consultation with the superintendent of education.

6. Implementing the Accommodation

6.1. Where approval is granted, the school principal, in consultation with the student's educational team, will do the following:

- a) make changes to the student's IEP goals, safety plan, behaviour plan and/or student's medical plan of care (if any);
- i) may provide for the accommodation on an interim trial basis, in which case the indicators of success or lack of success for this form of accommodation will be identified before the trial period begins.
- b) organize an orientation session for school staff, students and the student Handler;
- c) develop a timetable identifying a bio-break, water break, location/process to be followed during instructional and non-instructional times;
- i) access may be limited to certain activities, areas of the school, or certain times of the day, including but not limited to, where exclusion is required pursuant to the *Health Protection and Promotion Act* or the *Food Safety and Quality Act 2001*, which prohibit Service Animals from being in places where food is prepared, processed or handled; and
- ii) assessment may be required by the Board's health and safety officer; health and safety issues may be applicable to different areas/activities in the school.

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- d) develop emergency procedures to include: a fire exit plan, lockdown plan, evacuation plan;
- e) notice to the community and leasers for e.g., day care centres, via a letter to parents and leasers; posting on the school's website/social media; presentation by the trainer of the Guide Dog/Service Dog during a school council meeting or association supporting the use of the Service Animal; signage on the school's front door, gymnasium and library doors; communication to potential occasional staff accepting a position where the Guide Dog/Service Dog or Service Animal may be providing service to the student;
- f) student assembly for introduction and orientation regarding the Guide Dog/Service Dog or Service Animal;
- g) arrangements for transportation of the Guide Dog/Service Dog or Service Animal to and from school, if necessary;
 - i) if the Guide Dog/Service Dog or Service Animal will be accompanying the student on a school vehicle, inquiries must be made regarding competing rights, the transportation plan must specify where the Guide Dog/Service Dog or Service Animal and student will be located; the vehicle shall have a sticker/sign identifying that the presence of a Guide Dog/Service Dog or Service Animal is on board;
 - ii) documentation about Guide Dog/Service Dog or Service Animal will be included with the route information so that new or substitute bus drivers are aware of the Guide Dog/Service Dog's or Service Animal's presence; and
 - iii) specialized transportation shall *not* be provided solely for the purpose enabling the Guide Dog/Service Dog or Service Animal to travel to and from school with the student.

7. Continuous Assessment

- 7.1. A review of the effectiveness of the Guide Dog/Service Dog or Service Animal in supporting the student's learning goals shall be undertaken as part of each review of the student's IEP, in the event of a violent incident report, and as otherwise deemed necessary by the principal.

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- 7.2. Approval may be revoked at any time by the principal if:
- a) there are concerns for the health and safety of students, staff or the Guide Dog/Service Dog or Service Animal;
 - b) there is behaviour that is 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 Guide Dog/Service Dog or Service Animal from the classroom immediately and the student's Parent will be called to pick up the Guide Dog/Service Dog or Service Animal from the school. Alternative options for accommodation will be discussed;
 - c) there has been a change to the student's circumstances or disability-related needs, which had supported the original approval or a change to the needs of students/staff such that there is a new competing right; or
 - d) 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 while at school or a school-related activity.

8. Records

- 8.1. A copy of the application and confirmation of approval, as well as any other relevant documents supporting the accommodation, shall be retained in the student's Ontario Student Record.
- 8.2. 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 Parent/Adult Student. Efforts should be made to limit the personal information to only that which is necessary.
- 8.3. The Board is required, pursuant to *PPM 163 School Board Policies on Service Animals*, to collect information regarding the implementation of the policy and procedures regarding Guide Dogs and Service Animals, including:
 - a) total number of requests for students to be accompanied by Guide Dog/Service Dog or Service Animal;
 - i) whether requests are for elementary or secondary school students;
 - ii) the student's grade; and

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iii) whether the student is the Handler.

b) the number of requests approved and denied;

i) 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 the Ontario Curriculum;

ii) species of Service Animals requested and approved; and

iii) types of needs being supported (e.g., medical, physical, emotional).

The Board will report to the Ministry of Education, upon request, regarding activities related to the policy and data collected. The data will inform policy review at the Board.

9. Food Areas

Regulation 493/17, of Ontario's *Health Protection and Promotion Act*, allows Guide Dogs/Service Dogs and Service Animals in areas where food is served, sold, and offered for sale.

Steps should be taken to ensure that Guide Dogs/Service 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 permitted in areas where food is prepared, processed, or handled such as the kitchen of the school cafeteria or the hospitality classroom.

10. Related Forms and Letters

Forms

Appendix A Application Request for Guide Dog/Service Dog

Appendix B Application Request for Service Animal

Appendix C Principal's Checklist for Guide Dog/Service Dog

Letters

Appendix D

Sample Letter to Employees & School Permit Holders*

Sample Letter to the School Community*

Sample Letter to the Parents of Students on the School Bus*

Sample Letter to the Parents of Students in the Class(es)*

Sample Letter Approving the Guide Dog/Service Dog/Service Animal

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Note: *When a sample letter is needed for communication about a Service Animal, create a custom letter(s) in consultation with the superintendent of education.

<u>Cross Reference</u>	<u>Date Approved</u>	<u>Legal Reference</u>
3100 Accessibility Standards for Customer Service Policy	January 28, 2020 <u>Date Revised</u> Reviewed by: _____	<i>Human Rights Code, RSO 1990, c.H.19</i> <i>Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.11</i> <i>PPM 163 School Board Policies on service animals</i> <i>J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 (CanLII)</i> <i>Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11</i> <i>Blind Persons' Rights Act, RSO 1990, c.B7,</i> <i>Dog Owners' Liability Act, RSO 1990, c.D16</i> <i>Health Protection and Promotion Act, RSO 1990, c.H7</i> <i>Food Safety and Quality Act 2001, SO 2001, c.20</i>