

# Toronto District School Board

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Policy P069

Title: **ACCESSIBILITY**

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Authorization: Board of Trustees

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## 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* refers to 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

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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>.

*Assistive Device(s)* refers to equipment that persons with disabilities utilize to assist in their daily lives at home, work, school, etc. Such devices could be a walker, scooter, cane, magnification or specialized learning software, communication board, etc.

*Assistive Technology* refers to equipment or software such as screen readers, audio recording and voice recognition which people with disabilities use to obtain information and communicate with others.

*Accessible formats* refers to, large print, recorded audio and electronic formats, braille and other formats usable by persons with disabilities.

*Accommodation* refers to 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* refers to the interaction between two or more persons or entities, or any combination of them, where information is provided, sent or received.

*Communication Supports* refers to captioning, alternative and augmentative communication supports, plain language, sign language and other supports that facilitate effective communications.

*Customer* refers to any person who uses the services of the Board.

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*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)* refers to 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* refers to 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* refers to 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* refers to 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.

*Multi-Year Accessibility Plan (MYAP)* refers to a requirement under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA). It is a five-year plan to identify, remove, and prevent accessibility barriers across the organization by committing to specific initiatives and outcomes aimed at making sure so that staff and students with disabilities can fully participate; learn and work to their full potential.

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

*Redeployment* refers to 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* refers to 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* refers to 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* refers to 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* refers to the Toronto District School Board, which is also referred to as the "Board."

*Undue hardship*, under the Ontario Human Rights Code, refers to the measure for any limitations to the provision of Human Rights Accommodations. Accommodations need not be provided if it causes undue or excessive hardship. However, some degree of hardship is acceptable. Undue hardship is assessed in terms of overall cost, outside sources of funding (if any) and health and safety factors. Evidence must be objective, real, direct and in the case of cost, quantifiable and so substantial it would alter the essential nature of the enterprise. Other 'bona fide' requirements of an organization, such as legislative requirements may also account for undue hardship factors to consider, as long as the said requirement is adopted in good faith and reasonably meant to fulfil a necessary goal, purpose or function of the organization.

## **4. RESPONSIBILITY**

The Director of Education holds primary responsibility for implementation of 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

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and Indigenous Education and subsequently the Accessibility Coordinator, Human Rights and Indigenous Education.

### **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.

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- 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 customer service, other Ontario accessibility standards and aspects of 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. Training will include:
- Purpose of the Accessibility for Ontarians with Disabilities Act, 2005 and the requirements of the Customer Service Standards;
  - Overview of policies or procedures related to Customer Service Standards;
  - How to interact and communicate with people with various types of disabilities;
  - How to interact with people with disabilities who use an assistive device or require the assistance of a service animal or a support person;
  - How to use the equipment or devices available on-site or otherwise that may help with providing goods, services, or facilities to people with disabilities.

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- What to do if a person with a disability is having difficulty accessing the TDSB's goods, services or facilities.

6.1.13. This training will be appropriate to their duties and will be provided as soon as practicable following commencement of those duties.

6.1.14. The Board will provide training with respect to any changes to this Policy.

6.1.15. The Board will maintain records of such training provided, including the dates on which the training was provided and the number of individuals to whom it was provided.

### **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.



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- (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

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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.

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- 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. With the employee's consent, the TDSB will provide workplace emergency information to a designated person who is providing assistance to that employee during an emergency.
- 6.3.5. The TDSB will provide the information as soon as practicable after informed of the need for accommodation due to the employee's disability.
- 6.3.6. The TDSB will review the individualized workplace emergency response information:
- a) When the employee moves to a different location in the organization;
  - b) When the employee's overall accommodations needs or plans are reviewed; and,
  - c) When the employer reviews its general emergency response policies.
- 6.3.7. 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.
- 6.3.8. 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.
- 6.3.9. 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.

- 6.3.10. 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.
- 6.3.11. 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 (Accessibility Standards for the Built Environment)**

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.

## 9. APPENDICES

N/A

## 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)