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Trustees' Association

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Hon. Lisa Thompson
Minister of Education
Ministry of Education
438 University Ave, 5th floor
Toronto, ON M7A 2K8

Re: Draft Policy/Program Memorandum on School Board Policies on Service Animals

Dear Minister:

Thank you for initiating a consultation on School Board Policies regarding service animals with key education partners and stakeholders. This letter represents OCSTA's concerns and recommendations that covers a number of areas in the draft PPM on service animals.

Overall Context

Catholic education is an integral and distinctive part of Ontario's excellent education system. Our schools promote caring communities and the dignity of all persons and social justice. Our publicly funded schools are well known for their tradition of academic and co-curricular excellence and commitment to the marginalized and disadvantaged. In fact, Catholic schools have an outstanding reputation for educating students with special needs and making accommodations to ensure all the mental, intellectual, emotional and spiritual well-being of our students is paramount.

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

Comments on the Draft PPM

OCSTA supports the overall purpose and expectations for board policies on service animals as outlined in the draft PPM:

- Allow students to be accompanied by service animals in school when doing so would be an appropriate accommodation to support students' learning needs, and would meet the school boards' duty to accommodate students with disabilities under the Ontario *Human Rights Code* (the "Code");

- Make determinations on whether to approve requests for a service animal on a case-by-case basis, based on the individual needs of each student;
- Put in place consistent and transparent processes that allow for meaningful consideration of requests for service animals to accompany students in school.

Our boards' existing service animal policies are based on these criteria and are in conformity with all applicable legislation. In addition, our boards receive and manage accommodation requests in a timely manner. This involves collaboration with students, staff, and 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 form part of the accommodation plan for the student but they may not as well. 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 animal as the preferred and most appropriate form of accommodation for success in the classroom setting.

Definition of Service Animal

The main point of contention OCSTA has with the draft PPM concerns the ambiguous definition of "service animal" and the potential conflicting legal requirements under the Ontario Human Rights Code, Accessibility for Ontarians with a Disability Act (AODA) and the Blind Persons' Rights Act. In order to develop consistent policies and programs that adequately support students with disabilities and their learning needs in the classroom, our boards require service animals to be narrowly understood as trained dogs with valid certification. This would include guide dogs, hearing or signal dogs, seizure response dogs and dogs that are trained by accredited organizations to support students with psychological disabilities and those with Autism Spectrum Disorder.

For example, in British Columbia the *Guide and Service Dog Act, 2016* and its regulations requires that all service dogs be certified by either an established service dog program or by the Justice Institute of BC as meeting minimum training standards. The regulations go so far as to name specific training centres that meet the requirements for certification.

General support animals or emotional support animals that lack specific training of the sort described above to support students learning, medical or psychological needs would not be included. By including these sorts of animals within the definition of "service animal" many untrained animals of all kinds could end up in the classroom including birds, cats and other animals.

Review of School Board Service Animal Policies and Data Collection

OCSTA believes that requiring boards to review their service animal policies on an annual basis would impose unnecessary administrative burdens on boards. Boards should have the flexibility to determine appropriate time frames for reviewing its policies on service animals consistent with its existing policy review process. In addition, the time frame for revising or creating service animal policies and protocols should be extended until September 1, 2020 to allow for sufficient time to develop those policies and engage in the necessary training required for consistent implementation and communication to their local communities.

Please do not hesitate to contact me if I can be of any assistance or if you have any questions or concerns.

Yours Truly,



Beverley Eckensweiler
President