

TDSB SEAC Special Education Reform Motions

for June 13, 2016 SEAC Meeting

Passed on June 7, 2016

The following four motions were passed at the June 13, 2016 meeting of the Toronto District School Board Special Education Advisory Committee.

Motion #1 (June 7, 2016)

The Right of Parents, Guardians and Students with Special Education Needs to Know about TDSB Special Education Programs, Services, and Supports, and How to Access Them

BACKGROUND

Parents and guardians of students with special education needs and, where practicable, students with special education needs themselves, need direct, easy access to important information about special education opportunities, supports and services at TDSB. They have a right to know all the important information they need including, for example, in these areas:

- a) What is “special education” and who is entitled to receive it.
- b) TDSB’s duty to ensure that the educational needs of students with disabilities are effectively accommodated, as required by the Ontario Human Rights Code and the Charter of Rights. TDSB itself needs to understand what the Code and Charter refer to when talking about duty to accommodate. This gives TDSB an opportunity to establish what the requirement is and to convince front line workers that it is what they need to do – a potential paradigm shift for the board.
- c) The range of options, placements, programs, services, supports and accommodations available at TDSB for students with special education needs.
- d) What persons and what office to approach at TDSB to get this information, to request placements, programs, supports, services or accommodations for students with special education needs, or to raise concerns about whether TDSB is effectively meeting the student’s education needs.
- e) The processes and procedures at TDSB for a parent, guardian or student to request or change placements, programs, services, supports or accommodations for students with special education needs. This includes formal legislated processes like the Identification and Placement Review Committee (IPRC) and the development and implementation of the students Individual Education Plan (IEP). It also includes other informal processes like requests for programs, services, supports and accommodations in the classroom that are not covered in an IPRC or IEP.

This information must be easy for parents, guardians and students to find. It should be available in plain language for parents and guardians of students with special education needs who have a wide range of skills, abilities and education. It should be available in a wide range of languages to meet the diversity of linguistic communities in Toronto that TDSB serves.

At present, TDSB is not effectively meeting these important needs. Parents and guardians of students with special education needs too often find it very difficult to find out the important information described above. Even when some of it is provided at all, such as the TDSB Parents

Guide to Special Education, it is often only provided within two weeks before an IPRC meeting. That is long after parent, guardian or student first needed this information.

This information is not now easy to find on TDSB's website. The website does not consistently use plain language. Some of it is not available at all. TDSB's website too often uses terminology that parents and guardians of students with special education needs may not know. Moreover, TDSB's website has accessibility deficiencies.

Some of this needed information is found on the TDSB website, but it is buried somewhere in the TDSB Special Education Plan. Few parents would even think to struggle through that long, highly technical and detailed document. Moreover, the TDSB Special Education Plan includes clearly inaccurate information. It would misinform parents and guardians of students with special education needs about certain TDSB special education options. It inaccurately describes eligibility for and the focus of both TDSB's Mild Intellectual Disability (MID) and Developmental Disability (DD) Intensive Support Programs. This is so even though SEAC alerted TDSB staff to this, and sought its correction last year.

The 2016 final report of the Barbara Hall review of TDSB governance further documented that TDSB is not effectively ensuring that parents, guardians and students have the information they need. It found:

“Parents expressed frustration at their inability to advocate for their children's special education needs in an effective way. They feel isolated, afraid and unsure of how to work with the school board administration to support their children's learning needs. They also said that the specific information they require to be informed about the options available to support students is not easily accessible on the website or from any other source.”

TDSB has told SEAC that it leaves it to each principal at each of its 550 schools to convey much of this information to parents and guardians of students with special education needs. We have asked TDSB for any instructions that TDSB gives to principals regarding the provision of this information. We have not been shown anything that shows that TDSB has in place a process to ensure that all parents and guardians of students with special education needs are effectively given the information they need, and that this is done as soon as possible during a student's engagement with TDSB.

It is inefficient and unreliable to leave this responsibility to 550 principals, spread across Toronto, to each deal with this as they choose. When it is left to each principal, without clear policy directions and pre-prepared materials for parents, guardians and students, TDSB won't be able to ensure that this important need is met.

Some of this information can be needed by any of the parents or guardians of all 240,000 TDSB students. Some of this information is important specifically for the parents or guardians of the 46,000 TDSB students with special education needs.

Some of those families do not have internet access. Some do not speak English. A failure to provide the needed information and in a timely and accessible way can undermine the effective

accommodation of at least some students with special education needs.

As one important example, there could well be many students who have special education needs but that TDSB does not know about, among the 200,000 TDSB students who have to date not been formally or informally identified as having special education needs. TDSB has told SEAC that TDSB does not send a communication to all parents and guardians of all TDSB students at the start of each school year, alerting them that if a student is having any difficulty learning or taking part in TDSB educational programming, they can approach TDSB to explore whether the student has any special education needs, and find out options for TDSB to meet those needs. To identify that a student may have special education needs, it is left to the classroom teaching staff, or to parents and guardians to bring this forward on their own initiative.

As another example, TDSB does not have a standard form to ensure that parents, who receive a draft IEP from a school, know at that point what avenues or options they have for agreeing to it, disagreeing with it, or seeking its improvement. TDSB has indicated that this is left to each school to communicate as it decides.

As a result, TDSB operates either as a restaurant that has no menu, or that is not providing its menu to all of those who need it. If parents and guardians of students with special education needs do not have easy and timely access to this needed information, this reduces their ability to ensure that TDSB effectively meets the special education needs of all of its students with those needs. By sharing an information package with all families, and not just with those that have been formally or informally identified as having special education needs, TDSB can help educate all families about special education. This will help smooth and reinforce the TDSB's efforts on inclusive education.

RECOMMENDATIONS

SEAC therefore recommends as follows:

1. TDSB needs to develop and provide all parents with effective information resources on services for students with special education needs. TDSB should ensure that parents, guardians, and where practicable, students are informed, as soon as possible, in a readily-accessible and understandable way, about such important information as:
 - a) What "special education" is and who is entitled to receive it.
 - b) TDSB's duty to ensure that the special educational needs of students with disabilities are effectively accommodated, as required by the Ontario Human Rights Code and the Charter of Rights.
 - c) The range of options, placements, programs, services, supports and accommodations available at TDSB for students with special education needs.
 - d) What persons and what office to approach at TDSB to get this information, to request placements, programs, supports, services or accommodations for students with special education needs, or to raise concerns about whether TDSB is effectively meeting the student's education needs.

- e) The processes and procedures at TDSB for a parent, guardian or student to request or change placements, programs, services, supports or accommodations for students with special education needs. This includes formal legislated processes like the Identification and Placement Review Committee (IPRC) and the development and implementation of the students Individual Education Plan (IEP). It also includes other informal processes like requests for programs, services, supports and accommodations in the classroom that are not covered in an IPRC or IEP.
2. Without restricting the important information that must be made readily available, TDSB should ensure, among other things, that:
 - a) Parents and guardians of students with special education needs can easily find out and, where necessary, visit different placement, program, service and support options for a student with special education needs, before the parent, guardian or, where practicable, the student must take a position on what placement, program or services should be provided to that student.
 - b) Parents and guardians of students with special education needs and, where practicable, students with special education needs themselves, should be given clear, understandable explanations of their rights in the special education process. For example, when TDSB presents parents or guardians with a proposed IEP, TDSB should carefully explain to them that they need not agree to the proposed IEP, that TDSB is open to their suggestions for changes to the proposed IEP, and the avenues by which parents or guardians can seek to get TDSB to make changes to the proposed IEP.
 3. TDSB should now implement a comprehensive plan to substantially improve its provision of the important information, described above, to all parents and guardians of TDSB students, and to all TDSB students where practicable, and especially to parents and guardians of students with special education needs. Every parent should have an option to receive information digitally and/or in hard copy, and to be able to opt in or opt out of the format they prefer:
 - a) This plan's objective should be to ensure that all parents, guardians and where practicable, students, have the important information they need to ensure that students of all abilities can fully access and benefit from the educational opportunities available at TDSB.
 - b) TDSB should not simply leave it to each principal or teacher to make sure that this important information is effectively provided. TDSB should instead have an effective system in place to ensure that this information actually reaches all parents and guardians,
 - c) TDSB should ensure that all of this important information is fully and readily accessible in a prompt and timely way to all parents, guardians and students, in accessible formats and in jargon-free plain language, in a diverse range of languages. It should be easy to find this information, without having to call all around TDSB.
 - d) TDSB should not simply rely on its website to share this information since this will not

serve those families that do not have internet access. Instead, TDSB should both improve its internet content on this information, and ensure that this information is provided to parents and guardians in written form.

- e) This plan should include TDSB sending home information at the start of each school year in a package of information to all families, and not merely families of those students who are already being served as having special education needs. This package should include, among other things, a Question and Answer format to help families think about how this information could relate to the student in their family.
- f) This plan should include the creation of a user-friendly package of information to be provided to families who first approach TDSB about the possibility of enrolling a child at TDSB, e.g. when they register for kindergarten.
- g) This plan should also include hosting events at local schools to help families learn how to navigate TDSB processes like the Individual Education Plan and the Identification and Placement Review Committee processes.

Motion #2 (June 6, 2016)

Ensuring that Parents, Guardians and Students Have a Fair and Effective Process for Raising Concerns about TDSB's Accommodation of the Education Needs of Students with Special Education Needs

BACKGROUND

For decades, Ontario's school system was not designed to be fully inclusive for students with special education needs. Therefore it is often necessary to provide modifications, supports or other accommodations to those students so that they can fully benefit from and be fully included in Ontario's education system. The Individual Education Plan (IEP) is meant to document these goals and measures. This is to help ensure that those are provided.

The TDSB gives 46,000 students with special education needs an IEP. The Individual Education Plan (IEP) is an absolutely essential part of TDSB's process for trying to ensure that the educational needs of students with special education needs are met.

Ontario Regulation 141/98 includes the following regarding an IEP:

- “(3) The individual education plan must include,
 - (a) specific educational expectations for the pupil;*
 - (b) an outline of the special education program and services to be received by the pupil; and*
 - (c) a statement of the methods by which the pupil's progress will be reviewed.**
- (4) Where the pupil is 14 years of age or older, the individual education plan must also include a plan for transition to appropriate post-secondary school activities, such as work, further education and community living.*
- (5) Subsection (4) does not apply in respect of a pupil identified as exceptional solely*

on the basis of giftedness.

- (6) *In developing the individual education plan, the principal shall,*
- (a) *consult with the parent and, where the pupil is 16 years of age or older, the pupil; and*
 - (b) *take into consideration any recommendations made by the committee or the Special Education Tribunal, as the case may be, regarding special education programs or special education services.*
- (7) *In developing a transition plan under subsection (4), the principal shall consult with such community agencies and post-secondary educational institutions as he or she considers appropriate.*
- (8) *Within 30 school days after placement of the pupil in the program, the principal shall ensure that the plan is completed and a copy of it sent to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.”*

Ontario's special education regulations do not spell out important and much-needed details on such things as:

- a) Exactly how the IEP is to be developed, and how parents, guardians, and where practicable, the student is to be involved in that process;
- b) What parents and guardians of students with special education needs are to be told in advance or during the IEP development process, about the IEP development process, and their rights in the IEP development process;
- c) Establishing a prompt, fair, independent and impartial process within TDSB for parents and guardians of students with special education needs to go if they are not satisfied with the IEP that a school board proposes, in order to get a review of the proposed IEP;
- d) Establishing a prompt, fair, independent and impartial process within TDSB which parents and guardians of students with special education needs can use, if they believe that TDSB is not fully implementing a student's IEP.

TDSB has an IEP development manual for staff. It sets out procedures governing how TDSB staff are to develop an IEP. However, we are not aware of TDSB monitoring or auditing to ensure that these procedures are followed. Moreover, these procedures are inherently insufficient.

For example, TDSB does not proactively try to ensure, as much as possible, that the IEP is written by TDSB jointly with a student's parent or guardian, at a school/family joint IEP development meeting. Instead, TDSB first sends the parent or guardian a form letter that invites written input, or a meeting if the parent or guardian wishes. However, that letter does not offer the parents or guardian the opportunity to take part in a joint TDSB/family IEP development meeting, with a view to writing the IEP together at that meeting. SEAC anticipates that many if not most parents or guardians do not have a face-to-face joint IEP development meeting with all involved professionals and teaching staff, where the IEP is written together.

TDSB has a limited internal process for parents and guardians of students with special

education needs, to raise concerns with the IEP's contents or implementation. They can raise these concerns first with the teacher, and then with the principal, and after that with the relevant superintendent. SEAC anticipates that many if not most parents and guardians are not aware of that process.

Otherwise, aggrieved parents, guardians or students must resort to filing a human rights complaint with the Ontario Human Rights Tribunal. Filing a human rights complaint involves great legal expenses, delays and hardships to a family. A school board has access to public funds to hire lawyers in opposition to families who resort to a human rights complaint. The relationship between a family and a school board can be made more difficult by the costs, delays and human rights adversarial process.

TDSB in effect has 46,000 special education accommodation cases to assess and address each school year. In contrast, many large organizations in the public and private sector set up internal human rights and discrimination units. These are offered as a voluntary internal process for investigating and resolving workplace human rights complaints and concerns without the need to resort to the Human Rights Tribunal process. An employee can voluntarily opt for that process if they wish. They can always choose at any time to go to the Human Rights Tribunal, if they prefer.

It would help both families and TDSB for TDSB to create a fair internal appeal process for IEP and other education accommodation issues. Ontario special education regulations do not prevent TDSB from doing so. Such a process is especially important for a school board as large as TDSB.

The IEP development process is critically important to all students with special education needs. While only half of TDSB students with special education needs have had an Identification and Placement Review Committee (IPRC), all have an IEP.

The 2016 final report of the Barbara Hall review of TDSB governance made findings that support the need for substantial improvement in this area. It concluded:

“Parents expressed frustration at their inability to advocate for their children's special education needs in an effective way. They feel isolated, afraid and unsure of how to work with the school board administration to support their children's learning needs. They also said that the specific information they require to be informed about the options available to support students is not easily accessible on the website or from any other source.”

These new procedures will better serve families and students. They would ultimately save TDSB money, while improving the delivery of education services to these students. TDSB may wish to first try a test period with such new processes. This would let TDSB get experience, and explore what works the best.

RECOMMENDATIONS

SEAC therefore recommends as follows:

1. TDSB should establish an improved process for parents and guardians of students with special education needs to more effectively take part in the development and implementation of a student's Individual Education Plan (IEP). This should include giving parents in advance, complete, timely and readily-understandable information about the IEP development process, and the parents/ guardians' rights and opportunities in that process (in accordance with Motion #1 – Parents/Guardians Right to Know)
2. Parents and guardians of students with special education needs, and where practicable, the student, should be invited to take part in a joint TDSB IEP development meeting, where the IEP will be written. TDSB should bring to the table all key professionals who can contribute to this. The family should be invited to bring to the table any supports and professionals that can assist the family. Parents/families should be given a wide range of options for participating e.g. in person or by phone. They should be told in advance who will attend from TDSB. Any proposal for a draft IEP should include a summary of key points to assist families in understanding them.
3. If TDSB refuses to provide an accommodation, service, or support for a child's disability that a parent, guardian, or where appropriate, the student requests, TDSB should, on request, promptly provide written reasons for that refusal.
4. If parents and guardians of students with special education needs, and where practicable, the student, disagree with any aspect of the proposed IEP, TDSB should make available an internal appeal process for hearing and deciding on the family's concerns. This internal TDSB appeal process should meet the following requirements:
 - a) It should be very prompt. An IEP should be finalized as quickly as possible, so that the students' learning needs are promptly met.
 - b) No proposed accommodations should be withheld from a student pending an appeal. The family should not feel pressured not to appeal, lest the child be placed in a position of educational disadvantage during the appeal process. In other words, a family should not fear that if they launch an appeal, the student will suffer because TDSB will not provide an accommodation or service TDSB has offered, during the time while the appeal is pending.
 - c) The appeal process should be fair. TDSB should let the family know all of its issues or concerns with a family's proposal regarding the IEP. The family should be given a fair chance to express its concerns and recommendations regarding the IEP.
 - d) The appeal should be to a person or persons who are independent and impartial. They should have expertise in special education. They should not have taken part in any of the earlier discussions or decisions regarding the IEP for that child.
 - e) At the appeal, every effort should be made to mediate and resolve any disagreements

between the family and TDSB. If the matter cannot be resolved by agreement, there should be an option for TDSB to appoint a person or persons who are outside TDSB to consider the appeal, along short time lines.

- f) At the appeal, written reasons should be given for the decision, and especially if any of the family's requests or concerns are not accepted.
 - g) If, after receiving the appeal reasons, the family wishes to present any new information, it can ask for the appeal to be reconsidered. This should be along short time lines.
 - h) After the appeal is decided, if the family is not satisfied, it should be able to bring its concerns regarding the proposed IEP to the Executive Superintendent for Special Education, for a further consideration.
5. TDSB should establish a process for parents and guardians of students with special education needs and where practicable, the student, where they can raise concerns about the implementation of the IEP. For example, this should be available if there is a concern that the IEP is not being fully implemented. These should follow the same procedures as listed above for family concerns regarding the content of the IEP.
6. Once an IEP is established, TDSB should put in place a process for monitoring or periodically checking on a random basis to see to what extent IEPs are being effectively implemented. A synthesis or summary of the results of this audit or monitoring should be shared with the Special Education Advisory Committee and the TDSB trustees, with any identification of students removed. It should break down the information, including showing any differences in the experiences of students in elementary school as compared to those in high school.

Motion #3 (June 7, 2016)

Ensuring a Fully Accessible Built Environment at TDSB Schools

BACKGROUND

The Ontario Human Rights Code and the Charter of Rights require that TDSB provide accessible buildings in which education is provided to students, unless to do so would cause TDSB (a 3 billion dollar operation) "undue hardship." As well, the Accessibility for Ontarians with Disabilities Act requires Ontario, including the TDSB, to become fully disability-accessible by 2025, less than nine years from now. That includes the physical accessibility of its schools.

Physical barriers in TDSB schools hurt a wide range of people. The physical accessibility of TDSB schools is required in order to meet the needs of students, as well as any family members and TDSB employees with disabilities. If a school is to be opened up for a public event, physical accessibility barriers also impede members of the public, wishing to attend, who have a range of different disabilities.

Accessibility barriers in the built environment can create obstacles for people with a wide range of disabilities. This includes for example, people with mobility disabilities, people with vision loss

and people with hearing loss. The design of the built environment in a school can also help or create problems for people on the autism spectrum.

It is not sufficient for buildings to simply meet the requirements of the Ontario Building Code, or existing accessibility standards enacted under the Accessibility for Ontarians with Disabilities Act. Neither of those laws provides sufficient built environment accessibility requirements.

The final report of the 2015 Barbara Hall review of TDSB Governance concluded:

“We also heard comments about the lack of physically accessible schools, characterized as a disregard for the right to freedom from barriers to access for those with disabilities. We heard that there is no plan to make all schools accessible by the year 2025, as required under the Accessibility for Ontarians with Disabilities Act. Frustration was clearly expressed that equity and accessibility do not seem to be core values demonstrated by the TDSB.”

At its March 7, 2016 meeting, TDSB staff advised SEAC that of the 550 schools in the TDSB, only 85 are now disability-accessible. We do not know what measure or standard for built environment accessibility was used to assess those schools. TDSB staff advised SEAC at that meeting that the Ontario Government does not give it any funds earmarked for built environment accessibility retrofits.

In this year, TDSB has dedicated five million dollars, drawn from other allocations, to use on accessibility built environment retrofits. SEAC was told that the use of that five million dollars is expected to raise the number of accessible schools to 140 out of 550.

TDSB staff told SEAC that neither TDSB nor the Ontario Government has created a provincial design standard for the construction of a new school, or for a renovation of an existing school, to ensure that it is fully accessible to people with disabilities. TDSB staff told SEAC that TDSB has a policy that any new construction is to meet or exceed accessibility requirements in the Ontario Building Code.

Complying with the Ontario Building Code does not ensure that a new building is fully accessible. It is wasteful and inefficient to re-invent the built environment accessibility wheel each time TDSB builds a new school or renovates an existing one.

TDSB's duty regarding the accessibility of its built environment is not new. It was not first created by the AODA. It dates back over three decades, to the Ontario Human Rights Code and the Charter of Rights.

In the past, TDSB has treated accessibility issues, like built environment accessibility, as a separate silo from special education. These should be coordinated, and not isolated in silos. SEAC has tried to start the process of breaking down those silos, by including a review of built environment as part of its review of special education at TDSB.

RECOMMENDATIONS

SEAC therefore recommends as follows:

1. TDSB should develop a plan for ensuring that the built environment of its schools and other educational facilities becomes fully accessible to people with disabilities as soon as

reasonably possible, and in any event, no later than 2025. The focus is to do as much as can be done within available funding, and through school-based decisions. As part of this planning process:

- a) As a first step, TDSB should develop a plan for making as many of its schools disability-accessible within its current financial context. Accessibility does not only include the needs of people with mobility disabilities. It must include the needs of people with all disabilities, e.g. those with vision and/or hearing loss.
 - b) TDSB should identify which schools can be more easily made accessible, and which schools would require substantially more extensive action to be made physically accessible. An interim plan should be developed to show what progress towards full physical accessibility can be made by first addressing schools that would require less money to be made physically accessible, taking into account the need to also consider geographic equity of access across TDSB.
2. If the Ontario Government does not have a detailed and sufficient accessibility standard for the design of the built environment in schools, TDSB should develop an up-to-date list of design criteria for ensuring the physical accessibility of any new construction or renovation, especially at a school. This should meet the accessibility requirements of the Ontario Human Rights Code and the Charter of Rights. It should meet the needs of all disabilities, and not only those of people with mobility disabilities.
 3. When TDSB seeks to retain outside design professionals, such as architects, for the design of a new school or a school renovation, or for any other TDSB construction project, TDSB should include in any Request for Proposal (RFP) a strong condition that the design professional must have sufficient expertise in accessibility design. This includes the accessibility needs of people with all kinds of disabilities, and not just those with mobility impairments.
 4. TDSB trustees and SEAC should review design decisions on new construction or renovations to ensure that physical accessibility is effectively addressed.
 5. TDSB should look for funding to reallocate to accessibility retrofits, where possible, from within its budget. When doing this, TDSB should recognize that fulfilling its duties under the Charter of Rights and the Ontario Human Rights Code is an important budgetary priority.
 6. Where possible, TDSB should avoid throwing good money after bad, i.e. by renovating an existing school that lacks disability accessibility, unless TDSB has a plan to also make that school accessible. For example, TDSB should not spend public money to renovate the second storey of a school which lacks accessibility to the second storey, if TDSB does not have a plan to make that second storey disability-accessible. Health and safety concerns should be the only reason for any exception to this.
 7. When TDSB decides which schools to close due to reduced enrollment, a priority should be placed on keeping open schools with more physical accessibility, while a priority should be given to closing schools that are the most lacking in physical accessibility, or for which

retrofitting is the most costly. For example, none of the 85 TDSB schools that are now accessible should be closed.

8. TDSB should adopt a policy that TDSB off-site events will only be held at venues with built environment accessibility.
9. TDSB should designate a chief accessibility officer, with ultimate responsibility for all accessibility efforts at TDSB, including accessibility of the built environment. This position should report directly to the Director of Education. TDSB's chief accessibility officer should periodically report to TDSB trustees and to SEAC on TDSB plans and progress on built environment accessibility.

Motion #4 (June 7, 2016)

Ensuring Digital Accessibility at TDSB

BACKGROUND

Under the Ontario Human Rights Code, the Charter of Rights and the Accessibility for Ontarians with Disabilities Act, TDSB has a duty to ensure full digital and information technology accessibility, and not just the physical accessibility of its built environment. If TDSB does not ensure full digital and information technology accessibility, its learning environment will include disability barriers that could easily have been prevented.

Accessibility standards enacted under the Accessibility for Ontarians with Disabilities Act already impose specific duties on TDSB regarding digital and information technology accessibility. TDSB must consider accessibility in its procuring goods and services used in our schools. Since 2014, TDSB has had specific duties re web content accessibility. Its digital/information technology duties under the Ontario Human Rights Code and the Charter of Rights supersede these, and require more prompt action than AODA accessibility standards now spell out.

It is far easier to achieve digital accessibility than built environment accessibility. TDSB's digital and information technology landscape is quickly changing. Its web content is constantly being updated. Classroom digital technology is refreshed on a far shorter cycle than is its built environment. Moreover, the steps to ensure digital accessibility can be much easier to deploy. For example, ensuring that a brochure or notice to parents is made available in an accessible format, costs nothing if TDSB takes a responsible approach to its digital and information technology practices.

TDSB's website announces general accessibility commitments under the heading "Accessibility," found at <http://www.tdsb.on.ca/AboutUs/accessibility.aspx>

Its website commits as follows:

"The Toronto District School Board is committed to maintaining a learning and working environment which actively promotes and supports human rights and accessibility for persons with disabilities.

We are committed to actively removing barriers, whether visible or invisible, so that all members of our community can fully participate in TDSB activities.

We have a variety of policies and procedures in place for staff, students and community members that ensures compliancy with the Accessibility for Ontarians with Disabilities Act. Also, we have created a Multi-Year Accessibility Plan that outlines how we ensure compliancy with the Act and moving the Board towards a more inclusive environment.”

TDSB’s website announces its commitments on digital and information technology accessibility. Found at <http://www.tdsb.on.ca/AboutUs/Accessibility/InformationandCommunications.aspx> under the heading “Information and Communication,” TDSB commits:

“Keeping our community informed is critical and making materials available in accessible format is one way we support all members of our community.

The TDSB will:

Provide resources or materials – including education and training documents, student records, school program information, public emergency evacuation information – in an accessible format, upon request.

Provide accessible formats and communication supports upon request in a timely manner and at no additional cost, if any, than the amount charged to others.

Consult with the person making the request to determine the format or support required.

Provide accessible or conversion-ready formats of print, digital, or multi-media resources in school libraries, upon request.

Procure accessible or conversion-ready electronic formats, where available.

Ensure any websites and web content meet WCAG 2.0, accessibility standards.”

There are several immediate examples of TDSB failing to provide proper digital accessibility. For example:

- ❖ TDSB’s multi-year accessibility plan, required under the AODA, is posted in a PDF format lacking proper accessibility. It is not also posted in a proper alternative format such as HTML or MS Word.
- ❖ TDSB’s electronic brochure for its April 16, 2016 Parents as Partners conference was circulated in an inaccessible PDF, without being accompanied by a fully accessible alternative electronic format. This was so despite TDSB knowing that there are parents with disabilities who would want access to that information.
- ❖ TDSB’s online form for signing up for the 2016 Parents as Partners conference was not accessible to parents with disabilities using adaptive technology.

Digital and information technology accessibility helps many people at the same time. It helps students with special education needs. It helps parents, guardians and other family members with disabilities. It helps TDSB staff and volunteers with disabilities.

Digital and information technology accessibility is essential to TDSB's inclusion strategy. If TDSB schools and classes have digital and information technology barriers, it will be harder and more costly to integrate students with special education needs in the mainstream classroom.

A lack of full digital and information technology accessibility will delay inclusion by decades. It will place mainstreamed students with disabilities in a second-class status. This is contrary to Article 24 (Education) of the United Nations Convention on the Rights of Persons with Disabilities which Canada ratified in 2010.

RECOMMENDATIONS

SEAC therefore recommends that:

1. TDSB should ensure that:

- a) Educational equipment and technology, including hardware and software, deployed in educational settings, should be designed based on universal design principles, to ensure that as many students with different abilities can use them.
- b) TDSB Learning Management Systems (LMS) should be accessible to staff and students who use adaptive technology. They should have all accessibility features invoked and available to ensure that information posted through them will be accessible to students using adaptive technology such as screen readers or voice recognition tools. TDSB should ensure that no teacher is able to turn off any feature of the MS that is accessible in favour of one that is not.
- c) TDSB websites and intranet content should be fully accessible, with all new information posted on them fully accessible.
- d) Electronic documents created at TDSB should be created in accessible formats unless there is some exceptional and unavoidable reason demanding otherwise. If a PDF document is created, it should conform to ISO 14289 with an alternate version of the content posted in Microsoft Word or HTML format.
- e) Software used to produce TDSB documents such as report cards, Individual Education Plans, or other key documents should be designed to ensure that they produce these documents in accessible formats.
- f) Only textbooks and learning software should be procured which include full information technology accessibility. Any textbook used in any learning environment must be accessible to teachers and students with disabilities at the time of procurement. For example, if a textbook is available in EPUB or PDF format, the textbooks must meet the international standard for that file format. For PDF it is ISO 14289 and for EPUB it is the W3C Digital Publishing Guidelines currently under review. If a textbook is available in print, the publisher should be required to provide the digital version of the textbook in an

accessible format (for example, EPUB or PDF) at the same time the print version is delivered to the school/Board. Both of these formats, if created to be accessible, provide conversion-ready content for students who might need Braille or large print versions.

2. TDSB should establish, implement and publicize information technology procurement accessibility requirements, to ensure that no information technology is purchased unless it ensures full digital accessibility. Digital and information technology accessibility should be included in all Requests for Proposal (RFP) or other tenders for sale of products and services to TDSB.
3. As recommended in Motion #3, TDSB should establish the position of chief accessibility officer, who should have ultimate responsibility for digital accessibility.
4. TDSB should establish a detailed plan for ensuring digital accessibility. It should include a monitoring/ audit component. TDSB should semi-annually report on progress towards digital and information technology accessibility to TDSB trustees and to SEAC.
5. TDSB should include in its digital accessibility plan a detailed plan for training TDSB staff, including teachers, on ensuring digital/information technology accessibility in the classroom, on the use of access technology (where needed) and on steps how to create accessible documents and web content.