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Title: **STUDENT USE OF** **SERVICE ANIMALS IN SCHOOL**

Adopted: January 2020

Reviewed:

Revised: January 2021, October 2023

Related: Procedure 3003A: Service Animals

Authority: Ontario PPM 163: School Board Policies on Service Animals

Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

Ontario Regulation 429/07: Accessibility Standards for Customer Service

Ontario Regulation 191/11Integrated Accessibility Standards

Ontario Human Rights Code

Ontario Human Rights Commission’s *Policy on Accessible Education for Students with Disabilities* (2018)
Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.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
Food Safety and Quality Act 2001, SO 2001, c.20

Individual Education Plan: A Resource Guide

J.F. v Waterloo Catholic DSB 2017

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**POLICY**

It is the policy of the KidsAbility School Authority (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.

To this end, it is the policy of the KidAbility School Authority that a student, be allowed to be accompanied by a service animal in school, when doing so would be an appropriate accommodation to support the student’s learning needs and would meet the Authority’s duty to accommodate students with disabilities.

**BACKGROUND**

1. All school boards in Ontario are required to develop, implement, and maintain a policy on student use of service animals in schools.
2. The KidAbility School Authority utilizes differentiated programming, and evidence-based interventions and strategies to provide meaningful access to education for students who have disability-related needs that impact their learning.
3. People with disabilities who use service animals to assist them with disability-related needs are protected under the criteria of “disability” in the Ontario Human Rights Code.
4. 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.
	* 1. Pursuant to the *Code* it is possible that a Service Animal might include different species that provide a therapeutic function, emotional support, sensory function, companionship and/or comfort.
		2. The determination of whether the animal is an appropriate accommodation in the school setting to accommodate a demonstrated disability-related learning need is a decision of the KidAbility School Authority.
			1. 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 and/or may act as a distraction in the learning environment.
5. Service Animal refers to an animal that provides support relating to a student’s disability to assist that student in meaningfully accessing education. Service animals have traditionally been highly trained dogs that assist individuals with various tasks of daily living (Guide Dog, Hearing and Signal Dogs, Mobility Assistance Dogs, Seizure Response Dogs). Dogs remain the most common species of service animal. However, other species may also provide services to individuals with disabilities. The types of functions performed by service animals are diverse, and may or may not include sensory, medical, therapeutic, and emotional support services.
6. Certified Service Animals, for the purpose of this procedure, includes all trained (by an accredited training facility) and registered service animals who are handled by a student with a disability. The student who receives the animal’s services to assist with daily living activities and/or access to the Ontario curriculum, which is readily apparent (obvious by the animal’s appearance or what it is doing) or identified as a requirement in a letter from a physician or nurse.

1. In most circumstances, a Guide Dog will be a highly trained dog provided to support the orientation and mobility needs of a student Handler who has a diagnosis of blindness/low vision, and the Guide Dog will provide the student Handler with greater independence, dignity and opportunity for integration.

**GUIDING PRINCIPLES**

1. 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 KidAbility School Authority. 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. The process of accommodation shall also consider the competing human rights of other students and of staff; the impact of the Certified Service Animal on the learning environment; and the health and safety of all individuals who are or might be in the school, on school grounds or at a school-related event.
3. Factors to be considered include, but are not limited to:
	* 1. the student’s demonstrated disability related needs;
		2. the accommodation(s) that may be provided by the service animal to meet the student’s disability related needs;
		3. alternative accommodations available that meet the student’s demonstrated disability related needs;
		4. the impact on the classroom and school.
4. Where necessary in the decision-making process, rights and needs of one person may have to be balanced against the rights and needs of another.

**GUIDELINES**

1. In circumstances where a parent or adult student requests to have the student’s service animal accompany the student while attending school or a school-related event, each such request shall be reviewed individually by the Principal considering the student’s dignity, integration, independence and disability-related learning needs and the accommodations available to enable meaningful access to education.
2. The approval of the Certified Service Animal will be decided after extensive consultation and is not automatic. Decisions regarding the admittance and integration of Certified Service Animals into the school environment for the benefit of a student are made on a case-by-case basis.
3. Service Animals shall only be considered when reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student.
4. The KidsAbility School Authority encourages any family considering the purchase of a service animal to meet with the Principal before making a commitment.
5. A Certified Service Animal is a working animal and does not interact with employees or other students.
6. Due to risks to safety, and risks of disruption and distraction in the learning environment, the School Authority does ***not*** permit training of potential guide dogs and service dogs in the school setting or during school activities.
7. The Authority will retain data regarding the requests for the use of service animals in schools.
8. The KidsAbility School Authority does not provide Service Animals to students.

 **RESOURCES**

[Ontario PPM 163: School Board Policies on Service Animals](https://www.ontario.ca/document/education-ontario-policy-and-program-direction/policyprogram-memorandum-163)

[Accessibility for Ontarians with Disability Act](https://www.ontario.ca/laws/statute/05a11)

[Ontario Regulation 429/07: Accessibility Standards for Customer Care](https://www.ontario.ca/laws/regulation/070429)

[Ontario Regulation 191/11: Integrated Accessibility Standards](Ontario%20REgulation%20191/11%3A%20Integrated%20Accessibility%20Standards)

[Ontario Human Rights Code](https://www.ohrc.on.ca/en/ontario-human-rights-code)

[Ontario Human Rights Commission's Policy on Accessible Education for Students with Disabilities](https://www.ohrc.on.ca/en/policy-accessible-education-students-disabilities)

[Ontario Education Act Sec 170 (1)](https://www.ontario.ca/laws/statute/90e02#BK145)

[Ontario Education Act Sec 265 (1)](https://www.ontario.ca/laws/statute/90e02#BK442)

[Ontario Regulation 268](https://www.ontario.ca/laws/regulation/180268)

[Blind Person's Rights Act](https://www.ontario.ca/laws/statute/90b07)

[Dog Owner's Liability Act](https://www.ontario.ca/laws/statute/90d16)

[Health Protection and Promotion Act](https://www.ontario.ca/laws/statute/90h07)

[Food Safety and Quality Act](https://www.ontario.ca/laws/statute/01f20)

[Individual Education Plans: A Resource Guide](https://www.ontario.ca/page/individual-education-plans)

[J.F. v Waterloo CDSB](https://canliiconnects.org/en/commentaries/47019)