Northeastern Catholic District School Board

STUDENT USE OF GUIDE DOGS AND SERVICE ANIMALS

Administrative Procedure Number: APE022

POLICY STATEMENT

The Northeastern Catholic District School Board (NCDSB) is committed to the learning of all students and provides a range of differentiated placements, programs and interventions to support student success. It is the policy of the NCDSB, 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.

REFERENCES

Human Rights Code, RSO 1990, c.H.19
Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.11
J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 (CanLII)
Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.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
Policy Program Memorandum (PPM)
    163 School Board Policies on Service Animals
NCDSB Policy
    E-22 Student Use of Guide Dogs and Service Animals

DEFINITIONS

Accredited training organization
For the purposes of this policy, "accredited training organization" means a formal program recognized by a provincial or national authority that provides standardized training, documentation, and certification for guide dogs or service animals.

Online accreditation / self-certification will not considered eligible under this policy.

Adult student
A student who is 18 years of age or older or 16 or 17 years of age and has removed themselves from the care and control of their custodial parent.

Disability
In accordance with Section 10 of the Ontario Human Rights Code:
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 co-ordination, 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, 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 establish under the *Workplace Safety and Insurance Act, 1997*.

Guide Dog
A dog trained as a guide for a person who is blind or has low-vision 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 Animal and in most cases will be the student for whom the Guide Dog / Service Animal is provided.

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

Service Animal
An animal which has been certified after successfully completing an accredited training program to assist a person with a disability other than vision loss, including physical, neurological, or psychiatric disabilities. This may include animals such as hearing dogs and autism service dogs.

PROCEDURES

1.0 GENERAL PROVISIONS

1.1 The term Service Animal is used in the *Accessibility Standards for Customer Service* made under the *Accessibility for Ontarians with Disability 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. Pursuant to the *Education Act* and regulations, a school building is not a place to which the public is customarily admitted. The AODA does not apply to a student's use of a service animal when accessing education services in school buildings.

1.2 The NCDSB utilizes a variety of placements, 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.

1.3 When a school is approached with the request for a guide dog or service animal to accompany a student, the school must first determine whether the student requires this accommodation. Any determination of whether a guide dog, service animal is an appropriate educational accommodation is a decision of the NCDSB. A regulated health professional cannot unilaterally prescribe that a guide dog or service animal be a specific accommodation while the student is receiving education services at school.

1.4 Decisions regarding the admittance of guide dogs and service animals into the school environment are reviewed on an individual, case-by-case basis. All circumstances of a particular case, including the individual needs of the student being assisted by the service animal, and the needs of other students and staff will be considered. Where necessary, the rights and needs of one person may have to be balanced against the rights and needs of another.

1.5 For a guide dog or service animal to be permitted to accompany a student to school, both the guide dog/service animal ***and*** the student Handler must be certified as having successfully trained by an accredited training facility. Only in exceptional circumstances, subject to the standards of undue hardship pursuant *Human Rights Code*, will the NCDSB consider an application for a student who will not be acting as the primary trained Handler of the guide dog or service animal.

1.6 Only in exceptional circumstances, subject to the standards of undue hardship pursuant the *Human Rights Code*, will the NCDSB consider Service Animals, other than dogs, as an accommodation for a student and only if other reasonable methods of accommodation in the school setting have been unsuccessful in meeting the demonstrated disability-related learning needs of the student.

1.7 The NCDSB encourages any family considering the purchase of a guide dog or service animal to meet with the Principal before making a commitment or assuming that a request will be approved.

1.8 Due to risks of safety, and risks of disruption and distraction in the learning environment, the NCDSB does not permit training of potential guide dogs and service dogs in the school setting or during school activities.

2.0 ROLES AND RESPONSIBILITIES

2.1 Principals

2.1.1 The Principal coordinates accommodations for students with special education needs, ensuring appropriate accommodations that meet the student's demonstrated disability-related learning needs are met.

i) The Principal coordinates accommodations for students with special education needs, ensuring appropriate accommodations that meet the student's demonstrated disability-related learning needs are met.

ii) The Principal has authority to exclude any animal, including a guide dog or a service animal, from entry onto school premises and school building(s).

iii) Before admitting and implementing a guide dog or service animal as a learning accommodation, the Principal, shall adhere to the application and review process outlined in this procedure.

2.1.2 On receipt of an application for a guide dog or service animal, the Principal shall review the application for completeness and may request any additional information or clarification necessary to assess the request for accommodation.

2.1.3 The 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 that accommodation.

2.2 Parents/Adult Students

Parents or adult students are required to complete the application process, provide all necessary documentation, and engage in consultation relating to a request for a guide dog or service animal to accompany a student at school. The parent or adult student shall be responsible for:

i) Collection of all required documentation and completion and submission of the Application form;

ii) All financial costs related to training, grooming, and healthcare, and any costs related to supporting the guide dog/service animal in the school, including the provisioning of any required equipment (i.e. , leash, harness, crate, mat) for school use.

iii) Ensuring the guide dog/service animal and handler has completed an accredited training program and maintaining ongoing training to provide the accommodation in a safe and undisruptive manner.

iv) Securing general liability insurance providing coverage in an amount specified by the NCDSB in the event of an injury or death as a result of the guide dog/service animal's attendance on school property or on a school-related activity.

v) Transporting or walking the guide dog/service animal to and from school each day.

2.3 Students

Students will be expected to act as the guide dog/service animal's primary Handler. The student Handler must:

i) Demonstrate the ability to control the guide dog/service animal in accordance with the training received;
ii) Ensure that the guide dog/service animal is always wearing a vest and leash or harness when the animal is not in its crate;
iii) Ensure the guide dog/service animal does not disrupt the learning of others with unnecessary movement, vocalization or other behaviour, including aggressive or threatening behaviour;
iv) Ensure that the guide dog/service animal's biological needs are addressed;
v) Comply with an accommodation plan that addresses the competing rights of others.

2.4 Guide Dog/Service Dog

The guide dog/service animal:

i) Shall be trained and certified by an Accredited Training Organization, with evidence of initial or re-certification training within the last 6 months.
ii) Must be groomed and clean.
iii) Must be responsive to commands and demonstrate that it can perform the necessary task or accommodation.
iv) Must not engage in behaviour that puts at risk the safety of others, including other animals, or that creates disruption in the learning environment. Such behaviour includes, but is not limited to, growling, nipping, barking, attention seeking, eating. Any such behaviour is grounds to prohibit the guide dog/service animal's attendance on school property and in the school building.
v) Must have control of its biological functions so as not to soil the inside of buildings, or require feeding during the school day.
vi) Must 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.

3.0 ASSESSMENT OF THE ACCOMMODATION REQUEST

3.1 Once the application and all necessary documentation is received by the school principal, an initial review will take place by the NCDSB team supporting the student, including the Superintendent of Education with responsibility for the school community. Every effort will be made to complete the initial review within a reasonable timeframe.

3.2 The Principal will organize and facilitate a meeting to review the request for accommodation with the NCDSB team supporting the student, the parent/adult student and student (as appropriate), the health practitioner recommending the guide dog/service animal for the student, the trainer of the guide dog/service animal and of the Handler, and any other individuals who may contribute to the accommodation process.

3.3 Each accommodation request for a guide dog/service animal will be addressed on an individual basis, considering:

i) The individual learning strengths and needs of the student, the student's IEP goals, safety plan, behaviour plan and/or student's medical plan of care.

ii) Evidence of how the guide dog/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.

iii) Assessment information provided by a regulated health professional with expertise regarding the student' disability-related needs supporting the request for a guide dog/service animal such as psychological assessments, occupational or physical therapy assessments, functional behaviour assessments, etc.

iv) The impact of the accommodation of the student's integrity, integration and independence.

v) Whether one or more alternative accommodations can meet the needs of the student.

vi) The impact of the accommodation on the learning environment for all students, including health, safety, disruption and distraction.

vii) The impact of the accommodation, including financial impacts, relating to the need for increased staff support or training to support the accommodation.

viii) Any competing human rights of students, staff, and community members using the school pursuant to a permit.

3.4 As part of the assessment of the accommodation request, inquiries regarding competing rights and public notice to the school community may be required. These inquiries and notices shall respect the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living.

3.5 It is responsibility of the parent/adult student to arrange for the guide dog/service animal to be transported or walked to school each day. This procedure does not facilitate the transportation of guide dogs/service animals on school buses, which would be addressed by policies of the transportation consortium. Specialized transportation will not be provided by the NCDSB for the purpose of enabling the guide dog/service animal to travel to and from school with the student.

3.6 Based on the completed assessment of the accommodation request, the Principal will determine whether the application for a guide dog/service animal is approved or denied. The determination willl be communicated to the parent/adult student in writing.

4.0 IMPLEMENTING AN APPROVED ACCOMMODATION

4.1 To support the implementation of a guide dog/service animal as a learning accommodation, the Principal shall complete or coordinate the following actions, in collaboration with the school team:

i) Create a detailed plan that accounts for the inclusion of a guide dog/service animal in the school, including:

a. Any initial accommodation trials and indicators of success or failure to inform potential extension of the trial.

b. Orientation sessions for school staff and students, including the specified Handler.

c. Timetable to support the animal's biological needs including water breaks and locations/processes for biological elimination.
d. Clearly identified areas that are restricted for access, 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.
e. Emergency procedures, including a fire exit plan, lockdown plan, and evacuation plan.

ii) Update the student's IEP and/or student's medical plan of care to account for the new accommodation and associated plans.

iii) Provide clear notice to the school community via a letter to parents and posting on the school's website/social media; signage on the school's front door, gymnasium and library doors; and email communication to potential occasional staff accepting a position where the guide dog/service animal may be providing service to the student. At the Principal's discretion, a presentation by the trainer of the guide dog/service animal may also be organized for a Catholic school council meeting to support the understanding of the accommodation.

iv) Conduct an orientation session for school staff and students, including the Handler.

v) Lead a student assembly for introduction and orientation regarding the guide dog/service animal.

5.0 CONTINUOUS ASSESSMENT OF ACCOMMODATION EFFECTIVENESS

5.1 A review of the effectiveness of the guide dog/service animal in supporting the student's learning goals shall be undertaken throughout the school year, as follows:

i) As part of each review of the student's IEP, at minimum once each term.

ii) In the event of a Safe Schools or Violent Incident report relating to the student's behaviour.

iii) At the end of the school year to support transitional needs for the upcoming school year.

iii) Or, at any time as the Principal deems necessary.

5.2 Approval of the accommodation may be revoked at any time by the Principal if:

i) There are any concerns for the health and safety of students, staff or the guide dog/service animal.

ii) The animal exhibits behaviour that is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping. If this behaviour occurs, the Handler will be required to remove the guide dog/service animal from the classroom immediately and the student's parent/guardian will be called to pick up the guide dog/service animal from the school.

iii) There has been a change in the student's circumstances or disability-related needs which had supported the original approval.

iv) There has been a change in the needs of the other students or staff such that there is a new competing right to evaluate.

v) The Principal, in consultation with the school team, determines that the accommodation is not effective in supporting the student's demonstrated disability-related learning needs or acts of daily living at school.

6.0 RECORDS

6.1 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 (OSR).

6.2 The NCDSB shall be required to collect, use and disclose the personal information of the student 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.

6.3 The NCDSB is required, pursuant to PPM 163 School Board Policies on Service Animals, to collect information regarding the implementation of the policy and procedure regarding guide dogs and service animals, including:

6.3.1 Total number of requests for students to be accompanied by a guide dog/service animal;

a) Whether requests are for elementary or secondary students;
b) The student's grade;
c) Whether the student is the Handler.

6.3.2 The number of requests approved and denied;

a) 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;
b) Species of Service Animals requested and approved; and
c) Types of needs being supported; emotional social, psychological, physical.

7.0 RELATED FORMS AND DOCUMENTS

Forms

Application Request for Guide Dog/Service Animal
Checklist for Principals

Letters

Sample Letter to Employees and 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
Sample Letter Denying the Guide Dog/Service Dog/Service Animal

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