



## Use of Certified Service Animals in Schools

### **Administrative Procedure 3.B.040**

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#### **Board Governance Policy Cross Reference:**

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#### **Legal Reference:**

- *Appropriate Educational Programming in Manitoba*
  - *The Education Administration Act (Manitoba)*
  - *The Human Rights Code (Manitoba)*
  - *The Public Schools Act (Manitoba)*
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**Date Adopted: October, 2016**

**Date Amended: November, 2017**

**Date Reviewed: October, 2020; November, 2023**

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The School District of Mystery Lake recognizes that a certified service animal, when well trained and supported, not only demonstrates its trained tasks but can also support increased safety, independence, social bonding, and self-control for individuals with exceptional needs.

The School District of Mystery Lake supports the use of a certified service animal in schools as long as the appropriate planning and preparation has taken place prior to the implementation of the program.

#### **Guidelines:**

1. The School District of Mystery Lake will not assume responsibility for, or take custody or control of, the care or feeding of any certified service animal. The parent/guardian of a student that requires the use of a certified animal assumes custody and control of the animal and shall be liable for any damage to persons, premises, property, or facilities caused by the service animal, including, but not limited to, clean up and stain removal.
2. A certified service animal is not the same as a companion animal or therapy animal. A certified service animal is a recognized working animal and strict guidelines apply for the access, handling, and interaction with these animals. It is important to differentiate between a certified service animal and a companion / therapy animal that is being requested. A request for a “companion / therapy” animal can be refused and a “service animal” cannot unless the proper authorization, planning and preparation are not done in advance.

3. Approval for the use of a certified service animal in the School District of Mystery Lake can only be granted by the School District of Mystery Lake Superintendent.
4. Application for the use of a certified service animal must be submitted to the superintendent for approval a minimum of three months prior to the implementation of a program. Students who are transferring into the district that already have a certified service animal in place as part of an IEP, are required to provide the district with a minimum of one month notice prior to registering in the district.
5. The following documentation must be completed and in place prior to accepting a certified service animal into the district:
  - Request for approval for the Use of a Service Animal.
  - Service Animal Registration Agreement.
  - A letter from a member of the College of Physicians and Surgeons or the College of Psychologists of Manitoba (or similar provincial organization) confirming the diagnosis of an accepted exceptionality and the recommendation for the use of a certified service animal.
  - A letter from the service that trains the animal stating a certified service animal has been placed with the child and the date of formal certified service animal team recognition.
  - A certificate of training for the animal and current documentation that states the animal is in good health, properly licensed and has an up-to-date record of all vaccinations.
6. Parent / Guardian Responsibilities:
  - Parent(s) / Guardian(s) must make a formal request to the school principal outlining the needs of their child and the benefits of using a certified service animal as part of their child's programming requirements. (Request for Approval for the Use of a Certified Service Animal)
  - Parent(s) / Guardian(s) requesting the use of a certified service animal must provide a letter from a member of the College of Physicians and Surgeons or the College of Psychologists of Manitoba confirming the diagnosis of an accepted exceptionality and the recommendation for the use of a certified service animal
  - Parent(s) / Guardian(s) must provide a letter from the service that trains the animal stating a certified service animal has been placed with the child and the date of formal certified service animal team recognition. After September 2013, only training programs that are members of Assistance Dogs International (ADI) or International Guide Dog Federation

(IGDF) should be considered eligible for use in the School District of Mystery Lake

- Parent(s) / Guardian(s) are to be informed in advance that the provision of the certified service animal is the sole financial responsibility of the parent. Parents must provide a certificate of training for the animal from the service that trains the animal and proof that the animal is in good health, properly licensed and has an up-to-date record of all vaccinations.
- The parent/guardian is also informed that the provision of a fully-trained animal handler to help with the initial implementation or any re-training sessions (for a defined period) that may be required is the financial responsibility of the parent/guardian. This also includes students with a certified service animal already in place who transfers into the district.
- The Student Services Administrator may contact the service that trains the animal for further information about placement and information regarding the certified service animal in the school setting.
- The child cares for the animal and it is expected that the animal will be with the child during the school day.
- Parent(s) / Guardian(s) must complete and sign the School District of Mystery Lake Animal Registration Agreement Form acknowledging that they have read and understood the district's Use of a Certified Service Animal in a School regulations and procedures.

#### 7. Principal's Responsibilities:

- Upon receipt of all required parental information, consult with the Student Service Administrator to gain Superintendent approval
- Upon receipt of Request for Approval for the Use of a Certified Service Animal, share with parents the information for Parents Requesting a Service Dog document
- Upon receipt of Request for Approval for the Use of a Certified Service Animal, inform all school staff members of the request to have a service animal in the school. Their input and information will assist the Principal in the school entry process
- Schedule and chair a meeting with the parents and applicable stakeholders who work with the student. The purpose of the meeting is to review the student's Individual Education Plan (IEP) description of strengths, needs and required accommodations including the type of service the service animal will provide. The services provided by the

service animal should be, or become, part of the goals of the IEP.

- Discussions will include other relevant information such as:
  - Health and safety considerations (including severe allergies of staff or students with asthma).
  - The potential impact of the involvement of the service animal on the school community.
  - Animal care requirements
  - Handling routines and responsibilities
  - Guidelines for staff and students, other student issues
  - Transportation to and from school
  - The role of and communication with parents
  - The designation of a staff dog handler/alternate in the school

Please refer to and complete Management Plan for the Care of a Service Animal

- If 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 or letter for interested school community members may be held to inform them and to receive feedback or relevant information. The Principal may invite the parents of the student requiring the service animal to participate in the information session.
- Prior to any information session Sample Letter to School Community and Sample Letter to Families with Children in the Classroom should be shared with parents of the student requiring the use of the service animal.
- School district administration may inform relevant employee groups and/or the Workplace Safety and Health Committee that a service animal will be in the school.
- Place signs on entrance doors to inform school visitors of the presence of a service animal.
- Review the school Emergency Response Plan. Notify the local fire department of the existence of the service animal.
- Arrange for training of staff by the parent/guardian.
- Arrange for education from the parent/guardian on the rules of conduct around service dogs.
- Monitor the entry of the service animal regularly and review on an annual basis.

#### 8. Transportation of a Certified Service Animal

- Parent(s) / Guardian (s) are responsible for transporting the animal to and from school, or walking with the animal unless

it is determined that the district will transport the child and the certified service animal.

- If the animal is going to be transported by district arranged transportation, a Personal Transportation Plan must be submitted for approval by the Student Services Administrator.
- Appropriate training will then be provided for all School District of Mystery Lake staff involved in the transportation of the student and service animal.
- The certified service animal must be under control at all times when being transported.

9. The School District of Mystery Lake retains discretion to exclude or remove the certified service animal from the school or school property if:

- The presence of the certified service animal poses a direct threat to the health and safety of others;
- The certified service animal significantly disrupts or interferes with the instructional program, school activities, or students
- The presence of the certified service animal would require a fundamental alteration of any school program
- The student or handler is unable to fully control the animal
- The student or handler fails to appropriately care for the animal
- The parents fail to provide the required documentation
- The certified service animal fails to consistently perform the function(s)/service(s) for which it has been trained and brought to school

10. The Use of a Companion / Therapy Animal in a School

- The use of a companion / therapy animal is not implemented in the school without extensive superintendent consultation and approval. Implementation of the use of a companion animal will be made on a case by case situation and not automatically implemented. 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.

11. Exclusions

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

- Exclusion is required by a statute

- The service animal is of a breed that is prohibited by law or municipal bylaw
- There is a risk to the health and safety of another person as a result of the presence of the service animal. Consideration should be given to options available prior to exclusion of the animal. An example would be a situation where an individual has a severe allergy to the service animal. The situation should be fully analyzed and all measures to eliminate the risk should be considered, making reasonable alterations to schedules, etc., ; or
- There has been a material change in the circumstances that led to the original approval of the use of the animal in school.

#### 12. Denial of the Use of a Service Animal

- If a parent / guardian, or a student over the age of 18, wishes to appeal the decision of the use of the service animal, the following appeal process shall be followed:
  - 1) All normal dispute resolution procedures or formal channels must first have been exhausted.
  - 2) A written request outlining the specifics of the appeal must be given to the Superintendent no later than noon on the Wednesday, immediately preceding the regularly scheduled board meeting.
  - 3) The presentation would occur before the start of the Committee of the Whole in-camera meeting.
  - 4) One spokesperson shall be identified as the person presenting.
  - 5) The maximum time allotted per presentation is 15 minutes.
- No decision will be made at the meeting where the presentation occurs. It will be carried forward to the next official meeting.

#### Legal References:

##### *Canadian Charter of Rights and Freedoms (1982) 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.

##### *The Public Schools Act 41(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.

*Appropriate Educational Programming (MR 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 education 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 behavior 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 others.

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

- 9(2) Discrimination is prohibited for any individual with the characteristic of:
- (i) Physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
    - Guide Dogs & Service Animals under *The Human Rights Code (Guidelines)*
    - Policy L-24 Guide Dogs & Service Animals
    - Fact Sheet: Persons with Service Dogs and *The Human Rights Code*

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

- 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





## Appendix A Request for Approval of Service Animal

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*This information is being collected pursuant to the provisions of the Freedom of Information and Protection of Privacy Act and the Personal Health Information Act. Questions about this collection should be directed to the Superintendent of the School District of Mystery Lake.*

Date of Request: \_\_\_\_\_ Receiving School: \_\_\_\_\_

Administrator: \_\_\_\_\_

Student: \_\_\_\_\_

Parent/Guardian: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Identify and describe the need for the service animal as it relates to the employee or the student's disability and describe the manner in which the service animal will meet the individual's particular need(s). If more space is required, please add additional pages.

Type of Service Animal:  Dog  Other

Name of Animal: \_\_\_\_\_

- Letter from physician attached
- Service Animal Documentation: Animal is properly trained
- Animal Licensed
- Vaccinations Record
- Institute Where the Animal was Trained / Name of Handler: \_\_\_\_\_
- Liability Insurance

Request submitted by School Principal to the Student Services Administrator in preparation for approval.



## Appendix B Service Animal Registration Agreement

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Animal Owner: \_\_\_\_\_ Name of Student: \_\_\_\_\_

Type of Service Animal: \_\_\_\_\_ Name of Animal: \_\_\_\_\_

### Support Documentation

- Request for Approval Form
- Letter from physician is attached

### Documentation that confirms the service animal is:

- Properly Trained
- Licensed
- Properly Vaccinated (Up-to-Date Record)
- Under the control of a properly trained handler. Name of the handler: \_\_\_\_\_
- Covered by adequate liability insurance

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I have read and understand the School District of Mystery Lake regulations and procedures: Use of Certified Service Animals in Schools and I agree to abide by all the terms of the procedure.

I understand that if my service animal is: out of control and the behavior is not effectively controlled; not housebroken; the animal's presence or behavior interferes in the education of students and functions of the school or district; or, poses a threat to the health or safety of others that cannot be eliminated by reasonable modifications, the School District of Mystery Lake has the discretion to exclude or remove my Service Animal from its property.

I agree to be responsible for any and all damage to school and/or school district property, personal property, and any injuries to individuals caused by my service animal. I agree to indemnify, defend and hold harmless the School District of Mystery Lake and its schools from and against any and all claims, actions, suits, judgements and demands brought by any party arising on account of, or in connection with, any activity of or damage caused by service animal.

\_\_\_\_\_  
Signature Parent/Guardian/Owner

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature Student Services Administrator

\_\_\_\_\_  
Date



## **Appendix C Information for Parents Requesting a Service Animal**

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1. The success of the entry of a service animal into a school setting depends on clear communication, a well-informed school community and careful planning. The information you provide will assist the School District of Mystery Lake Board and school team to make the best possible decisions for your child and other students as well as for the staff, volunteers and visitors in the school.
2. The use of a service animal is considered to be an accommodation to help your child learn and to develop the necessary skills to achieve success at school. If your child already has an Individual Education Plan, it will be reviewed, or one will be developed in consultation with you. The Principal will invite you, your child's teacher, a representative from the training facility, the resource teacher in the school, and the Student Services Administrator to a meeting to discuss your child's strengths, needs, the accommodations that are already in place for your child, as well as the additional assistance that a service animal may provide.
3. The information you provide will help the School District of Mystery Lake Board to consider your request. The Principal will investigate as to whether any student or member of staff has severe medical or psychological reactions to animals that may prevent or restrict the involvement of the service animal at the school.
4. The well-being of the service animal is also very important. Its care, handling and training needs will be addressed and your input is valuable. The Principal needs to know what other resources are available to facilitate school entry and the implementation of a plan. Strategies for becoming familiar with the building and school grounds, introduction to assemblies/ concerts, recess, and informing the staff about interacting with the service animal will need to be included in the planning to be as consistent and fair to the service animal as possible.
5. It is imperative that the service animal be ready for school. If the service animal exhibits any behaviours (i.e. growling, scratching, nipping, biting, etc.) or health issues (i.e. vomiting, diarrhea, open wounds, fleas, ticks, etc.) at school it will be removed until the plan is re-evaluated to ensure the safety of staff, students and visitors.

6. An information session may be held for interested school community parents. Important information shared in this way facilitates understanding and acceptance of new practices at the school. You will be invited to participate in any information sessions.
7. Parents' responsibilities include but are not limited to:
  - Provide the Principal with all required documentation, reports, certificates and arrangement for staff training in a timely fashion,
  - Transport or walk the service animal to and from school if needed or request handi-van transportation if your child is eligible,
  - Assume financial responsibility for the service animal's training, veterinary care, municipal license and other related costs,
  - Participate in a school meeting to inform the Principal of all relevant information that may affect your child, other students, staff, and/or Visitors to the school,
  - Assist the Principal to communicate relevant information to the school community,
  - Work co-operatively with the school staff to make this accommodation a success,
  - Provide the required food, equipment and service animal care items,
  - Inform the Principal of the service animal's food, water and "bio-breaks" needs,
  - Advise the Principal on the removal and disposal of animal waste in a safe and environmentally friendly manner.
8. Once the necessary information has been discussed, the Principal will consult with the Student Services Administrator to prepare for Board consideration and approval.
9. If the request is approved, a series of steps must take place to ensure a smooth transition for the entry of the service animal in a timely manner.
10. The right of entry of the service animal will be monitored regularly and reviewed on an annual basis.
11. A Certificate of Training that states the services for which the dog is trained must be available. After September, 2013, only training programs that are members of Assistance Dogs International (ADI) or *International Guide Dog Federation (IGDF)* should be considered eligible for use in Manitoba schools.



## Appendix D Management Plan for the Care of the Service Animal

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*This information is being collected pursuant to the provisions of the Freedom of Information and Protection of Privacy Act and the Personal Health Information Act. Questions about this collection should be directed to the Superintendent of the School District of Mystery Lake.*

1. Where possible and feasible, these responsibilities should be handled by the student in the same manner as at home.

2. Water needs: (e.g. provision of water bowl, procedures for use, cleaning etc.)  
\_\_\_\_\_

3. Bladder/Bowel Needs of Dog (e.g. – frequency, designated location, disposal etc.)  
\_\_\_\_\_

4. Other considerations:

4.1 Rest periods away from "work" (if needed)  
\_\_\_\_\_

4.2 Special considerations due to weather (if needed)  
\_\_\_\_\_

4.3 Transportation (if applicable)  
\_\_\_\_\_

4.4 Other  
\_\_\_\_\_

5. Formal documentation has been provided that the service animal:

- has annual vaccines,
- has municipal license,
- is in good health to attend school.

This information must be updated on a yearly basis.

\_\_\_\_\_  
Signature of Principal

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent/Guardian

\_\_\_\_\_  
Date



## Appendix E Sample Letter to Families with Children in the Classroom

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Insert School Letterhead

Date:

Dear Parents/Guardians:

This letter is to inform you that there will be a service animal in our school helping one of our students. The service animal will be in your child's classroom effective (insert date).

Service animals are trained and recognized by an accredited training facility, and are able to assist with many of the routine activities which pose challenges for some students. The student's right to have a service animal is protected under The Human Rights Code of Manitoba.

An upcoming information session or letter for parents/guardians on (insert date) will offer more information on how the animal will be integrated into the school setting.

Students will participate in a school-wide assembly on (insert date) to assist with the integration of the service animal and how the animal will fit into the daily routines of all students.

The students in the classroom will also receive more direct instruction and training as to the proper procedure and conduct when around the service animal. They will be informed that the service animal is a working animal and not a pet while at school.

We anticipate the service animal being of benefit to the student's learning and we look forward to this new addition to our school and school community.

Thank you for your understanding and support. Should you have any questions or concerns, please contact me at (insert school phone number).

Sincerely,

Principal



## Appendix F Sample Letter to School Community

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Insert School Letterhead

Date:

Dear Parents/Guardians:

This letter is to inform you that there will be a service animal in our school helping one of our students. The service animal will be in your child's classroom effective (insert date).

Service animals are trained and recognized by an accredited training facility, and are able to assist with many of the routine activities which pose challenges for some students. The student's right to have a service animal is protected under The Human Rights Code of Manitoba.

There will be an upcoming information session or letter for parents/guardians at the school on (insert date) to assist with your understanding of how the service animal will be integrated into the school. As well, a school-wide assembly will be held for all students to help them identify with the service animal and how it will fit into the daily routines of all students. They will be instructed as to the proper procedure regarding the animal and that the animal is a "working" service animal and not a pet while at school.

We anticipate the service animal being of benefit to the student's learning and we look forward to this new addition to our school and school community.

Thank you for your understanding and support. Should you have any questions or concerns, please contact me at (insert school phone number).

Sincerely,

Principal