

Submission to

The Minister of Education

**Bill 48, Safe & Supportive Classrooms Act, 2018**

February 14, 2019



Ontario Catholic School  
Trustees' Association



## **Ontario Catholic School Trustees' Association**

### **Mission Statement**

Inspired by the Gospel, the Ontario Catholic School Trustees' Association provides the provincial voice, leadership and service for elected Catholic school trustees to promote and protect publicly funded Catholic education in Ontario.

### **Vision Statement**

Ontario is enriched by a publicly funded Catholic education system, governed by locally elected Catholic school trustees who serve with faith, commitment and compassion.

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## **Introduction**

On behalf of the Ontario Catholic School Trustees' Association ("OCSTA") we are pleased to provide you with our submission on Bill 48: *Safe and Supportive Classrooms Act, 2018* ("Bill 48"). The recommendations contained within this submission reflect consultations with our Catholic school boards.

The Ontario Catholic School Trustees' Association (OCSTA) was founded in 1930. It represents 237 elected Catholic trustees who collectively represent 29 English-language Catholic district school boards. Together, these school boards educate approximately 545,000 students from junior kindergarten to grade 12 and adults in continuing education programs province-wide.

Inspired by the Gospel, the Mission of the Ontario Catholic School Trustees' Association is to provide leadership, service and a provincial voice for elected Catholic school trustees who seek to promote and protect publicly funded Catholic education in Ontario.

## **Key Features of Bill 48**

- Mandates new teachers to successfully complete a math content knowledge test before seeking their teaching registration.
- Requires the Discipline Committees of the Ontario College of Teachers and College of Early Childhood Educators to revoke an educator's certificate of registration for any act of sexual abuse of a student or child.
- Provides regulation making authority for cabinet to prescribe behaviours of a sexual nature that are prohibited under the *Criminal Code* (Canada) which would result in the mandatory revocation of an educator's certificate of registration.
- Enables the Lieutenant Governor in Council to determine the composition of the governing Council of the College of Teachers by prescribing the number of members to be elected and appointed to the Council.
- Amends the *Education Act* to give the Minister of Education the authority to develop policies for boards in respect of service animals.

## **Overall Assessment of Bill 48**

OCSTA fully supports Bill 48's overall objective of keeping Ontario's publicly funded schools safe, supportive and accommodating for all students. We support the various amendments outlined in Schedules 1, 3 and 4 that clarify definitions of professional misconduct as well as the new requirement that revokes a member's teaching certificate if the College of Teachers finds them guilty of an act of professional misconduct involving the sexual abuse of a child or student.

Our Catholic school boards are fully committed to ensuring all staff meet the highest professional and ethical standards consistent with Gospel values. Our member boards have zero tolerance for anyone that harms children or students and have policies and procedures in place to address professional misconduct in their schools.

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Catholic education is an integral and distinctive part of Ontario’s excellent education system. Our schools promote caring communities, the dignity of all persons and social justice. Catholic publicly funded schools are known for their tradition of academic and co-curricular excellence and commitment to the marginalized and disadvantaged. They have a rich history of educating students with special needs and are committed to the physical, mental, social and spiritual well-being of every child.

In this context, OCSTA supports students that require the use of service animals, subject to the conditions of local school board policies. Boards must retain, however, the autonomy and flexibility to develop and modify service animal policies that meet the needs of their community.

## **OCSTA’s Concerns and Recommendations**

### **Schedule 2 - Education Act Amendments**

Schedule 2 of Bill 48 amends the Education Act to give the Minister of Education authority to establish policies and guidelines in respect of service animals in schools. It also gives the Minister the authority to require boards to comply with the policies and guidelines and develop board policies in accordance with the Minister’s policies and guidelines.

Many Catholic school boards in Ontario have service animal policies that reflect their local circumstances and the needs of their students and are compliant with the Ontario Human Rights Code Guidelines on this issue. Recently, however, the demand for the use of service animals by students has increased due to the recognition of the value of this form of accommodation of students with various disabilities and mental health concerns. This presents various challenges to boards such as competing rights claims of other students and staff who may have fears, cultural sensitivities and medical conditions/allergies to service animals.

In addition, our boards receive and manage accommodation requests in a timely manner. This involves collaboration with students, staff, parents, and, depending on the accommodation being considered, outside medical/social service agencies. This process is designed to ensure the students’ needs are properly identified and appropriate supports and resources are available to remove barriers that allow for access and inclusion in school activities. In this context, service animal requests may or may not form part of the accommodation plan for the student. The standard for (all) accommodations in schools is “reasonable” versus “best”, which allows school boards to consider the available resources and the needs of all the students it serves.

Further, school boards can only accommodate to those needs demonstrated in the classroom. In the development of any policy, primacy must be given to how the accommodation will meet/assist with an observable learning need in the classroom and weighed against other accommodation options available to meet the learning need. In addition, any outside experts, such as regulated health professionals, who may be identified as seminal within policy, must also be tied to a provision of assessment data that validates the use of a service dog as the preferred and most appropriate form of accommodation for success in the classroom setting.

The use of service animals may also have implementation challenges for boards. For example, if the student is incapable of managing the animal, additional staff may be required in the classroom and school. Also, if the student needs bus transportation, they may require additional

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staff to manage the animal to ensure student safety. In this spirit, if other accommodations are available to successfully meet the child’s demonstrated learning needs, a service animal may not be the most prudent choice.

In addition, OCSTA is concerned that the term “service animal” is too broad and could lead to inappropriate accommodation requests for animals not trained or certified by reputable agencies. More appropriate legal definitions are contained in Ontario Regulation 191/11: *Accessibility Standards Act*, Part IV.2. that relate to trained guide dogs and service animal/assistance dog/emotional support dog. These service animals also must be prescribed by a regulated health professional related to the student’s disability.

### **Recommendation 1**

Ensure school boards are involved in the drafting of ministerial policies and guidelines in respect of service animals.

### **Recommendation 2**

Ensure that any ministerial policy or guideline is consistent with boards’ procedures to investigate and assess a student’s need for a service animal in the classroom weighted against other accommodation options to meet the student’s needs.

### **Recommendation 3**

Ensure the resulting ministerial policies and guidelines are sufficiently broad so that boards have the autonomy and flexibility to develop their own policies to meet local circumstances.

### **Recommendation 4**

Amend Schedule 2 “service animal” in schools to be consistent with the definition in Ontario Regulation 191/11: *Integrated Accessibility Standards Act*, Part IV.2. subsection 80.45(3) that has legal definitions for “Guide Dog” and “Service Animal/Assistance Dog/Emotional Support Dog”.

### **Recommendation 5**

Consideration of any documentation from “regulated health professionals” can only be considered upon receipt of the following information:

- Any notes and assessment data pertinent to the assessment of the student, their diagnosis and the recommendation of a service dog for the classroom,
- More specific recommendations and elaboration from the practitioner as to how the service dog will allow the student to access the curriculum more effectively,
- How the service dog may be more effective than other accommodations and supports which may also be in place or put in place to help the student access the curriculum,
- What other accommodations and supports may also be helpful either in conjunction with or separate from the use of a service dog, and,
- How would the practitioner monitor the effectiveness of the service dog on the student’s ability to access the curriculum and other symptoms they are monitoring in the care of the student.

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### **Schedule 3 Ontario College of Teachers Act, 1996**

This schedule of bill 48 amends the Ontario College of Teachers Act. OCSTA's concerns relate to the proposed amendments with respect to the Council of the College and the requirement for teacher applicants to satisfy requirements that relate to proficiency in mathematics.

Subsection 4.2 (a) indicates that the Lieutenant Governor in Council (LGIC) will be able to prescribe the number of elected members of the Council. Currently there are 23 persons elected by members of the College on the Council. Similarly, subsection 4.2 (b) strikes out reference to 14 appointed persons and replaces it with a "prescribed" number of persons by the LGIC.

OCSTA supports a balanced approach between appointed and elected representatives in the composition of the Council in order to fulfill the College's public interest mandate.

The proposed "re-enactment" of subsection 18 (1) to require teacher applicants to satisfy requirements that relate to mathematics proficiency may assist the government in facilitating its objective of improving student achievement in mathematics. However, OCSTA believes that in addition to this testing requirement, the government should mandate additional qualification programs for applicants. For example, the College could require further undergraduate level mathematics courses as a requirement for entry into B.Ed. programs. The College could also be required to enhance its continuing education programs in mathematics consistent with its objects under the Act.

#### **Recommendation 1**

OCSTA would recommend a balance of elected and appointed officials to ensure the public interest mandate is fulfilled in the Council's decision making processes.

#### **Recommendation 2**

Authorize the College of Teachers to include in their accreditation of professional teacher education programs additional mathematics courses at the undergraduate level for all applicants.

Ontario Catholic School Trustees' Association  
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