

POLICY – PO805

Student Use of Guide Dogs and Service Animals

Area: Student Services
Source: Superintendent of Education – Student Services

Approved: Nov. 11, 2019 (Interim); May 11, 2020
Revised:

1. Introduction

The Durham Catholic District School Board is committed to the learning of all students and provides a range of differentiated programs and interventions to support student success. It is the policy of the Durham 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 circumstances where a parent/guardian 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 Board considering the student's dignity, integration, independence and disability-related learning needs and the accommodations available to enable meaningful access to education.

2. Definitions

Accredited training organization – a guide dog or service dog trainer that is accredited by one of the following:

- a) 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;
- b) 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;
- c) 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 – 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/guardian.

Disability

- 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 – 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*.

Handler – 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 – a custodial parent of the student or a guardian pursuant to the *Education Act*.

Service Dog – 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 policy, 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.

3. Purpose

The purpose of this policy is to provide clear direction to schools and parents/guardians regarding requests to have a student's Guide Dog, Service Dog or Service Animal accompany him/her to school in compliance with the directions set out in PPM 163 - School Board Policies on Service Animals.

4. Application / Scope

This policy applies to all students in the Durham Catholic District School Board.

5. Principles

5.1 The Board:

- 5.5.1 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 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;
- 5.5.2 acknowledges that in circumstances where a parent/guardian 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, that each such request shall be reviewed individually by the Board considering the student's dignity, integration, independence and disability-related learning needs and the accommodations available to enable meaningful access to education;
- 5.5.3 acknowledges that pursuant to the *Education Act* and regulations, a school building is not a place to which the public is customarily admitted;
- 5.5.4 requires that the process of accommodation shall also consider the competing human rights of other students and of 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- event;
- 5.5.5 understands that 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). 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;
- 5.5.6 understands that 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 (horses), 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.

5.5.7 believes that due to risks to safety, and risks of disruption and distraction in the learning environment, the training of potential guide dogs and service dogs in the school setting or during school activities shall **not** permitted.

6. Requirements

- 6.1 The Director of Education shall issue administrative procedures to support this policy and amend them thereafter as the need arises.
- 6.2 A copy of this policy shall be available in accessible formats on the Board's website and may be requested by a parent/guardian or adult student in a different language through the school attended by the student. Parents/guardians or adult students who would like to request that a Guide Dogs, Service Dogs or Service Animals accompanies a student to school should make the request of the principal who will set up a team meeting to discuss the request and provide information about the steps to be followed.
- 6.3 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 education services in a manner that respects their dignity, maximizes integration and facilitates the development of independence.
 - a) The School Board 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.
 - 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 or superintendent before making a commitment.
- 6.4 The Board will identify the individualized process to be followed when a parent/guardian or adult student applies to the 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.
- 6.5 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 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.
- 6.6 When an adult student or parent/guardian 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 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.
- 6.7 Only in exceptional circumstances subject to the standards of undue hardship pursuant 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.
- 6.8 The Board shall retain data regarding the requests for Guide Dogs, Service Dogs and Service Animals as outlined in its Administrative Procedure.
- 6.9 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.

7. Sources

- 7.1 Human Rights Code, RSO 1990, c.H.19
- 7.2 Education Act, RSO 1990, c.E2, s. 170(1), s.265(1); O. Reg. 298, s.11
- 7.3 PPM 163 School Board Policies on Service Animals
- 7.4 J.F. v. Waterloo Catholic District School Board, 2017 HRTO 1121 (CanLII)
- 7.5 Accessibility for Ontarians with Disabilities Act, 2005, SO 2005, c.11
- 7.6 Blind Persons' Rights Act, RSO 1990, c.B7,
- 7.7 Dog Owners' Liability Act, RSO 1990, c.D16

- 7.8 Health Protection and Promotion Act, RSO 1990, c.H7
- 7.9 Food Safety and Quality Act 2001, SO 2001, c.20

8. Related Policies and Administrative Procedures

- 8.1 Student Use of Guide Dogs and Service Animals Administrative Procedure (AP805-1)
- 8.2 Use of Service Animals by the General Public Administrative Procedure (AP434-6)