



DRAFT ONLY

Draft Policy/Program Memorandum (PPM)

Date of Issue: DRAFT April 1, 2019
Effective: Until revoked or modified
Subject: SCHOOL BOARD POLICIES ON SERVICE ANIMALS
Application: Directors of Education
Supervisory Officers and Secretary-Treasurers of School Authorities
Principals of Elementary Schools
Principals of Secondary Schools

Purpose

All school boards¹ in Ontario are required to develop, implement, and maintain a policy on student use of service animals in schools. The purpose of this memorandum is to provide direction to school boards on the development and implementation of their policy. The ministry's expectations regarding the components of a board's policy are identified in this memorandum as well as the implementation and reporting requirements.

The ministry expects all school boards to:

- allow students to be accompanied by service animals in school when doing so would be an appropriate accommodation to support students' learning needs, and would meet the school boards' duty to accommodate students with disabilities under the Ontario *Human Rights Code* (the "Code");
- make determinations on whether to approve requests for a service animal on a case-by-case basis, based on the individual needs of each student;
- put in place consistent and transparent processes that allow for meaningful consideration of requests for service animals to accompany students in school

This memorandum applies to all publicly funded elementary and secondary schools, including extended-day programs operated by school boards. However, this memorandum does not apply to licensed child-care providers, including those operating on the premises of publicly funded schools.

Context

The Ministry of Education is committed to supporting school boards in providing all students with demonstrable learning needs appropriate accommodations, including special education programs and services in Ontario's schools.

The term "service animal" refers to any animal that provides support to a person with a disability. Traditionally, service animals have been dogs, and dogs remain the most common species of service animal, however other species may also be trained to 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.

In Ontario, the *Accessibility for Ontarians with Disabilities Act, 2005* (the "AODA") sets out a framework related to the use of service animals by individuals with a disability. The *Blind Persons' Rights Act* sets out a framework specifically for the use of guide dogs for individuals who are blind.

People with disabilities who use service animals to assist them with disability-related needs are protected under the ground of “disability” in the *Code*. Under the *Code*, school boards have a duty to accommodate the needs of students with disabilities up to the point of undue hardship. The Ontario Human Rights Commission’s (OHRC) *Policy on accessible education for students with disabilities* states that: “Depending on a student’s individual needs and the nature of the education service being provided, accommodations may include...modifying “no pets” policies to allow guide dogs and other service animals”.

Nothing in this memorandum detracts from other legal obligations of school boards under applicable law, including the *Code*.

Definition of a service animal

In the context of this memorandum, “service animal” means an animal that provides supports relating to a student’s disability to assist that student in meaningfully accessing education.

School boards must make an assessment of whether a service animal may accompany a student on a case-by-case basis taking into account all the circumstances, including the needs of the student and the school community and a school board’s obligation to provide meaningful access to education.

School boards may also consider including service animals in training in their service animal policies.

Components of school board policies on service animals

When developing their policy on student use of service animals, school boards must respect their obligations under the *Code*, the *AODA*, the *Blind Persons’ Rights Act*, and collective agreements as well as other applicable laws and government policies. When developing their policies on student use of service animals, school boards are encouraged to consult with local partners, as appropriate.

Each school board policy on student use of service animals must contain, at a minimum, the following components:

Communication Plan. The school board policy should say how the school board will inform the school community about the process by which parents² can apply to have their child’s service animal in the school. It should also say how it will inform the school community of the presence of any service animals at the school.

Process. The school board policy should lay out how requests for students to be accompanied by service animals in schools can be made and the steps in the school board decision-making process. School board processes must be timely, equitable and readily available, and decisions must be based on a student’s individual needs. Policies should include the following:

- a clearly articulated process for a parent to follow when making a request for a student to be accompanied by a service animal in school, including:
 - a primary point of contact
 - supporting materials for initiating requests (e.g., templates)
- information around the process through which a determination is made about whether or not a service animal is an appropriate accommodation. This could include:
 - a meeting for all appropriate parties (e.g., parents, school staff) to discuss the request for a service animal
 - a list of documentation that a parent must provide
 - a list identifying who must be consulted in making the determination
- information around the factors the board will consider when making its case-by-case determinations, including:
 - the disability-related needs of the student
 - other accommodations available
 - the needs of the school community
 - any special considerations that may arise if the animal is a species other than a dog
- information about how the school board will document its decision regarding a request. For example, if a school board approves a request, that information could be recorded in the student’s Individual Education Plan if one exists.
- if the school board approves a request for a service animal, a process for developing a plan that addresses:
 - the ongoing documentation that is required (e.g., annual vaccination records)

- the type of support the service animal will provide to the student
- who will be the appropriate handler of the service animal while at the school
- a plan for how the care of the animal will be provided (including supporting the safety and biological needs of the animal)
- how the animal will be readily identifiable
- transportation of the animal to and from school
- timeline for implementation
- if the school board approves a request for a service animal, strategies for sharing information with members of the broader school community who may be impacted by the decision (e.g., other students, parents, Special Education Advisory Committees (SEACs), educators, school staff, volunteers) and organizations that use the school facilities (e.g., licensed child-care providers operating in schools of the board), while identifying how the student's privacy will be considered.

Health, Safety and Other Concerns. The school board policy should include a protocol for the board to hear and address concerns from other students and staff who may come in contact with a service animal, and parents of other students, including: health and safety concerns such as allergies and fear or anxiety associated with the animal. Wherever possible, school boards should take steps to minimize conflict through cooperative problem-solving, and training of staff and students.

Roles and Responsibilities. The school board policy should clearly outline the roles and responsibilities of students, parents, and school staff regarding service animals at school, taking into account local circumstances.

Training. The school board policy should consider strategies for providing training related to service animals, as appropriate, for school staff who have direct contact with service animals in schools.

Review of School Board Service Animal Policies and Data Collection. The school board policy should be reviewed by the board on an annual basis.

School boards are expected to develop a process for data collection and to collect data regularly, including, but not limited to:

- total number of requests for students to be accompanied by service animals;
- whether requests are for elementary or secondary school students;
- the number of requests approved and 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;
- species of service animals requested and approved;
- types of needs being supported (e.g., medical, physical, emotional).

School boards should use this data to inform their cyclical policy reviews.

Implementation

School boards must implement and make publicly available on their websites their newly developed or updated policies and procedures on student use of service animals by September 1, 2019. Reviews and revisions to established policies must be completed and posted on the school board websites by September 1 of each subsequent year.

School board reporting

School boards are required to report to the Ministry of Education upon request on their activities to achieve the expectations outlined in this memorandum, including specific data collected.

References:

Ontario Human Rights Commission, *Policy on accessible education for students with disabilities*, 2018.

Ontario, *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11.

Ontario, *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7

Ontario, O. Reg. 191/11, *Integrated Accessibility Standards*, made pursuant to the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11.

Ontario, *Human Rights Code*, R.S.O. 1990, c. H.19.

Ontario, R.R.O. 1990, Regulation 58, *Guide Dogs*, made pursuant to the *Blind Persons' Rights Act*, R.S.O. 1990, c. B.7.

1 In this memorandum, school board(s) and board(s) refer to district school boards and school authorities.

2 In this memorandum, *parent(s)* refers to parent(s) and guardian(s).

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