

(1) **Purpose**

These guidelines provide direction to principals or designates regarding parent/legal guardian or employee requests for the use of service and non-service (therapy or companion) animals in River East Transcona School Division schools.

(2) **Definitions**

(a) **Service Animals**

- (i) **Service/Assistance Animals** are recognized working animals that have been trained to assist children and adults who have a physical, mental health, or developmental disability that impacts their daily living activities. The parent/legal guardian and school have to follow strict guidelines that apply to their access, handling, and interaction. The use of service animals is an intervention strategy that is recognized as an aid to students with additional needs.

The term “service animals” can refer to animals that assist those with a physical disability and includes pulling, bracing, retrieving, and hearing dogs. Service animals may also be trained to alert or protect a person who is having a seizure, remind a person to take their medication, calm or address other disability-related needs of a person with mental health issues, and prevent children from leaving the classroom unsupervised, running into traffic, etc.

It is acknowledged that dogs remain the most common form of service animal, but other animals may be trained to be service animals.

- (ii) **Guide Dogs for the Blind and Visually Impaired** focus on increased independent travel for the individual. The guide dog is trained for safe street crossings, use of public transportation, and exposure to all environments. Users of guide dogs will have previous mobility training in the school system or in adult agencies for the blind and visually impaired. The handler for a guide dog is the individual who requires the support. The individual goes through intensive training with a trained dog. Guide dogs are usually not provided for children and youth.

(b) Non-Service Animals

- (i) Companion Animals** may be present to assist a child in feeling comfortable or less anxious in the school environment. Companion animals are not necessarily professionally trained. Companion animals do not have designated responsibilities and provide companionship only. Companion animals are not considered service animals and are not guaranteed access to public spaces.
- (ii) Therapy Animals** are trained to provide affection and comfort to people in hospitals, retirement homes, and schools. Therapy animals have a trained handler and must be under the direction of an adult who is authorized to be in the setting. Therapy animals are not considered service animals and are not guaranteed access to public spaces.

(3) References

(a) The Canadian Charter of Rights and Freedoms 15 (1)

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(b) The Public Schools Act 41(1)(a.1), 41(1.1)

41(1)(a.1) provide, as may be directed or prescribed by the minister, appropriate educational programming for every

- (i) pupil enrolled as provided for in section 58.4, and*
- (ii) resident person who has the right to attend school as provided in section 259;*

41(1.1) The minister may make regulations respecting appropriate educational programming to be provided by school boards under clause (1)(a.1), including, but not limited to, establishing

- (a) programming standards respecting resources and other support services to be provided by school boards;*

(b) *a dispute resolution process to be followed if there is a disagreement about the appropriateness of the educational programming being provided to a pupil by the school board.*

(c) **The Public Schools Act, Appropriate Educational Programming (M.R. 155/2005) 2(2), 3, 5(1), 5(2), 7(2)**

2(2) *A school board must ensure that, as far as reasonably practicable, appropriate educational programming is available to a pupil in a regular class of his or her peers at*

- (a) *the school whose catchment area includes his or her residence; or*
- (b) *another school that provides the program, as designated by the board, that the pupil is to be enrolled in, if the school described in clause (a) does not provide that program.*

3 *A school board must ensure that school-related activities such as assemblies, sports days and field trips reasonably accommodate the needs of all students.*

5(1) *A principal must ensure that an individual educational plan is prepared for a pupil who has requirements identified under clause 4(5)(b). The plan must identify*

- (a) *how the pupil's requirements for meeting or approximating the expected learning outcomes are to be addressed, where it is reasonable to expect the pupil to meet or approximate those outcomes; or*
- (b) *where it is not reasonable to expect the pupil to meet or approximate the expected learning outcomes,*
 - (i) *the learning outcomes the pupil can reasonably be expected to meet, and*
 - (ii) *how the pupil's requirements for meeting those learning outcomes are to be addressed.*

5(2) *The principal must ensure that a pupil's individual education plan*

- (a) *is prepared with the assistance of the pupil's teacher and other in-school personnel, as directed by the principal;*
- (b) *takes into account a pupil's behavioural or health care needs, if any;*
- (c) *is consistent with provincial protocols respecting a pupil's transition to and from school; and*
- (d) *is updated annually or sooner if required by a change in a pupil's behaviour or needs.*

7(2) *A school board's obligation to provide educational programming under clause (1)(a) does not limit or restrict it from taking reasonable steps to address any significant risks to safety which a pupil may present to himself or herself, or to others.*

(d) The Human Rights Code (Manitoba) 9(2)

9(2) *Discrimination is prohibited for any individual with the characteristic of:*

- (l) *physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;*
- *Discrimination against persons with disabilities who use service animals (Guideline under The Human Rights Code)*
<http://www.manitobahumanrights.ca/education/resources/guidelines.html>
- *Policy I-9 Service Animals*
<http://www.manitobahumanrights.ca/education/pdf/board-of-commissioner-policies/i-9.pdf>
- *Fact Sheet: Service Animals and The Human Rights Code*
http://www.manitobahumanrights.ca/education/pdf/factsheets/factsheet_service-animals.pdf

The Service Animals Protection Act (Manitoba) 1(a)

- 1** *In this Act, “service animal” means an animal*
(a) *trained to be used by a person with a disability for reasons relating to his or her disability;*

(4) Roles and Responsibilities

Decisions regarding the use of service and non-service animals by students in the school environment are made on a case-by-case basis. All circumstances of a particular request, including the individual needs of the student being assisted by the animal and the needs of other students and staff, will be considered. Where necessary in the decision-making process, the rights and needs of one person may have to be balanced against the rights and needs of another.

Entry of service or non-service animals is decided after extensive consultation and in accordance with the procedures listed below. The request will be reviewed by the principal or designate with the student services consultant and the assistant superintendent of student services (or designate).

(a) Parent(s)/Legal Guardian(s)' Responsibilities

- (i) Initiate the process of having a service or non-service animal assist a student in school by speaking with the principal or designate. The principal or designate will provide copies of required documentation for parent completion.
- (ii) Complete the required documentation.
- (iii) Provide a letter from a relevant, approved health-care professional (i.e. physician, psychiatrist, or psychologist) confirming the student's diagnosis as well as the recommendation for a service or non-service animal.

- (iv) Provide a letter from an accredited dog-training program (membership in Assistance Dogs International or the International Guide Dog Federation), stating that a service animal has been placed with the child and provide a certificate of training for the animal listing the services it has been trained to perform.
- (v) Provide the school with proof of up-to-date vaccinations, a municipal service dog license, and confirmation the service or non-service animal is in good health.
- (vi) Assume financial responsibility related to the use and care of the animal.

(b) Principal's Responsibilities

- (i) Consult with the student services consultant and/or the assistant superintendent of student services (or designate) prior to planning the school entry process to ensure the request is consistent with the requirements for a service or non-service animal.
- (ii) Schedule a meeting with the parents/legal guardians, a representative from the dog-training facility, and the student's team. The purpose of the meeting is to review the student's Student-Specific Plan description of strengths, needs, and required accommodations, including the types of services the service or non-service animal will provide. The services provided by the service or non-service animal must become part of the goals in the Student-Specific Plan.
- (iii) Discussions will include additional relevant information, such as:
 - (A) health and safety considerations (e.g. severe allergies and staff or students with asthma)
 - (B) the potential impact of the involvement of the service or non-service animal in the school community
 - (C) animal care requirements
 - (D) handling routines and responsibilities
 - (E) guidelines for staff and students
 - (F) other student issues

- (G) transportation to and from school
- (H) the role of and communication with parents
- (I) the designation of a staff dog handler/alternate in the school

- (iv) Upon receipt of a completed *Request for a Service or Non-Service Animal in the School*, inform all school staff members.
- (v) Complete the *Management Plan for the Care of the Service/Non-Service Animal*.
- (vi) When a decision to approve the request is made, attention to awareness, consistency, routines, communication, staff training, school assemblies, and community notification are required.

An information session for interested school community members may be held to inform them, and to receive feedback or relevant information. The principal or designate may invite the parents of the student requiring the service or non-service animal to participate in the information session.

Prior to any potential information session, the sample letter to school community and sample letter to families with children in the classroom/on the school bus should be shared with parents of the student requiring the use of a service or non-service animal.

- (vii) School division administration will inform relevant employee groups and/or the Workplace Safety and Health Committee that a service or non-service animal will be in the school.
- (viii) If applicable, contact the school division transportation department regarding transportation and complete a Personal Transportation Plan.
- (ix) Place signs on entrance doors to inform school visitors of the presence of a service or non-service animal.
- (x) Review the school Emergency Response Plan. Indicate the existence of a service or non-service animal on the school fire plan.

- (xi) Arrange for training of staff by the dog-training facility.
- (xii) Arrange for demonstrations from the dog-training facility and/or parents/legal guardians on the rules of conduct around service or non-service animals.
- (xiii) Monitor the entry of the service or non-service animal regularly and review on an annual basis.

(5) Exclusions

Where the use of a service or non-service animal in a school has been approved, the animal may be excluded from access to the premises only where:

- (a) exclusion is required by a statute.
- (b) the service or non-service animal is of a breed that is prohibited by law or municipal bylaw.
- (c) there is a risk to the health and safety of another person as a result of the presence of the service or non-service animal. Consideration should be given to options available prior to exclusion of the animal.

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Legal/Cross Reference: Canadian Charter of Rights and Freedoms, Constitution Act, 1982; The Public Schools Act, C.C.S.M. c. P250; The Public Schools Act, Appropriate Educational Programming, M.R. 155/2005; The Human Rights Code C.C.S.M. c. H175