



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

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April 19, 2023

To: The Honourable Stephen Lecce, Minister of Education
The Honourable Raymond Cho, Minister for Seniors and Accessibility
Rich Donovan, Appointed Lead, Improvement Review of Accessibility for Ontarians with Disabilities Act (AODA)

Re: OPSBA Submission for Fourth Improvement Review of the *Accessibility for Ontarians with Disabilities Act (AODA)*

The [Ontario Public School Boards' Association](https://www.opsba.org/) is honoured to represent English public district school boards and public-school authorities across Ontario and welcomes the opportunity to recommend changes and improvements for the Fourth Review of the AODA on their behalf. Together our members serve the educational needs of nearly 70% of Ontario's elementary and secondary students. OPSBA advocates on behalf of the best interests and needs of the public school system in Ontario and believes that the role of public education is to provide universally accessible education opportunities for all students regardless of their ethnic, racial or cultural backgrounds, social or economic status, differing abilities, or religious affiliation.

OPSBA has long been fully committed to supporting and meeting the objectives and requirements of the AODA, with its goal of an accessible Ontario by 2025, as well as the Ontario Human Rights Commission's (OHRC) Policy on accessible education for students with disabilities.

Our shared beliefs are founded on the idea that ensuring fully accessible and inclusive educational opportunities for all students is directly linked to our explicit commitments and action on equity, diversity, inclusion and human rights; and identification, elimination, and prevention of physical, cultural, and systemic barriers.

We were very pleased with the [OHRC's Right to Read inquiry report](#) and recommendations as important first steps in addressing the current, literacy-related human rights issues impacting students with disabilities. OPSBA submitted a response to the Ministry of Education's consultation regarding the recommendation for mandatory K to Grade 2 screening and looks forward to working with the ministry in ensuring a balanced evidence-based approach on the *Right to Read* recommendations.

Additionally, [the K-12 Education Standards Development Committee \(SDC\) also published its final report in 2022](#), on recommended standards for removing and preventing accessibility barriers in the publicly funded education system.

OPSBA and its member boards are supportive of a proposed education accessibility standard, and recommendations as set out in the K-12 SDC report, which include obligations related to duties of accommodation, funding for built environments, ministerial coordination and communication planning, professional learning and training related to the different physical, cultural, and systemic identified barriers, Universal Design for Learning (UDL), and recognition of the intersectionality and interdependence of these barriers.

However, in the absence of a clear provincial plan for the release, compliance and dedicated funding support for an education accessibility standard, school boards are struggling to determine how accessible they can become for students with disabilities, and how they can and should achieve universal access for facilities and programming. This decision places a significant burden on each school board. Furthermore, it leads to duplication and fragmentation of efforts, inequity, and inconsistencies around the province and further burdens and frustrates parents/caregivers and Special Education Advisory Committees.

Despite the current AODA measures, *Right to Read* inquiry report and K-12 Standards Report, the government has not provided a clear timeline, coordination processes, supports and required funding for the implementation of all recommendations with the long-term objectives that ensures Ontario's K-12 education system will be fully accessible, equitable, inclusive, and learner-centred by 2025.

Therefore, to ensure that students with disabilities have equal footing and equity of access, experience, opportunity, full participation, outcomes, and success, we must effectively include students with disabilities in all that the education system offers, by explicitly detailing a new Education Accessibility Standard section within the AODA.

As such, OPSBA submits that the full K-12 Education Standards [recommendations](#) be adopted and implemented in the 4th review and revision of the AODA as a new and explicit section for compliance for education accessibility for all and contribute to the AODA goal for a barrier-free province by 2025.

The following submission highlights the significant feedback we have received from our member boards, staff leads and communities.

We look forward to working with you and your government on implementation of the review and all of these K-12 Education recommendations and standards in the months and years ahead.

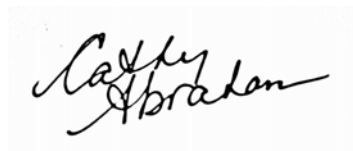
With that said, we do have four specific asks for both the review process and government in the immediate term:

- Clearly endorse the final K-12 Accessible Education Standards recommendations report and add them to a newly mandated, human rights-based, section of the AODA with defined action plan and timelines for system changes required.
- Provide dedicated funding for new K-12 Accessible Education AODA standards and delineate responsibility and accountability framework, accessible and culturally responsive curriculum, appropriate instructional supports, meaningful learning experiences, and systems for assessments of quality learning.
- Publish, as soon as possible, clear final guidelines on the built environment for the K-12 education sector and provide capital funding for school boards to meet provincially mandated accessibility requirements and phased funding to meet the recommended K-12 standards for system change.
- Work collaboratively with school boards to ensure compliance with the AODA legislation, providing explicit, time-limited, exemptions to the existing legislation for districts to meet these needs (should deadlines not be possible due to lack of funding and/or logistical constraints).

As Ontarians, we all need to take ownership of accessibility. The public education system needs a corresponding commitment from government, mandated through the AODA, to make education accessible by collaboratively working together with school boards to create an implementation plan that clearly defines responsibilities, accountability and outcome measures supported by both monetary and human resources.

We look forward to continuing our work with you on this important and increasingly time-sensitive issue for our outstanding public education system.

Sincerely,

A handwritten signature in black ink that reads "Cathy Abraham". The signature is written in a cursive, flowing style.

Cathy Abraham
President

CC:

Nancy Naylor, Deputy Minister, Ministry of Education
Martha Greenberg, Deputy Minister for Seniors and Accessibility

Attach.(1)

AODA 4th Review

OPSBA Recommendations Re: Education Specific K-12 Accessibility Standards

The accessibility standards under the AODA (2005) regulate rules for businesses and organizations with one or more employees in Ontario that must identify, remove and prevent barriers faced by persons with disabilities with a mandated goal of an accessible Ontario by 2025, through the development, implementation and enforcement of accessibility standards that apply to the public, private and not-for-profit sector. These standards are part of the AODA's [Integrated Accessibility Standards Regulation](#) (the regulation). Currently, there are five accessibility standards that apply to key areas of day-to-day life for Ontarians. These are:

- Information and communications
- Employment
- Transportation
- Design of public spaces
- Customer service

However, no education sector specific standards were included in the AODA, limiting progress, implementation and compliance with many of the current AODA accessibility standards as being unachievable by school boards. This is due in large part to the conflicting *Education Act* term "exceptionality," which leaves out some disabilities that are covered by the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code* and tying education funding for any accessibility improvements to use of this terminology, thus sustaining systemic discrimination. This is further compounded by the fact that the Ministry of Education has not authorized any dedicated funding to ensure the minimal standards for the current five AODA standards were met by school boards, nor have school boards been provided with guidelines for consistent implementation to achieve AODA compliance for school boards or provide effective communication and inter-ministerial collaboration framework for accountability.

OPSBA firmly believes that the education sector-specific AODA standards contained in the Final K-12 Accessible Education Standards Report must be adopted and fully embedded into an updated AODA. This will ensure that all learners with differing abilities have full access to meaningful education and relevant learning experiences that include appropriate instructional supports. A shift in culture from ministry standard compliance to full universal design is necessary, along with the provision of dedicated funding, inter-ministerial collaboration, and integrated consistent approaches, guides, and best practices to meet the AODA's 2025 deadlines. Addressing systemic discrimination in the *Education Act's* term "exceptionality" and explicit accessibility standards for the K-12 education sector will be necessary to ensure that Ontario becomes barrier-free and fully inclusive for all learners.

Highlighting the 2022 Report on development of K-12 Education Standards under the Accessibility for Ontarians with Disabilities Act, 2005 (AODA)

In 2017, two standards development committees were established to address barriers facing students: one focused on K-12, and another focused on postsecondary education. The committees were asked to work in tandem to address barriers across the publicly funded education system in Ontario. The vision was, and is, to have an Ontario K-12 public education system where learning environments are barrier-free and fully inclusive of learners with disabilities. All learners with disabilities would have full access to meaningful education and relevant learning experiences that include appropriate instructional supports.

The role of the committee for K-12 education was to provide recommendations to government on reducing and preventing accessibility barriers in the publicly funded education system. These recommendations would inform the government's work on a proposed new accessibility standard for education.

The recommendations contained in the committee's report are intended to be responsive to students with differing and specific disabilities inclusive of low incident, invisible, episodic, and highly complex disabilities. As such, recommended directions were grounded in current research and evidence-based principles that will continue to inform and critique thinking and action supporting accessible, inclusive, and equitable education.

The Final K-12 Accessible Education Standards Report identifies 10 main categories of barriers to accessible education in the K-12 sector.

1. Attitudes, behaviours, perceptions and assumptions
2. Awareness and training
3. Curriculum, instruction and assessment
4. Digital learning and technology
5. Organizational barriers
6. Social realms
7. Physical and architectural barriers
8. Planning for emergency and safety
9. Timelines and accountability
10. Transitions (Education Joint Technical Sub-Committee)

Recommendation: OPSBA firmly believes that the core findings and recommendations of this report should be adopted and fully embedded into an updated AODA that details an explicit education standard.

Changing the culture of public education services for all students with disabilities

At present, the delivery of education to students with disabilities in Ontario schools is regulated by the *Education Act's* provisions regarding special education. Eligible students are defined as "exceptional pupils." They are eligible only if their disability falls within the definition of "exceptionality." These students are often called "students with special education needs" or "students with special needs."

This situation is itself a major barrier for schools and their staff who want to effectively serve all students with differing abilities. The term "exceptionality" leaves out some disabilities that are covered by the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code*, e.g. attention deficit/hyperactivity disorder (ADHD) and mental health conditions that are not classified as "behaviour" exceptionalities.

The K-12 Education Standards Development Committee received feedback that terms like "exceptional pupil," "exceptionality," "special needs," and even "special education" are themselves out-of-date, patronizing, and even discriminatory.

Upholding Human Rights and Dignity of Students with Disabilities

A core theme that runs throughout this report is that the education system should be designed and operated without such barriers. It should explicitly include students with any kind of disability. Students with differing abilities should not be described as if they are abnormal, or that their needs are exceptional or special, or that the education they are to receive is "special." "Students with differing abilities have needs, not special needs. What they receive should be called "education," not "special education."

The report makes a number of recommendations that detail various accountability mechanisms for obligated organizations under the AODA. It also proposes specific timelines for incorporation of the recommendations into the Education Accessibility Standard.

The overall goal in this context is to assess the end result of the implementation of the Education Accessibility Standard. That is, whether obligated organizations have in fact removed and prevented disability barriers that impede students with disabilities to effectively be included in, and fully participating in, the opportunities that Ontario's public education system provides to students.

Capital Funding for Built Environments and Investment in Universal Design Learning

The Ministry of Education does not now have its own standard or guideline for school boards to follow that specifies or requires that new school construction or major renovations be accessible to people with disabilities. When the ministry has had local schools reviewed in the past to

assess where physical improvements are needed, it has either not had accessibility reviewed at all or has only considered the limited accessibility requirements of the *Ontario Building Code* and the AODA standards.

Our member boards have suggested that the Ministry of Education should consider investing in staff who have the expertise in designing schools and school grounds to be fully accessible to students, staff, and community members with disabilities. When the ministry reviews proposals from a school board for construction of a new school or renovation of an existing school, the ministry does not require those plans to be accessible to people with disabilities. Instead, the ministry leaves it to each school board to address accessibility as much or as little as it wishes, in accordance with whatever standard for accessibility the school board wishes to use. School boards have reported that when funding is sought from the ministry for school construction, the funding formula or calculations that the ministry uses does not cover accessibility requirements for all users of the school and can require the exclusion of accessibility features from a school board's proposed plans.

We are also told by our members that the ministry does not specifically track how much money, provincially appropriated for local school revitalization or improvements, is in fact used for improving accessibility.

Each school board is left to re-invent the wheel when it comes to accessibility, even though the needs of people with disabilities to an accessible built environment do not vary from community to community around Ontario. An inaccessible doorway is an inaccessible doorway, whether in Kingston, Chatham or Sault Ste. Marie.

There is no assurance that school boards have on their staff the expertise needed to decide what to do to ensure that a school is accessible. School built environments must also extend to the full range of extra-curricular activities vital to student achievement and well-being, such as playgrounds, gymnasiums, athletic track and fields, etc. However, Municipal Building Code officials do not always effectively enforce the *Ontario Building Code's* limited accessibility requirements or AODA requirements. School boards have nowhere to go to ensure in advance that a school construction project they wish to undertake is accessible, before construction begins.

Accordingly, it is left to each school board to come up with its own designs to address accessibility in the built environment in schools and at other school board locations. This is highly inefficient and wasteful. It allows public money to be used to create new barriers against people with disabilities and to perpetuate existing barriers.

“Community Use of Schools” is an initiative of the Ontario Ministry of Education that supports access to school space, outside of school hours, for community members to come together, volunteer, build skills, access community programs, become physically active and build strong

and healthy communities. Providing a barrier-free built environment in schools benefits everyone through community use of schools programs. It ensures that all students can come to school to learn there. It enables parents and other family members with disabilities to take full part at school activities to which family members are invited. It enables people with disabilities to be employed in all jobs throughout the school. It enables the school, a public building, to be fully accessible when used for other important public uses, such as town hall meetings or as a polling station during elections. This is especially important in rural and Northern school boards where school facilities function as community hubs for services vital to communities in remote regions.

Funding for school construction and renovation comes from the Government of Ontario. That funding and the funding approval process must be expedited and ensure accessibility of schools. It should not delay or preclude the achievement of this goal.

When it was passed in 2005, the AODA required Ontario, including its schools, to become fully accessible to people with disabilities by 2025. Successive governments did not effectively address the need to achieve this in schools' built environments, or by enacting culture shifts, inter-ministerial coordination or clear communications. The Final K-12 Accessible Education Standards Report recommendations are designed to achieve the AODA's goals. The government should implement measures to ensure that school boards can fulfil them.

The guiding principles emphasize: dignity, respect, belonging, self-determination, equality of opportunity, independence, access and inclusion, student and family-centered engagement and participation, and non-discriminatory practices and are informed by the *Ontario Human Rights Code*, the *Canadian Charter of Rights and Freedoms*, United Nations Educational, Scientific and Cultural Organization, Convention on the Rights of Persons with Disabilities, the AODA, [AODA Alliance October 10, 2019 Proposed Framework for the K-12 Education Accessibility Standards](#), Ontario Ministry of Education guidelines and frameworks (for example, Equity and Inclusive Education Strategy, Learning for All) and other relevant documents.

The revised AODA must define an explicit education standard if we hope to ensure that by 2025, the K-12 public education system will be fully accessible, equitable, inclusive, learner-centered.

AODA Legislation Reform Recommendations for the Education Sector

The AODA mandates that businesses and organizations with one or more employees in Ontario identify, remove and prevent barriers faced by persons with disabilities to achieve an accessible Ontario by 2025. However, the current five AODA accessibility standards do not include education sector-specific standards, limiting progress, implementation, and compliance with AODA accessibility standards by school boards. The conflicting *Education Act* term "exceptionality" sustains systemic discrimination and ties education funding for any accessibility

improvements to this terminology. Furthermore, the Ministry of Education has not provided dedicated funding or guidelines for consistent implementation to achieve AODA compliance for school boards.

OPSBA strongly recommends that the following measures be taken to address the gaps in AODA accessibility standards to ensure fully accessible schools and education standards by 2025:

1) Mandate Education Specific AODA Standards: OPSBA recommends that the core findings and recommendations of the Final K-12 Accessible Education Standards Report be fully embedded into an updated AODA that details explicit education standards and development and implementation of support mechanisms for school boards' efforts in identifying, removing, and preventing accessibility barriers. The Ministry of Education should collaborate with other levels of government and between governmental departments and provide dedicated funding and guidelines for consistent implementation to achieve AODA compliance for school boards. The standards should be based on the recommendations made in the Final K-12 Accessible Education Standards Report to ensure that all learners with disabilities have full access to meaningful education and relevant learning experiences that include appropriate instructional supports.

2) Provide Coordinated Dedicated Funding: Dedicated funding must be provided for the public sector transition, along with public education, for a cultural shift to mandate inter-ministerial coordination and responsibility for the provision of public services.

3) Implement Human Rights-Based Education Standards: Ontario's school system and education system should be designed and operated to serve students with any kind of disability, as protected under the *Ontario Human Rights Code* and the *Canadian Charter of Rights and Freedoms*. It should not be limited to the more restricted definition of an "exceptional pupil" or a student with an "exceptionality" in the *Education Act* and regulations and policy related to them, or who is therefore treated under Ontario's *Education Act*, regulations, or policy as a "student with special education needs."

4) Improve Inter-Ministerial Collaboration: The Ministry of Education and Ministry for Seniors and Accessibility should coordinate school board, education, and student accessibility goals, benchmarks, best practices, and funding to improve inter-ministerial collaboration (including better coordination and communication between the Ministries of Health, Indigenous Affairs, Children, Community and Social Services, Education, and Seniors and Accessibility), action planning and communication to lead this education sector transformation.

5) Focus on Quality Education and Student Dignity: Students with disabilities and their differing abilities should not be described in terms discordant with their equality rights, such as exceptional pupils, exceptionalities or special needs. The education they receive should not be

described as "special." Students and their disabilities should not be described as if these students are abnormal, or that their needs are exceptional or special, or that the education they are to receive is "special." Students have needs, not special needs. What they receive should be called "education," not "special education."

6) Dedicated Supports and Clear Communication for Families, Students and Effective School Transition Planning: Families have access to information in readily accessible (multiple) formats and flexible opportunities for full participation in decision-making processes. Effective transition planning in schools is informed through collaborative relationships with families living with disabilities and cross-sector collaboration with community partners for integrated transition planning.

7) Address Systemic Discrimination: The *Education Act's* term "exceptionality" should be revisited to eliminate systemic discrimination. It is important to address "ableism" when aspiring to remove barriers for students with disabilities. Ableism is a belief system that continues to widely influence perceptions of learners with disabilities. This belief system 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. The ableist culture that exists must be removed to prevent accessibility barriers impeding students with disabilities from fully participating in and benefiting from all aspects of the education system.

8) Foster Culturally Relevant, Reflective and Effective Curriculum and UDL: Cultures of high expectations are created for all learners through an accessible and culturally responsive curriculum, appropriate instructional supports, meaningful learning experiences, and systems for assessment of quality learning. Develop UDL standards that ensure prompt, accessible, fair, effective, and user-friendly processes are enacted to allow individuals to learn about and seek programs, services, supports, accommodations and placements tailored to individual strengths and needs.

9) Shift to Universal Design: A shift in culture from ministry standard compliance to full universal design is necessary. The design, communication, framework, accountability, and funding supports must be in place to meet the AODA's 2025 deadlines. Universal Design for Learning should be used to train teachers, build leadership capacity, inform the development of accessible curriculum, instruction, and assessment methods, as well as support classroom learning, experiential learning, and online learning environments.

10) Fully Invest in School Board Capital Funding for Universal Design and AODA K-12 Education Standards: Capital funding for built environment standards, universal design best practices and Ontario Building Code changes to support coordinated planning with Ministry of Education and school boards to ensure full access and participation for all students. The Ministry of Education should require accessibility to be addressed in each school board's proposed plans for school construction and renovation, according to the AODA accessibility

standards and prioritize capital funding tied to AODA standards compliance. The Ministry of Education should invest in staff who have expertise in designing schools that are fully accessible to people with disabilities. Currently, each school board is left to design its own plans to address accessibility, resulting in inefficiency and waste. Municipal Building Code officials do not always enforce accessibility requirements, leaving school boards to determine accessibility themselves. Both a lack of funding and revised Pupil Accommodation guidelines has limited school boards' new construction of AODA-design compliant schools, leaving boards struggling with upkeep of aging infrastructure, shifting enrolment, and financial pressures while doing their best to deliver accessible, quality programming in their schools. In addition to the dedicated funding required, the Ministry of Education must complete its review of the Pupil Accommodation Review Guidelines, release revised guidelines, and lift the moratorium on school closures and consolidations to better support new, AODA-compliant school construction. Providing a barrier-free built environment in schools benefits everyone and enables people with disabilities to participate fully in school activities and other public events. Funding for school construction and renovation comes from the Government of Ontario, and it should ensure the accessibility of schools. Accountable, sustainable and effective capital funding is essential to remove and prevent disability barriers that impede students with disabilities from fully participating in the opportunities provided by Ontario's public education system.

11) Recognize and Support Intersectionality of Social and Cultural Identities: Students with disabilities have the right to dignity, respect, equality, choice, voice and full participation in a barrier-free K-12 public education system, regardless of race, religious belief, colour, gender, gender identity, gender expression, physical disability, mental disability, family status or sexual orientation or any other factor(s).

12) Review and Align *Education Act* and Regulations with OHRC: Public education laws, policies and programs should fully and effectively serve the diversity of students with, and who experience, disabilities within the meaning of the *Ontario Human Rights Code*, the *Canadian Charter of Rights and Freedoms* and/or the *Accessibility for Ontarians with Disabilities Act*. Changing the culture of public education services for all students with disabilities is crucial. This review requires explicit changes to *Education Act* and [Special Education Advisory Committee regulation \(O. Reg. 464/97\)](#). The education system should be designed and operated without barriers, explicitly including students with any kind of disability. Students with disabilities and their disabilities should not be described in terms that are out of date, patronizing, or discriminatory. What they receive should be called "education," not "special education."

13) Shift the Cultural Mindset: The AODA should be shifted towards a transformative, cultural mindset shift to accessibility innovations and more progressive universal design implementation.

Values: Everyone is valued in creating and maintaining inclusive and equitable school communities, including full access to a high-quality education for students with disabilities.

Voices: Diverse voices, talents and skills are recognized and celebrated in classrooms, schools and systems that reflect and respond to the diversity of students with disabilities.

Attitudes: Changing attitudes, beliefs and practices are facilitated through accessible education and training related to equity, equality, inclusion, and human rights, which are embedded throughout all training, programs, services, and communities.

14) Collect and Analyze Data: The intentional collection and analysis of relevant data (i.e. student demographic census, school climate surveys, human rights complaints and student achievement data, etc.) is used to fully understand learners' strengths and needs, to identify and remove barriers, to support effective interventions, and to design accessible quality education for all.

15) Rely on Research and Evidence-Based Outcomes: Research-informed, evidence-based programs, pedagogies, policies, and professional learning facilitate a culture of respect for equity, equality, and access within a human rights framework created by transdisciplinary teams that include persons with disabilities.

16) Measure Effectiveness: Measure effectiveness to determine if Ontario is on track to becoming accessible by 2025 by reviewing the biggest gaps, such as education and health sector specific standards, dedicated funding, and the impact of AODA compliance on access, dignity, and intersectional identities. OPSBA recommends that the government measure the effectiveness of AODA and suggests that minimum standards should be shifted towards a transformative, cultural mindset shift to accessibility innovations and more progressive universal design implementation.

17) Adjust to Change: Apply what has been learned since 2005 by providing dedicated funding for a cultural shift towards universal design, capital projects and inter-ministerial coordination.

18) Declare Breakdowns: OPSBA recommends the government declare breakdowns in the absence of explicit AODA-mandated standards for the K-12 education sector. OPSBA suggests that the Ministry of Education and Ministry for Seniors and Accessibility coordinate school board, education, and student accessibility goals, benchmarks, best practices, and funding to fix the broken design, communication, framework, accountability, and funding supports.

OPSBA is committed to supporting school boards and the government in the ongoing transition to a fully accessible public education systems and stands ready to assist in any way required. Should you require any further information or have any questions about these submissions please contact Ken Jeffers, OPSBA Associate Director, Equity, Diversity and Inclusion at KJeffers@opsba.org.