



Accessibility Policy (P069) – Annual Review

To: Governance and Policy Committee

Date: 24 April, 2019

Report No.: 04-19-3635

Strategic Directions

- Transform Student Learning
- Create a Culture for Student and Staff Well-Being
- Provide Equity of Access to Learning Opportunities for All Students
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the revised Accessibility Policy (P069), as presented in this report, be approved.

Context

The Accessibility Policy (P069) (the “Policy”) was last revised on March 21, 2018. During this review, staff merged three accessibility related policies into one single policy.

The Policy was approved by the Board of Trustees with an annual review requirement as recommended by staff. In accordance with the Board’s Policy Development and Management Procedure (PR501), section 6.17: “policies that are mandated by legislation to be reviewed on an annual basis may undergo a simplified review process annually and a complete process every four years (e.g., Occupational Health and Safety Policy, Workplace Violence Prevention Policy, etc.). Under the simplified process, the policy may be exempted from consultation requirement if no substantive changes to the policy are being proposed”.

Upon reviewing the governing legislation – the *Accessibility for Ontarians with Disabilities Act* (AODA) and related regulations, no substantial changes are being recommended to the current Policy. It is therefore proposed that the simplified review process be applied.

Staff is recommending two housekeeping revisions. The first recommendation relates to the current Policy's annual review requirement. The AODA, which requires organizations to develop an accessibility policy, does not stipulate an annual review requirement. Staff is therefore recommending that the Evaluation section of the Policy be changed to reflect the Board's standard policy review process, which requires the Board to review policies at least once every four years. The second recommendation relates to a position title change in "Section 4 – Responsibility" to align with the current organizational structure. These revisions can be found in Appendix A attached.

Action Plan and Associated Timeline

Based on the Governance and Policy Committee's recommendations, the Accessibility Policy will be presented to the Board of Trustees for consideration and final approval on 22 May 2019.

Resource Implications

Not applicable.

Communications Considerations

The revised Accessibility Policy will be updated on the TDSB's public website. No additional communications considerations are required at this time.

Board Policy and Procedure Reference(s)

- Equity Policy (P037)
- Human Rights Policy (P031)
- Human Rights Procedure (PR657)
- Use of Assistive Devices by the General Public (PR606)
- Use of Service Animals by the General Public (PR604)
- Use of Support Persons by the General Public (PR605)

Appendices

- Appendix A: Accessibility Policy (P069) – Revised with Track Changes

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Toronto District School Board

Policy P069

Title: **ACCESSIBILITY**

Adopted: 12 February 2014
Effected: 12 February 2014
Revised: 22 March 2017, 21 March 2018
Reviewed:
Authorization: Board of Trustees

1. RATIONALE

The Toronto District School Board (the “Board”) is committed to maintaining learning and working environments which actively promote and support human rights and accessibility for persons with disabilities. This Accessibility Policy (the “Policy”) was developed to support the Board’s legislated duties and obligations required by the *Accessibility for Ontarians with Disabilities Act, 2005* and the corresponding Ontario Regulation 191/11, Integrated Accessibility Standards.

2. OBJECTIVE

- To establish the framework for the Board’s compliance with the *Accessibility for Ontarians with Disabilities Act, 2005* and the Integrated Accessibility Standards Regulation; and
- To demonstrate the Board’s commitment in actively removing barriers and increasing accessibility and participation for all members of its community and maintain compliance through this policy.

3. DEFINITIONS

Ableism is defined as a belief system, analogous to racism, sexism or ageism, that sees persons with disabilities as being less worthy of respect and consideration, less able to contribute and participate, or of less inherent value than others. Ableism may be conscious or unconscious, and may be embedded in institutions, systems or the broader culture of a society. It can limit the opportunities of persons with disabilities and

reduce their inclusion in the life of their communities. (Refer to the Ontario Human Rights Commission's [Guidelines on Accessible Education](#) and [Policy on Ableism and Discrimination Based on Disability](#), at <www.ohrc.on.ca>.

Accessible formats may include, but are not limited to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

Accommodation: An adjustment made to policies, procedures, programs, guidelines, or practices, including adjustments to physical settings and various types of criteria, that ensures fair and equitable, access, service and treatment for individuals to participate equally and perform to the best of their ability in the workplace or an educational setting. Accommodation is considered appropriate if it results in equal opportunity to enjoy the same level of benefits and privileges experienced by others, or if it is proposed or adopted to achieve equal opportunity, and meets the individual's needs. The most appropriate accommodation is the one that, respects dignity (including autonomy, comfort and confidentiality), responds to a person's individualized needs and allows for integration and full participation; short of undue hardship. Accommodations are provided so that individuals are not disadvantaged or discriminated against on the basis of the prohibited grounds of discrimination identified in the Ontario Human Rights Code or other factors. (Adapted from the Ontario Human Rights Commission's [Guidelines on Accessible Education](#) and [Policy on Ableism and Discrimination Based on Disability](#), at <www.ohrc.on.ca>.

Communications means the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received.

Communication Supports may include, but are not limited to, captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

Customer is any person who uses the services of the Board.

Disability refers to (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 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 service 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*.

Inclusive Design (Universal Design): Design with everyone in mind. Identifying and removing barriers for people that require individual accommodations before an individual accommodation request or complaint has been made. Effective inclusive design in organizations removes the need for people to ask for individual accommodations because the principles of inclusive design have been used when creating policies, procedures, programs, and facilities (from the Ontario Human Rights Commission, Inclusive Design Fact Sheet).

Information includes data, facts and knowledge that exists in any format, including text, audio, digital or images, and that conveys meaning. It does not include product and product labels, unconvertible information or communications, and information that the Board does not control directly or indirectly through a contractual relationship.

Internet Website means a collection of related web pages, images, videos or other digital assets that are addressed relative to a common Uniform Resource Identifier (URI) and is accessible to the public.

Kiosk means an interactive electronic terminal, including a point-of-sale device, intended for public use that allows users to access one or more services or products or both.

Performance Management means activities related to assessing and improving employee performance, productivity and effectiveness which contribute to the facilitation of employee success.

Redeployment means the reassignment of employees to other departments or jobs within the organization as an alternative to layoff, when a particular job or department has been eliminated by the organization.

Service Animal is an animal that is being used to provide accommodation support to a person with a disability, either readily apparent or supported by a letter from a regulated health professional.

Assistive Service Person is a person who assists or interprets for a person with a disability as the services of the Board are accessed. An assistive service person is distinct from an employee who supports a student in the system.

Systemic Discrimination: A pattern of discrimination that arises out of what appears to be neutral institutional policies or practices, that are reinforced by institutional structures

and power dynamics, and which result in the differential and inequitable treatment of members of certain groups.

TDSB is the Toronto District School Board, which is also referred to as the “Board.”

4. RESPONSIBILITY

The Director of Education holds primary responsibility for overseeing this Policy. Within the Director’s Office, the responsibility for the day-to-day management and coordination of the policy is assigned to the ~~Executive Superintendent, Human Rights and Indigenous Education Executive Officer, Facility Services, Sustainability and Planning~~ and subsequently the ~~Accessibility Coordinator, Human Rights and Indigenous Education Manager, Occupational Health and Safety and the Accessibility Coordinator, Occupational Health and Safety.~~

5. APPLICATION AND SCOPE

This Policy applies to all TDSB employees and Trustees.

The Policy also covers students, parents/guardians, volunteers, permit holders, contractors, customers of the Board and other members of organizations not related to the Board but who nevertheless work on or are invited onto Board premises or utilize Board services.

6. POLICY

6.1. General Accessibility

- 6.1.1. The Toronto District School Board is committed to maintaining learning and working environment which actively promotes and supports human rights, inclusion and the principles of equity. The Board recognizes, however, that systemic discrimination can be embedded in seemingly neutral policies, procedures, practices and structures that have an adverse effect and/or exclusionary impact on people with disabilities and contribute to a system culture of ableism and is therefore committed to identifying, removing and preventing any such barriers or bias. As part of this commitment, the Board will ensure that all policies, practices and procedures are consistent with the principles of independence, dignity, integration and equality of

opportunity to all with particular attention to persons with disabilities.

- 6.1.2. The Board will ensure that the principles of accessibility, equity and the right to equal opportunity and inclusion for people with disabilities, as outlined in the Ontario Human Rights Code and the Board's Equity Policy (P037) are reflected and valued in the learning and working environment.

6.1.2.1 The Board recognizes it has a legal duty to accommodate the needs of people with disabilities who are adversely affected by a requirement, rule or standard and that any accommodations must ensure three principles: respect for dignity, individualization, as well as integration and full participation.

6.1.2.2 The Board recognizes inclusive design that emphasizes barrier free environments and equal participation for everyone is the preferred, proactive approach to barrier removal because it emphasizes accessibility and inclusion from the start rather than relying on individual accommodation requests.

- 6.1.3. The Board is committed to meeting the accessibility needs of persons with disabilities in a timely manner and to the point of undue hardship.

- 6.1.4. The Board will make reasonable efforts to provide goods, services, and facilities that are accessible to all parents/guardians, the public, and staff, including but not limited to:

- (a) Customer Service, Information and Communication
- (b) Accessible Employment
- (c) Accessible School Transportation
- (d) Accessible Design of Public Spaces

- 6.1.5. The Board will implement policies, procedures and practices in relation to the requirements set out in the Integrated Accessibility Standards (Ontario Regulation 191/11) on a graduated basis in the following areas: general accessibility, information, communication and customer service, employment, school transportation, and design of

public spaces.

- 6.1.6. The Board will establish and maintain a Multi-Year Accessibility Plan (“Accessibility Plan”), which outlines its strategy to identify, prevent and remove barriers to persons with disabilities in relation to each area identified in the section above.
- 6.1.7. The Board will review and update its Multi-Year Accessibility Plan (MYAP) at least once every five years in consultation with persons with disabilities. The Board will post the MYAP and progress updates on its website and make available in accessible format upon request.
- 6.1.8. The Board will provide copies of the Multi-Year Accessibility Plan and all related policies and procedures in an accessible format upon request.
- 6.1.9. The Board will incorporate accessibility criteria and features when procuring or acquiring goods, services or facilities, except when it is not practicable to do so. If the Board determines it is not practicable to do so, it will provide an explanation upon request.
- 6.1.10. The Board will incorporate accessibility features when designing, procuring or acquiring self-serve kiosks.
- 6.1.11. The Board will provide training on the requirements of the Integrated Accessibility Standards and the Human Rights Code as it pertains to persons with disabilities regularly and on an ongoing basis to:
 - (a) all employees and volunteers;
 - (b) all persons who participate in developing the Board’s policies; and
 - (c) all other persons who provide goods, services or facilities on behalf of the Board.

- 6.1.12. This training will be appropriate to their duties and will be provided as soon as practicable following commencement of those duties.
- 6.1.13. The Board will provide training with respect to any changes to this Policy.
- 6.1.14. The Board will maintain records of such training.

6.2. Accessible Customer Service, Information and Communication

- 6.2.1. The Board will welcome all members of the school and broader community to our facilities by committing our staff and volunteers to providing services that respect the independence and dignity of persons with disabilities, including the use of assistive devices and service animals.
- 6.2.2. When services that are normally provided to a person with a disability are temporarily unavailable such as access to an elevator, a disruption of service notice will be posted at the site and on the Board's website.
- 6.2.3. In order to monitor the effectiveness of implementation of the Accessible Customer Service Standard, the Board will develop a process for receiving and responding to feedback. Information about the feedback process will be readily available to the public and will allow people to provide feedback using a number of methods.
- 6.2.4. The Board will provide or arrange for provision of accessible formats and communication supports for persons with disabilities:
 - (a) in a timely manner that takes into account the person's accessibility needs due to disability.
 - (b) at a cost, if any, that is no more than the regular cost charged to other persons.
- 6.2.5. The Board will consult with the person making the request to determine the suitability of an accessible format or communication support.

- 6.2.6. The Board will notify the public about the availability of accessible formats and communication supports.
- 6.2.7. The Board will ensure that its policies and procedures related to the *Accessibility for Ontarians with Disabilities Act, 2005* are made available to the public and also ensure there is capacity to provide communication about these policies and procedures in a format that takes into account a person's disability.
- 6.2.8. If the Board determines that information or communications are unconvertible, it will provide the person requesting the information or communication with:
- (a) An explanation as to why the information or communications are unconvertible; and
 - (b) summary of the unconvertible information or communications.
- 6.2.9. The Board and all its managers and school-based administrators will take into account the impact on persons with disabilities when purchasing new equipment, designing new systems or planning a new initiative.
- 6.2.10. The Board will create a feedback process that will review the implementation of this policy with the Board's various constituency groups. Examples include Special Education Advisory Committee (SEAC), federations, unions, citizens' groups. Methods would include use of electronic means such as websites.
- 6.2.11. The Board will also establish a process for consulting with staff and volunteers who have a role in implementing the expectations and procedures established under the policy to review its effectiveness.
- 6.2.12. The Board will implement a feedback process that is accessible to persons with disabilities by arranging or providing for the provision of accessible formats and communication supports upon request.

- 6.2.13. The Board will provide any emergency procedures, plans or public safety information that is available to the public in an accessible format or with appropriate communications support, as soon as practicable, upon request.
- 6.2.14. The Board will make its internet websites and web content conform with the World Wide Web Consortium Web Content Accessibility Guidelines (WCAG 2.0) at Level A (for new internet websites), and/or Level AA (with some exceptions), unless it is not practicable to do so.
- 6.2.15. If notified of a need, the Board will provide educational or training resources or material in an accessible format that takes into account the accessibility needs due to disability of the person to whom the material is to be provided by:
- (a) Procuring through purchase or obtaining by other means an accessible or conversion-ready electronic format of educational or training resources or materials, where available; or
 - (b) Arranging for the provision of a comparable resource in an accessible or conversion ready electronic format, if educational or training resources or material cannot be procured, obtained by other means or converted into an accessible format.
- 6.2.16. The Board will provide student records and information on program requirements, availability and descriptions in an accessible format to persons with disabilities.
- 6.2.17. The Board will provide employees involved in program or course design, delivery and instruction with training related to challenging systemic ableism and ensuring accessible program or course delivery and instruction. The Board will keep records of such training.
- 6.2.18. The Board, upon request, will make accessible or conversion-ready versions of any educational or training textbooks and print-based educational or training supplementary learning resources that it produces.

- 6.2.19. The Board's libraries, upon request, will provide, procure or acquire any accessible or conversion ready format of print, digital, or multi-media resources or materials (with some exceptions) for a person with a disability.

6.3. Accessible Employment

- 6.3.1. The Board will develop a procedure to notify, consult with, and/or inform its employees and the public about the availability of accommodation for applicants with disabilities in its recruitment and selection processes. Specifically, the Board will:
- (a) Notify job applicants who are selected for further consideration that accommodations are available upon request;
 - (b) Consult with job applicants who request an accommodation and provide or arrange to provide suitable accommodation in a manner that takes into account their needs due to disability;
 - (c) Notify the successful applicant(s) of its policies for accommodating employees with disabilities when making an offer of employment; and
 - (d) Inform employees of its accessibility and accommodation policies and procedures as soon as practicable after starting employment and in the event of changes to such policies and procedures.
- 6.3.2. The Board, upon request, will consult with an employee to provide or arrange to provide suitable accessible formats and communications support for job and employment-related information.
- 6.3.3. The Board will develop and maintain a procedure to provide individualized workplace emergency response information to employees who have a disability, if necessary and if the Board is aware of the need for accommodation.
- 6.3.4. The Board will develop and maintain a procedure for the development of documented individual accommodation plans for employees with

disabilities. The individual accommodation plan will be provided in a format that takes into account the employee's accessibility needs due to disability.

- 6.3.5. The Board will develop and maintain a written return to work procedure for employees who have been absent from work due to a disability. The return to work procedure will outline the steps the Board will take to facilitate return to work and use documented individual accommodation plans as part of the process.
- 6.3.6. The Board will take into account the needs of employees with disabilities as well as their individual accommodation plans when using any performance management process in respect of employees with disabilities.
- 6.3.7. The Board will take into account the accessibility needs of employees with disabilities as well as their individual accommodation plans when providing career development and advancement.
- 6.3.8. The Board will take into account the accessibility needs of employees with disabilities as well as individual accommodation plans when redeploying employees with disabilities.

6.4. Accessible School Transportation

- 6.4.1. The Board will provide integrated accessible school transportation, or appropriate alternative accessible transportation services for students with disabilities where integrated services are not possible or not the best option due to the nature of the disability or safety concerns.
- 6.4.2. The Board will, in consultation with parents or guardians of students with disabilities:
 - (a) Identify students with disabilities before the commencement of each school year or during the school year;
 - (b) Develop an Individual School Transportation Plan ("ISTP") for each student with a disability which sets out the student's assistance needs and includes plans for individual student

boarding, securement, and de-boarding; and

- (c) Identify and communicate to the appropriate parties the roles and responsibilities of the transportation provider, the parents or guardians of the student with the disability, the operator of the vehicle used to transport the student, appropriate school staff, and the student with the disability.

6.5. Accessible Design of Public Spaces

The principles of inclusive design will be embedded in the TDSB's policies, procedures, programs and practices to enable equitable access, participation and the elimination of systemic barriers where identified.

- 6.5.1. The Board will consult with the public and persons with disabilities when it constructs new or redevelops existing outdoor play spaces.
- 6.5.2. The Board will incorporate accessibility features as identified in the Integrated Accessibility Standards when it constructs new or redevelops existing outdoor play spaces that it intends to maintain.
- 6.5.3. The Board will address the requirements set out in the Integrated Accessibility Standards when it constructs new or redevelops existing exterior pedestrian walkways and outdoor sidewalks, connected ramps, and connected stairs, including those at Outdoor Education Centres.
- 6.5.4. The Board will consult with the public and persons with disabilities when it constructs new or redevelops existing rest areas on exterior pedestrian walkways and outdoor sidewalks.
- 6.5.5. The Board will address the requirements set out in the Integrated Accessibility Standards when it constructs new or redevelops existing parking facilities that it intends to maintain.
- 6.5.6. The Board will address the requirements set out in the Integrated Accessibility Standards when it constructs new service counters and fixed queuing guides, and when it constructs new or redevelops existing waiting areas.

6.5.7. The Board will prepare procedures for preventative and emergency maintenance of the accessible elements in the public spaces noted above in its multi-year accessibility plan.

6.5.8. The Board will prepare procedures for dealing with temporary disruptions when accessible elements in the public spaces noted above are not in working order.

7. SPECIFIC DIRECTIVES

The Director of Education has authority to issue operational procedures to implement this Policy.

8. EVALUATION

This Policy will be reviewed as required at a minimum every four (4) years. This Policy will be reviewed annually, in accordance with the Accessibility for Ontarians with Disabilities Act, 2005.

10.9. APPENDICES

N/A

11.10. REFERENCE DOCUMENTS

Legislation

- *Accessibility for Ontarians with Disabilities Act, 2005*
- *Human Rights Code*
- Ontario Regulation 191/11, Integrated Accessibility Standards
- *Workplace Safety and Insurance Act, 1997*
- United Nations' Convention on the Rights of Persons with Disabilities, (CRPD) 2010
- Ontario Human Rights Commission Policy on Ableism and Discrimination Based on Disability, 2017

Policies and Procedures

- Equity Policy (P037)
- Human Rights Policy (P031)
- Use of Service Animals by the General Public Procedure (PR604)

- Use of Support Persons by the General Public Procedure (PR605)
- Use of Assistive Devices by the General Public Procedure (PR606)