SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD

Learning Environment

Policy Number LE-29

Student Use of Guide Dogs and Service Animals

The Simcoe Muskoka Catholic District School Board (the Board) is committed to the learning of all students within a faith-filled and inclusive environment. The Board provides a range of accommodations to support student success and social inclusion. It is the policy of the Board, 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 Catholic education services.

The process of accommodation shall also consider the competing human rights of other students and staff; the impact of the Guide Dog, Service Dog or 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.

This policy shall be reviewed as per the school board policy review cycle.

Procedural Guidelines Follow

Approved: *Board Meeting #04 (Wednesday, February 5, 2020)*
Reviewed: *Board Policy Review Committee Meeting #01 - 2024 (Wednesday, December 13, 2023)*
Revised: *Board Meeting #03 (Wednesday, January 17, 2024)*

SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD

Procedures and Guidelines Supporting Policy Number LE-29
Student Use of Guide Dogs and Service Animals

In circumstances where a parent or adult student requests to have the student's Guide Dog, Service Dog or Service Animal accompany the student while attending school or a school-related event, each such request shall be reviewed individually by the SMCDSB considering the student's dignity, integration, independence and disability-related learning needs and the accommodations available to enable meaningful access to Catholic education.

Pursuant to the Education Act and regulations, a school building is not a place to which the public is customarily admitted.

A copy of this policy shall be available in accessible formats on the Simcoe Muskoka Catholic District School Board's website and may be requested by a parent or adult student in a different language through the school attended by the student.

The Board shall retain data regarding the requests for Guide Dogs, Service Dogs and Service Animals as outlined in its Administrative Procedure.

1. DEFINITIONS

1.1. For the purpose of this Procedure the following definitions apply:
Accredited Training Organization. A guide dog or service dog trainer must be accredited by:

- International Guide Dog Federation ("IGDF"): which develops and ensures compliance with the standards by which Guide Dogs for the blind/low vision are trained by its member organizations; or
- Assistance Dogs International ("ADI"): which develops and ensures compliance with the standards by which Guide, Hearing and Service Dogs are trained by its member organizations; or
- A Guide Dog or Service Dog trainer that attests to compliance with the Meghan Search and Rescue Standard in Support of Accessibility: Persons with a Disability Teamed with Service Dogs standard for training (MSAR).

Adult student shall be defined to mean a student who is 18 years of age or older or 16 or 17 years of age and has removed him/her/themselves from the care and control of their custodial parent.

Disability means,

a) 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,

b) a condition of mental impairment or a developmental disability,

c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

d) a mental disorder, or
e) an injury or disability for which benefits were claimed or received under the insurance plan established under the *Workplace Safety and Insurance Act, 1997*;

Guide Dog means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations pursuant to the *Blind Persons' Rights Act*;

Service Dog means a dog which has been certified after successfully completing a training program provided by an Accredited Training Organization.

Service Animal for the purpose of this Procedure includes a therapy dog, companion animal, comfort animal and emotional support animal and includes a dog or other domesticated animal that may legally reside in an urban, residential home, that is not highly trained to perform particular tasks to assist with a student's disability-related needs, but provides emotional support (and/or companionship, calming influence) for a student with a disability-related mental health and/or psychological need and/or comfort during a difficult period.

Handler refers to the individual trained by an Accredited Training Organization who is managing the Guide Dog / Service Dog and in most cases will be the student for whom the Guide Dog / Service Dog is provided;

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

2. PURPOSE

2.1. It is the policy of the Simcoe Muskoka Catholic District School Board 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.

a) The School Board 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.

b) The School Board does not provide Guide Dogs, Service Dogs or Service Animals to students.

c) The School Board encourages any family considering the purchase of a Guide Dog, Service Dog or Service Animal to meet with the school principal before making a commitment.

2.2. This Administrative Procedure identifies the individualized process to be followed when a parent or adult student applies to the School Board to have a Guide Dog, Service Dog or Service Animal accompany the student while the student is attending school or a school-related event.

2.3. Pursuant to the *Education Act* and regulations, a school building is not a place to which the public is customarily admitted. Pursuant to the *Education Act* and Ontario Regulation 474/00 *Access to School Premises*, the Simcoe Muskoka Catholic District School Board requires each school to have a process for visitors.

2.4. 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 School Board. 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.

2.5. When an adult student or parent seeks to have their child attend school or school related events with a Guide Dog / Service Dog, both the Guide Dog / Service Dog ***and*** the Student Handler must be certified as having been successfully trained by an accredited training facility.

a) Only in exceptional circumstances, subject to the standards of undue hardship pursuant to the *Human Rights Code,* will the School Board consider an application for a student who will not be acting as the primary trained Handler of the Guide Dog / Service Dog /Service Animal.

2.6. Only in exceptional circumstances subject to the standards of undue hardship pursuant to the *Human Rights Code,* will the School Board 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.

3. BACKGROUND

3.1. 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).

3.2. 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.

3.3. 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**.

a) 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.

b) 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 School Board.

i) 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.

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

4. ROLES AND RESPONSIBILITIES

Principals

4.1. School principals are responsible for the management of the school premises, the staff providing educational programs and the safety of all students.

a) A school principal has authority to exclude any animal, including Guide Dogs / Service Dogs and Service Animals, from entry onto school premises and school building(s), as an accommodation for a student, provided that the student is offered appropriate alternative accommodation to meet the student's demonstrated disability-related learning needs.

b) School principals, before admitting a Guide Dog / Service Dog into the school or on school related activities with the student Handler, shall require a parent/adult student to submit a completed application, included in **Appendix A** of the Procedure.

c) Before admitting a Service Animal, the school principal shall require the parent/adult student to submit a completed application, included in **Appendix B** of the Procedure.

4.2. On receipt of an application for a Guide Dog / Service Dog or Service Animal, the school principal shall review the application for completeness and may request any additional information or clarification necessary to assess the request for accommodation.

4.3. The school 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 the accommodation.

4.4. Where a student supported by a Guide Dog / Service Dog / Service Animal, whose parent is the Handler, seeks only to attend a school excursion with the Guide Dog / Service Dog / Service Animal, which is at a location where the public is customarily admitted, efforts will be made to facilitate the student's participation with the Guide Dog / Service Dog / Service Animal and parent as the Handler.

a) Inquiries may need to be made regarding competing rights and transportation arrangements.

Parents/Adult Students

4.5. Parents or Adult Students are required to provide all necessary documentation and engage in the consultation process for the purpose of considering and implementing, if appropriate, the request that a Guide Dog / Service Dog accompany the student at school and/or on school-related activities. The parent or adult student shall be responsible for:

a) submission of **Appendix A**;

b) all costs related to the dog, food, grooming, harness, crate and/or mat and veterinary care;

c) obtaining training and maintaining the Guide Dog / Service Dog training to provide the accommodation in a safe manner that does not disrupt student learning;

d) providing confirmation of municipal license for the dog (to be updated annually),

e) providing confirmation of certificates of training not older than 6 months from an Accredited Training Organization attesting that the dog and student Handler have successfully completed training and may safely engage in a public setting without creating a risk of safety or a risk of disruption within a school setting;

f) diagnosis from a registered pediatrician, psychologist, psychiatrist (or other regulated health professional as determined by the School Board) with a recommendation for the use of a Guide Dog / Service Dog;

g) a description of the services provided by the Guide Dog / Service Dog to the student, and how those services will accommodate the student's disability-related needs and assist the student in achieving their learning goals and/or goals of daily living while at school;

h) a certificate not greater than three (3) months old from a veterinarian qualified to practice veterinary medicine in the Province of Ontario attesting that, the dog is an adult; identifying the age and breed; does not have a disease or illness that might pose a risk to humans; has received all required vaccinations; and is in good health to assist the student (to be updated annually);

i) general liability insurance providing coverage in the amount of a minimum of $2-million in the event of an injury or death as a result of the Guide Dog / Service Dog's attendance on school property or on a school-related activity (to be updated annually).

Students

4.6. Students will be expected to act as the Guide Dog / Service Dog's primary Handler. The student Handler must:

a) demonstrate the ability to control the Guide Dog / Service Dog in accordance with the training received;

b) ensure that the Guide Dog / Service Dog is always wearing a vest and leash or harness when the dog is not in its crate.

c) ensure the Guide Dog / Service Dog does not disrupt the learning of others with unnecessary movement, vocalization or other behaviour, including aggressive or threatening behaviour;

d) ensure that the Guide Dog / Service Dog's biological needs are addressed;

e) transition and maintain at all times the Guide Dog / Service Dog on a leash, harness, mat and/or crate;

f) comply with an accommodation plan that addresses the competing rights of others;

Guide Dog / Service Dog

4.7. The Guide Dog / Service Dog:

a) shall be a highly trained and certified by Accredited Training Organization;

i) will have evidence of training or re-certification confirming compliance with training requirements within the last 6 months;

b) must be groomed and clean;

c) must at all times while on school property be responsive to commands and demonstrate that it can perform the necessary tasks or accommodation;

d) must ***not*** engage in behaviour that puts at risk the safety of others, including other animals, or that creates disruption or distraction in the learning environment;

i) such behaviour includes, but is not limited to, growling, nipping, barking, attention seeking, eating food not assigned by handler;

ii) (any such behaviour is grounds to prohibit the Guide Dog / Service Dog's attendance on school property and in the school building,

e) must have control of its biological functions so as not to soil the inside of buildings, or require feeding during the school day;

f) 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.

5. ASSESSMENT OF THE ACCOMMODATION REQUEST

5.1. Once the application and all necessary documentation is received by the school principal, a review will take place by the Board team supporting the student and a meeting shall be scheduled to review the accommodation request. Every effort will be made to review the documentation and schedule a meeting in a reasonable timeframe.

5.2. A meeting with the Board team supporting the student, the parent/adult student and student (as appropriate), the health practitioner recommending the Guide Dog / Service

Dog or Service Animal for the student (if possible), the trainer of the Guide Dog / Service Dog and of the Handler, and any other individuals who may contribute to the accommodation process may be scheduled to review the request for accommodation.

5.3. Each request for a Guide Dog / Service Dog or Service Animal will be addressed on an individual basis giving consideration to:

a) 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 (if any);

i) supporting documents such as psychological assessments, occupational or physical therapy assessments, functional behaviour assessments etc.

b) evidence of how the Guide Dog / Service Dog or 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;

c) assessment information provided by a regulated health professional with expertise regarding the student's disability-related needs supporting the request for a Guide Dog / Service Dog or Service Animal;

d) the training and certification of the Guide Dog / Service Dog and student as Handler;

e) the impact of the accommodation on the student's dignity, integration and independence;

f) whether one or more alternative accommodations can meet the needs of the student;

g) whether the student's attendance with a Guide Dog / Service Dog or Service Animal might require an increase in the level of staff support provided to the student;

h) whether training will be required for staff and/or the student;

i) the impact of the accommodation on the learning environment for the student, other students, including, health, safety, disruption and distraction;

j) any competing human rights of students, staff, and community members using the school pursuant to a permit;

k) recommendations for accommodation plans to reconcile competing rights.

5.4. The process of accommodation, including inquiries regarding competing rights and notice to the school community, shall respect the student's right to privacy regarding their disability and specific learning needs and/or needs of daily living.

5.5. Where the student is not the primary Handler, Board staff must be trained as the Handler(s) and accompany the student and dog at all times. As a result, such requests will be individually considered, in accordance with the duty to accommodate to the point of undue hardship, including consideration of the resources required, alternative accommodations that might meet the student's demonstrated disability-related learning needs and the impact on the staff and other students.

5.6. 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. Parents must complete an application for a Service Animal included in **Appendix B** of the Procedure.

a) The accommodation process following a request by a parent/adult student for a Service Animal shall be consistent with the process noted above, but shall also include any special considerations that may arise if an animal is a species other than a dog, including the ability to be trained, necessary biological functions, the capacity for the animal to respond to commands, whether the animal may be kept on a leash/harness/crate/mat and how such restrictions might impact accommodation.

5.7. The determination with respect to the application for a Guide Dog / Service Dog / Service Animal shall be communicated to the parent/adult student in writing in accordance with **Appendix D.**

6. IMPLEMENTING THE ACCOMMODATION

6.1. Where approval is granted, the school principal in consultation with the student's educational team, will do the following:

a) make changes to the student's IEP goals and/or student's medical plan of care;

i) may provide for the accommodation on an interim trial basis, in which case the indicators of success or lack of success for this form of accommodation will be identified before the trial period begins.

b) organize an orientation session for school staff, students and the student Handler;

c) develop a timetable identifying a bio-break, water break, location/process to be followed during instructional and non-instructional times;

i) access may be limited to certain activities, areas of the school, or certain times of the day, 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.

ii) assessment may be required by the School Board's health and safety officer for health and safety issues applicable to different areas/activities in the school;

d) develop emergency procedures, to include a fire exit plan, lockdown plan, evacuation plan;

e) notice to the community via a letter to parents; posting on the school's website / social media; presentation by the trainer of the Guide Dog / Service Dog during a School Council meeting or association supporting the use of the Service Animal; signage on the school's front door, gymnasium and library doors; communication to potential occasional staff accepting a position where the Guide Dog / Service Dog or Service Animal may be providing service to the student;

f) student assembly for introduction and orientation regarding the Guide Dog / Service Dog or Service Animal;

g) arrangements for transportation of the Guide Dog / Service Dog or Service Animal to and from school, if necessary;

i) If the Guide Dog / Service Dog or Service Animal will be accompanying the student on a school vehicle, inquiries must be made regarding competing rights, the transportation plan must specify where the Guide Dog / Service Dog or Service Animal and student will be located; the vehicle shall have a sticker / sign identifying the presence of a Guide Dog / Service Dog or Service Animal is on board;

ii) Documentation about the Guide Dog / Service Dog or Service Animal will be included with the route information so that new or substitute bus drivers are aware of the Guide Dog / Service Dog or Service Animal's presence.

iii) Specialized transportation shall ***not*** be provided solely for the purpose of enabling the Guide Dog / Service Dog or Service Animal to travel to and from school with the student;

7. CONTINUOUS ASSESSMENT

7.1. A review of the effectiveness of the Guide Dog, Service Dog or Service Animal in supporting the student's learning goals shall be undertaken as part of each review of the student's IEP, in the event of a Violent Incident Report, and as otherwise deemed necessary by the Principal.

7.2. Approval may be revoked at any time by the principal if:

a) there are any concerns for the health and safety of students, staff or the Guide Dog / Service Dog / Service Animal;

b) there is behaviour that is distracting, disruptive or aggressive, including making noise, failing to follow commands, growling or nipping. In the event that this behaviour occurs, the Handler will be required to remove the Guide Dog / Service Dog / Service Animal from the classroom immediately and the student's parent/guardian will be called to pick up the Guide Dog / Service Dog / Service Animal from the school. Alternative options for accommodation will be discussed.

c) there has been a change to the student's circumstances or disability-related needs, which had supported the original approval or a change to the needs of students/staff such that there is a new competing right;

d) the Board in its discretion determines that the accommodation is not effective for the student's demonstrated disability-related learning needs or acts of daily living.

8. RECORDS

8.1. 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.

8.2. The School Board shall be required to collect, use and disclose the personal information of the student in order 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.

8.3. The Board 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.

a) Total number of requests for students to be accompanied by Guide Dog / Service Dogs / Service Animals;

i) Whether requests are for elementary or secondary school students;

ii) The student's grade;

iii) Whether the student is the Handler;

b) The number of requests approved and denied;

i) 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;

ii) Species of Service Animals requested and approved; and

iii) Types of needs being supported: emotional, social, psychological, physical.

9. FOOD AREAS

Regulation 493/17, of Ontario's *Health Protection and Promotion Act*, allows Guide Dogs and Service Animals in areas where food is served, sold, and offered for sale. Steps should be taken to ensure that Guide Dogs and Service Animals in school cafeterias, or areas where students are consuming food, are not disruptive, and do not eat student food.

No animals are allowed in areas where food is prepared, processed, or handled such as the kitchen of the school cafeteria or the hospitality classroom.

10. SOURCES

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
PPM 163 School Board Policies on Service Animals
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

11. RELATED FORMS & LETTERS

Forms

Appendix A - Application Request for Guide Dog / Service Dog
Appendix B - Application Request for Service Animal
Appendix C - Checklist for Principals (*not linked - for internal use only)*

Letters

Appendix D (*The following sample letters are not linked, they are for internal use only*)
Sample Letter to Employees & 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 Declining the Guide Dog / Service Dog / Service Animal
Sample Letter Parent/Guardian/Adult Student Sign Off After Approval

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