



REPORT TO

GOVERNANCE AND POLICY COMMITTEE

ACCESSIBILITY STANDARDS FOR CUSTOMER SERVICE POLICY (H.M. 36)

Each one must give as he has decided in his heart, not reluctantly or under compulsion, for God loves a cheerful giver. (2 Corinthians 9:7)

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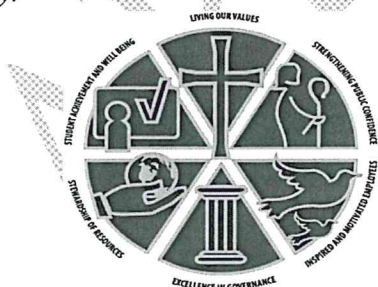
RECOMMENDATION REPORT

Vision:

At Toronto Catholic we transform the world through witness, faith, innovation and action.

Mission:

The Toronto Catholic District School Board is an inclusive learning community rooted in the love of Christ. We educate students to grow in grace and knowledge and to lead lives of faith, hope and charity.



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A. EXECUTIVE SUMMARY

In order to set out a clear internal process for meeting accessibility needs of our students, staff recommends that the document “Accessibility Best Practices—Process for assessing requests respecting accessibility for students with disabilities” found in APPENDIX A be appended to Accessibility Standards for Customer Service Policy (H.M. 36). An update of the policy in meta format is also recommended in APPENDIX B.

B. PURPOSE

This Recommendation Report is on the Order Paper of the Governance and Policy Committee as it recommends an addition of an appendix to a policy and a policy update and revision.

C. BACKGROUND

1. The Accessibility Standards for Customer Service policy (H.M. 36) was approved on March 31, 2010 and is due for a policy review.
2. The “Accessibility Best Practices” document can assist in effectively communicating that the Board is committed to respecting human rights and providing services to our students, parents/guardians, the public and our staff that are free of barriers and biases.

D. EVIDENCE/RESEARCH/ANALYSIS

1. The Accessibility Standards for Customer Service policy (H.M. 36) aligns with the Accessibility Standards for Customer Service regulation (O. Reg. 429/07) made under the *Accessibility for Ontarians with Disabilities Act, 2005* (“AODA”).
2. The Ontario *Human Rights Code* (“the Code”) guarantees everyone the right to equal treatment with respect to services, goods and facilities, without discrimination because of [...] disability. This applies to school boards which

have a duty to accommodate the *Code* related needs of individuals to ensure that school board property is free of barriers.

3. Appending the “Accessibility Best Practices” document and the proposed updates to the policy do not expand any obligation of the Board, but rather highlight the steps the Board will take in order to ensure it remains in compliance with applicable legislation.
4. The “Accessibility Best Practices” document also provides clear instructions for parents/guardians and others to access schools in accordance with the *Code*.

E. METRICS AND ACCOUNTABILITY

1. Recommendations in this report will be monitored through policy development and departments responsible for the policy and procedures therein.
2. Further reports to Board regarding recommended changes or updates to the policy or its appendices will be brought as necessary.

F. IMPLEMENTATION, STRATEGIC COMMUNICATIONS AND STAKEHOLDER ENGAGEMENT PLAN

1. With the policy updated and the “Accessibility Best Practices” document appended, all relevant stakeholders will have increased awareness of their role in the process and must ensure the best practices are followed.
2. The “Accessibility Best Practices” document will also be posted on relevant pages of the Board’s website for ease of access and reference.
3. Communication of all internal accessibility request processes is essential to increase awareness for the TCDSB community.

G. STAFF RECOMMENDATION

Staff recommends the following:

1. That the “Accessibility Best Practices Guideline- Process for Assessing Requests Respecting Accessibility for Students with Disabilities” provided in

APPENDIX A be appended to the Accessibility Standards for Customer Service Policy (H.M. 36)

2. That the updated Accessibility Standards for Customer Service Policy (H.M. 36) provided in APPENDIX B be adopted in meta policy format.

APPENDIX A

ACCESSIBILITY - BEST PRACTICES

Process for assessing requests respecting accessibility for students with disabilities

Introduction

Accommodating students' accessibility needs

The Ontario *Human Rights Code* guarantees everyone the right to equal treatment, and it applies to schools. Where a student requires accessibility accommodation as a result of a disability, a school board has the duty to accommodate the *Code* related needs of students, to make sure that school board property is free of barriers for people identified by *Code* grounds.

The duty to accommodate involves giving serious attention to requests or needs that are already known or may be suspected. Both the school board and the student and/or their parents or guardians, have a shared responsibility to cooperate in the process, each to the best of their ability. This might involve providing relevant medical or other personal information. A school board has a duty to keep this information private.

Even when an appropriate accessibility accommodation is identified, it may not always be possible to provide without resulting in undue hardship in terms of cost or health and safety. When the best possible accommodation would cause undue hardship, there is still a duty to put in interim or next-best solutions. Whatever steps are decided on, the school board need to put the accessibility accommodation in place as quickly as possible.

Accessibility accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The school board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

Purpose

The purpose of this Best Practice is to:

- Ensure that all TCDSB ("School Board") employees, students and parents are aware of their rights and responsibilities under the Ontario *Human Rights Code* with respect to accessibility accommodation;
- Set out in writing the School Board's best practice for addressing accessibility accommodation requests and the responsibilities of each of the parties to the process.

Application

This Best Practice applies to accessibility accommodation requests for all students or prospective students of the School Board. It applies to all School Board locations.

This Best Practice does **not** apply to accommodations provided as part of special education programs and services for exceptional students under **Identification and Placement of Exceptional Pupils**, O.Reg. 181/98, made under the *Education Act*, RSO 1990, c E.2.

Requests for Accessibility Accommodation

Requests for accessibility accommodation should be made to the school principal.

Requests should, whenever possible, be made in writing. The accommodation request should indicate:

- The reason why accommodation is required, including enough information to confirm the existence of a need for accommodation; and
- The specific accessibility needs related to the student's disability

The School Board also encourages students and/or parents to suggest how accessibility may be improved. In addition, we encourage you to provide reports, letters, and/or other documents from doctors or other health care professionals relating to the disability and the impairments or restrictions which give rise to the need for accommodation, and which could be of assistance in implementing appropriate accessibility changes.

When the school principal receives a request, the school will send a letter or email confirming that the request has been received. The request will be considered in as expeditious a manner as possible. The request will be addressed and the appropriate accommodation will be provided in a way that respects the dignity of the student. Amongst the things considered in assessing the request are:

- The student's disability and the arising impairment or restrictions
- The medical evidence provided, and/or, depending on the circumstances, additional medical evidence obtained with the permission of the student and/or parents or guardians;
- The accessibility accommodations requested;
- Other possible accommodations that may address the student's impairment or restrictions;

- Whether the accessibility accommodations would cause undue hardship to the School Board, taking into account cost, outside sources of funding, and health and safety.

Throughout the process the School Board follows in assessing the request, the school principal will maintain carriage of the process on behalf of the School Board, and will generally be the person who contacts you and who you should contact if you have any information to provide or if you have any questions, concerns or input into the process.

The school principal will, where appropriate, escalate any issues concerning accessibility to the following School Board personnel:

- The Superintendent of Human Resources
- The Superintendent of Special Education
- The Superintendent of Facilities
- Legal Counsel

Once the request has been assessed, the principal will contact the student and/or parent or guardian in writing or by email to advise of the decision with respect to the request. Depending on the circumstances, the decision may be to:

- Accommodate the student in the way requested
- Accommodate the student in a different way that will still meet her or his disability needs
- Implement the appropriate accessibility accommodation at a later time, if immediate accommodation would result in undue hardship
- Implement an interim accommodation until a permanent accommodation can be put in place
- Deny the request

If the decision is to accommodate the student other than in the way requested, written reasons will also be provided explaining the decision.

Joint Responsibility

Accommodation is a two-way street. In other words, it is a process that requires mutual cooperation. The school will need the help of the student and/or parent or guardian to implement appropriate accessibility accommodations for the student's disability. This may include:

- Meeting with the school to discuss the impairments or restrictions the disability raises
- Taking part in discussions on possible accessibility changes and solutions
- Cooperating with the School Board in obtaining information from doctors and other health care professionals necessary to implement appropriate accessibility accommodations
- Cooperating with any outside professionals the School Board may retain to assess or implement accessibility accommodations, including building contractors, designers, and consultants

Likewise, the school will participate in the accommodation process in accordance with the principles of dignity, individualization and inclusion. We will work cooperatively, and in a spirit of respect, with all partners in the accommodation process. This may include:

- Accepting the accommodation request in good faith, unless there are legitimate reasons for doing otherwise
- Ensuring that the student or parent/guardian are provided with regular updates on the accommodation request
- Taking an active role in ensuring that alternative approaches and possible solutions are investigated
- Getting expert opinion or advice where appropriate
- Respecting confidentiality and privacy, and only sharing information with individuals directly involved in the accommodation process
- Limiting requests for information to what is reasonably related to the accommodation
- Dealing with the accessibility accommodation request in a timely way