



| ADMINISTRATIVE PROCEDURE | |
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| <i>Approval Date</i> 2015 | <i>Replacing</i> All previous procedures |
| <i>Review Date</i> 2020 | <i>Page</i> 1 of 22 |
| <i>Contact Person/Department</i> Superintendent of Safe and Accepting Schools | <i>Identification</i> BD-2101 |

EQUITY AND INCLUSIVE EDUCATION

1.0 PURPOSE

To achieve an equitable and inclusive school climate, the school board and schools will strive to ensure that all members of the school community feel safe, comfortable and accepted. We want all staff and students to value diversity and to demonstrate respect for others and a commitment to establishing a just, caring society.

Trillium Lakelands District School Board believes that in our learning and working environments all students can learn, and our goal is to enable each and every student to learn effectively, to reduce achievement gaps, and to improve learning outcomes for all regardless of race and ethnicity, gender, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age, marital status, physical and intellectual ability/disability, and other forms of marginalization.

The Board believes that equity and inclusive education apply to all aspects of Board and school operations, and that the following eight areas of focus are important in an equitable and inclusive educational environment:

- Board policies, programs, guidelines, and practices;
- Shared and committed leadership;
- School–community relationships;
- Inclusive curriculum and assessment practices;
- Religious accommodation;
- School climate and the prevention of discrimination and harassment;
- Professional learning;
- Accountability and transparency.

The Board and its staff are committed to the elimination of discrimination as outlined in Ontario’s equity and inclusive education strategy and in *PPM No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”* (June 24, 2009).

This procedure outlines the steps and practices the Board and its schools will take to ensure an equitable and inclusive environment in schools, school events, and board activities.

The policy and procedure apply to all Trillium Lakelands District School Board students, employees, Trustees, and other members of the broader community who participate in board and school business and activities.

As necessary or required, the provisions of these procedures are to be interpreted and/or applied as policy as required by the Education Act, Regulations, or Policy and Program Memoranda.

2.0 REFERENCES/RELATED DOCUMENTS

- 2.1 Canadian Charter of Rights and Freedoms
- 2.2 Ontario Human Rights Code (referred to as “the Code” in this procedure) Numerous additional Policies and Guides related to human rights are also available on the OHRC Website www.ohrc.on.ca
- 2.3 Ontario’s Equity and Inclusive Education Strategy 2009; Equity and Inclusive Education in Ontario Schools, Guidelines for Policy Development, 2009
- 2.4 Policy and Program Memorandum No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools” (June 24, 2009).
- 2.5 TLDSB Prevention and Resolution of Employee Discrimination and Harassment Policy HR-4010
- 2.6 TLDSB Prevention and Resolution of Employee Discrimination and Harassment Procedure HR-4011
- 2.7 TLDSB Code of Conduct - Policy OP-6020
- 2.8 TLDSB Code of Conduct - Procedure OP-6021
- 2.9 TLDSB Religious Accommodation Guideline Procedure BD-2038

3.0 TERMS AND DEFINITIONS

3.1 ACCOMMODATION

An adjustment made to policies, programs, guidelines, or practices, including adjustments to physical settings and various types of criteria, that enables individuals to benefit from and take part in the provision of services equally and to participate equally and perform to the best of their ability in the workplace or an educational setting. 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, similar grounds.

3.2 BARRIER

An obstacle to equity that may be overt or subtle, intended or unintended, and systemic or specific to an individual or group, and that prevents or limits access to opportunities, benefits, or advantages that are available to other members of society.

3.3 BIAS

An opinion, preference, prejudice, or inclination that limits an individual's or a group's ability to make fair, objective, or accurate judgments.

3.4 CULTURALLY RESPONSIVE CURRICULUM

A curriculum that accurately reflects and uses the variety of knowledge of all peoples as the basis for instruction; that acknowledges and respects diverse social backgrounds, identities and experiences of all students, and places them at the centre of the learning environment. The curriculum provides opportunities for students to understand the similarities, differences and connections between people of diverse communities. The curriculum helps students to acquire the skills and knowledge that enable them to challenge unjust practices and build positive human relationships among their peers and all members of the society.

3.5 CULTURALLY RESPONSIVE TEACHING

Teaching that recognizes that all students learn differently, and that uses the social and cultural backgrounds and identities of the students, their prior knowledge, and their experiences and interests, to build, extend and share knowledge among students. Culturally responsive teachers establish a positive emotional connection with each student in order to build trust, and consistently communicate high expectations for success to each student and to the parent and caregiver.

3.6 DISCRIMINATION

Unfair or prejudicial treatment of individuals or groups on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability, as set out in the Ontario Human Rights Code, or on the basis of other, similar factors.

3.7 DIVERSITY

The presence of a wide range of human qualities and attributes within a group, organization, or society.

3.8 EQUITY

A condition or state of fair, inclusive, and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.

3.9 ETHNICITY

The shared national, ethnocultural, racial, linguistic, and/or religious heritage of a group of people, whether or not they live in their country of origin.

3.10 HARASSMENT

A form of discrimination that may include unwelcome attention and remarks, jokes, threats, name-calling, touching, or other behaviour (including the display of pictures) that insults, offends, or demeans someone because of his or her identity.

3.11 INCLUSIVE EDUCATION

Education that is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in the curriculum, their physical surroundings, their broader environment, in which diversity is honoured and all individuals are respected.

3.12 RELIGIOUS ACCOMMODATION

An obligation under the Ontario Human Rights Code to provide reasonable accommodation for students and employees who wish to observe the tenets or practices of their faith, as well as for those who wish *not* to participate in any form of religious observance.

Note: An extensive glossary is contained in the Ministry publication “Equity and Inclusive Education in Ontario Schools Guidelines for Policy Development and Implementation, 2009”, available on the Ministry of Education Website.

4.0 ADMINISTRATIVE PROCEDURE

4.1 AREAS OF FOCUS

4.1.1 Eight areas of focus for implementing equity and inclusive education are identified in the guideline, strategy, and PPM 119. The Board is committed to addressing all eight focus areas on a regular basis.

4.1.2 Each focus area outlined in this procedure contains:

- a) A preamble explanation followed by a statement of commitment which will serve to guide the actions of the Board and its schools, in honouring its commitments to equity and inclusive education policy development, implementation, monitoring and reporting.
- b) Actions the Board and its schools will take to ensure an equitable and inclusive educational environment.

The areas of focus are:

- Board policies, programs, guidelines, and practices;
- Shared and committed leadership;
- School–community relationships;
- Inclusive curriculum and assessment practices;
- Religious accommodation;
- School climate and the prevention of discrimination and harassment;
- Professional learning;
- Accountability and transparency.

4.2 FOCUS AREA #1: BOARD POLICIES, PROGRAMS, GUIDELINES AND PRACTICES

- 4.2.1 The Board will ensure that its policy review cycle will result in the alignment and integration of the requirements of the *Code*, Policy/Program No. 119 and the *Strategy* into all board policies, programs, procedures, and practices.
- 4.2.2 Respect for the diverse perspectives of the entire school community will be reflected in all areas of the teaching, learning and administrative culture. Every effort will be made to identify and remove discriminatory biases and systemic barriers that may limit access to, and opportunity for, effective student engagement and achievement. The goal is to ensure that schools are inclusive and reflect the makeup of their diverse communities.
- 4.2.3 The Board is committed to serving students, staff, and families in diverse communities by incorporating the principles of equity and inclusive education into all aspects of its operations, structures, policies, programs, procedures, guidelines, and practices, consistent with the principles of the *Code*.
- 4.2.4 The Board will:
- a) Establish the foundational framework that will inform their review and/or development and implementation of a comprehensive equity and inclusive education policy that recognizes and addresses biases related to race and ethnicity, gender, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age, marital status, physical and intellectual ability/disability and other forms of marginalization.
 - b) Review existing equity and inclusive education policies and/or extend or develop such policies to fulfill the requirements of existing regulations, the *Strategy*, Policy/Program Memorandum No. 119, and the *Code*.
 - c) Ensure that principles of equity and inclusive education permeate and are explicitly stated in all Board policies, programs, guidelines, operations, practices, and Board improvement plans.
 - d) Ensure all future policies, guidelines and practices are drafted and implemented in accordance with the Board's equity and inclusive education policy.
 - e) Collect information needed to monitor the effects of the implementation of the Equity and Inclusion Education policy by the Board.
 - f) Ensure persons with disabilities are accommodated appropriately and in a manner consistent with the *Code*.
 - g) Provide training for school leaders and hiring managers to facilitate equitable recruitment and hiring practices to reflect Ontario's diverse society.
 - h) Provide opportunities for the diverse school community, including students, staff, parents, trustees and community members, to provide active input into Board policies and improvement plans on an ongoing basis.
 - i) Investigate in a thorough and timely manner any claims of discrimination and take appropriate action, consistent with the principles of the *Code*.

4.2.5 Schools will:

- a) Review existing school policies, for example, codes of conduct and discipline procedures, to determine that they include the principles of equity and inclusive education.
- b) Extend, develop, and implement strategies to actively engage students, parents, families, and the wider community in the review, development, and implementation of initiatives to support and promote equity and inclusive education.
- c) Implement Board equity and inclusive education policies, programs and school improvement plans that are consistent with the *Code* and reflect the needs of their diverse students and school communities.

4.3 FOCUS AREA #2: SHARED AND COMMITTED LEADERSHIP

- 4.3.1 The Board subscribes to an informed leadership philosophy that inspires, empowers, and supports all stakeholders to join together to implement institutional practices and behaviours that cultivate equity and inclusive education.
- 4.3.2 The Board is committed to providing informed shared leadership to improve student achievement and to close achievement gaps for students by identifying, addressing, and removing all barriers and forms of discrimination, consistent with the principles of the *Code*.
- 4.3.3 The Board recognizes the critical connection between student leadership and improved student achievement and will strive to include the student voice in the implementation of equity and inclusive education.
- 4.3.4 In accordance with the Ministry's Ontario Leadership Strategy, effective Board and school leaders will encourage and promote a collaborative approach to all dimensions of equity and inclusive education, which ensures the participation of students, parents, unions, colleges and universities, service organizations and other diverse community partners.
- 4.3.5 The Board is committed to establishing and maintaining partnerships with diverse communities so that the perspectives and experiences of all students are recognized to help meet their needs.
- 4.3.6 The Board will:
 - a) Develop a system plan to build and sustain staff capacity in the areas of equity and inclusive education in curriculum and instruction, human resources and governance.
 - b) Identify and appoint a contact person to liaise with the Ministry and other Boards to share challenges, promising practices and resources.

- c) Provide ongoing education and training for students, administrators, teachers, support staff and trustees in implementing equity and inclusive education and leadership initiatives.
- d) Establish selection criteria for leadership positions that prioritize demonstrated commitment, knowledge and skills related to equity and inclusive education implementation and inclusive leadership, and cognizant of *Code* compliance.
- e) Provide ongoing training for all staff that reflects comprehensive attention to the principles of human rights and their fundamental role in an equitable and inclusive environment.
- f) Strive to include members of communities that are underserved and /or marginalized in the shared leadership.

4.3.7 Schools will:

- a) Establish a collaborative culture where the collective capabilities and voices of all stakeholders are used to develop and implement equity and inclusive education goals.
- b) Promote equity minded student leadership related to issues of social justice.
- c) Demonstrate leadership in setting the tone for the positive and proactive implementation of the Equity Strategy within the school.

4.4 FOCUS AREA #3: SCHOOL- COMMUNITY RELATIONSHIPS

- 4.4.1 The Board recognizes that the effective review, development, implementation and monitoring of equity and inclusive education policies and practices requires the involvement of all members of the entire school community.
- 4.4.2 The Board values the assets that all stakeholders can bring to enable each and every student to learn effectively and enhance educational opportunities for all.
- 4.4.3 The Board is committed to the maintenance, development, and expansion of partnerships with parents and diverse communities that support system and school improvement.
- 4.4.4 The Board will undertake to identify, examine, and remove barriers that exist which may prevent full participatory school-community relations.
- 4.4.5 The Board is committed to establishing and maintaining a collaborative relationship with diverse communities so that the perspectives and experiences of all students, families, and employees are recognized and addressed.
- 4.4.6 The Board will:

- a) Review and/or initiate tools, for example, school climate surveys, to determine stakeholders' views on school environments and act upon relevant next steps.
- b) Review existing committees to assess the levels of representation of the diversity of the Board and the wider community.
- c) Review and /or deepen existing community partnerships to ensure that they reflect the principles of equity and inclusive education.
- d) Expand community outreach efforts to foster new partnerships that engage a cross-section of diverse students, parents, staff, community members and various community organizations, including business groups to foster and support an inclusive environment.
- e) Establish processes to identify and address systemic barriers that limit or prevent all sectors of the school community from opportunities for Board representation and involvement in Board activity.

4.4.7 Schools will:

- a) Implement strategies to review existing community partnerships to ensure that they reflect the diversity of the broader community.
- b) Invite and support representation of diverse groups on school committees, including school improvement planning.
- c) Engage stakeholders in community forums to listen and address concerns and suggestions.

4.5 FOCUS AREA #4: INCLUSIVE CURRICULUM AND ASSESSMENT PRACTICES

4.5.1 The Board recognizes that inclusive curriculum seeks to recognize and affirm the life experiences of all students, regardless of race and ethnicity, gender, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age, marital status, physical and intellectual ability/disability, and other forms of marginalization.

4.5.2 Providing opportunities for formative assessment (assessment for learning) is an essential component of an inclusive curriculum. Multiple opportunities for assessment allow for student learning and accuracy of instruction and assessment, differentiated instruction, and varied opportunities to demonstrate learning. Effective evaluation includes researched best practices that truly reflect the current level of achievement of the student. A student perspective on assessment and evaluation practices increases the depth of understanding.

4.5.3 The Board is committed to implementing a culturally responsive curriculum and to reviewing resources, instruction, and assessment and evaluation practices in order to identify and address discriminatory biases so that each student may maximize her or his learning potential.

4.5.4 The Board will:

- a) Review student assessment and evaluation policies and practices to identify and address bias that may exist in the way students' work is assessed and evaluated in order to reduce the achievement gap. The principles of such a review will be consistent with the *Code*.
- b) Support the schools' review of classroom strategies that promote culturally responsive teaching, school-wide equity and inclusive education policies and practices specifically addressing areas of discrimination under the *Code* (e.g., race, gender, culture, differing ability, creed/religion, sexual orientation).

4.5.5 Schools will:

- a) Review student assessment and evaluation policies and practices to identify and address systemic bias that may exist in the way students' work is assessed and evaluated; the principles of such a review will be consistent with the *Code*.
- b) Provide for assessment and evaluation to support growth and learning, with the belief that each and every student can achieve and be successful given the appropriate time and support.
- c) Provide education and training based on the belief that all students can learn and that it is reflected in the expectations of students' assessment and evaluation practices, counselling about available program options, and other counselling practices.
- d) Use a variety of assessment strategies and instruments to inform short- and long-term planning to reduce gaps in student achievement and improve student learning.
- e) Support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices.
- f) Provide multiple opportunities for assessment (self, peer, teacher, student led conferencing and /or parent/student and teacher interviews).
- g) Instruction should be adjusted based on the results of formative assessment. Feedback to students should be specific, timely and promote further learning.
- h) Provide a learning environment that recognizes and supports a variety of learning styles found in students. Provide for consistent monitoring of the growth of students who are on Individual Education Plans and/or are English Language Learners to meet the specific needs of students are addressed through the accuracy of programming based on best practices in assessment; all needed accommodations and modifications must be in place to assist the student in accessing the curriculum.
- i) Provide an education program for students who have English language learning needs that aligns with their specific needs and that provides equity of access to the curriculum.
- j) Provide access and use of assistive technologies for students who require accommodations to support achievement and success.

- k) Engage students as active participants in their learning through culturally responsive teaching (e.g. students seeing and hearing themselves in the curriculum; gender specific teaching practices; culturally relevant and responsive pedagogy; research based practices in assessment and evaluation).
- l) Review and reflect upon classroom practices and revise them as needed to help ensure that they are aligned with school-wide equity and inclusive education policies.
- m) Make certain that resources and instructional strategies are respectful (show people of different race and ethnicity, gender, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age, marital status, physical and intellectual ability/disability and other forms of marginalization) in non-stereotypical settings, occupations, and activities; explore the roles and contributions of all peoples in Canada, and the factors that shaped these roles; encourage open discussion of the prohibited grounds in society, the community, and the school.

4.6 FOCUS AREA #5: RELIGIOUS ACCOMMODATION

Please reference TLDSB Religious Accommodation Guidelines in Appendix 2

4.7 FOCUS AREA #6: SCHOOL CLIMATE AND THE PREVENTION OF DISCRIMINATION AND HARASSMENT

- 4.7.1 School climate must welcome all stakeholders and encourage active participation of parents, students and staff in ensuring that the principles of the *Code* and the Equity Strategy are applied in our schools. The Equity strategy requires Boards to use a range of tools, including an equity lens, reflection tools and *Code* principles to examine their policies, procedures and practices to address what may be discriminatory practices. Respectful school climate includes the active participation of underrepresented peoples as valued participants. Board mechanisms work towards the eradication of discrimination and harassment by ensuring that all members of the school community are aware of a timely and measured response to claims of discrimination of any kind.
- 4.7.2 The Board is committed to supporting/accepting the principle that every person within the school community is entitled to a respectful, positive school climate and learning environment, free from all forms of discrimination and harassment.
- 4.7.3 The Board will:
 - a) Implement strategies to identify and remove discriminatory barriers that limit engagement by students, parents, and the community, so that diverse groups and the broader community have Board-level representation and access to Board initiatives.

- b) Put procedures in place that will enable students and staff to report incidents of discrimination and harassment safely and that will also enable Boards to respond in a timely and effective manner as required in P/PM 145-2009 - Progressive Discipline and Promoting Positive Student Behaviour.
- c) Promote positive behaviour through initiating or strengthening proactive programs to reduce suspensions and expulsions and as required by P/PM 144 – 2009- Bullying Prevention and Intervention.
- d) Create a culture of high expectations in which excellence is continually strived for and respect permeates the environment.

4.7.4 Schools will:

- a) Revise codes of conduct to identify and address any evidence of racism or discrimination.
- b) Use Progressive Discipline practice which may include peer mediation and restorative practices.
- c) Ensure that every student is supported as identified in Student Success strategies, *Learning for All, Reach Every Student*, including the *Code*, and is inspired to succeed in a culture of high expectations for learning.
- d) Ensure that school codes of conduct are developed with the active consultation and involvement of students, staff, parents, and a representative cross-section of community members to address the needs of diverse communities.
- e) Assure the school community that Board procedure will enable students and staff to report incidents of harassment and discrimination safely and to have confidence that they will receive a timely and appropriate response in accordance with the requirements of the *Education Act*, Bill 186, and the TLDSB Violence in the Workplace Policy and Procedure.

4.8 FOCUS AREA #7: PROFESSIONAL LEARNING

4.8.1 Professional learning increases the knowledge and skills that teachers bring to the craft and science of teaching, and, thus, engages the student with increasing complexity and precision teaching. Ongoing professional learning is the groundwork for positive changes in our schools.

4.8.2 The Board is committed to providing administrators, staff, students and other members of the school community with opportunities to develop the knowledge, skills, mindset and behaviour needed to identify and eliminate discriminatory biases and systemic barriers.

4.8.3 The Board will:

- a) Support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices.

- b) Allocate resources to provide ongoing opportunities for students, administrators, teachers, support staff, and trustees to participate in equity and inclusive education training and leadership initiatives.
- c) Provide equity and inclusive education training to students, administrators, teachers, support staff, and trustees.
- d) Ensure that the principles of equity and inclusive education are modelled and incorporated in professional learning programs.

4.8.4 Schools will:

- a) Review classroom strategies and revise them as needed to help ensure that they are aligned with and reflect board-wide equity and inclusive education policies.
- b) Promote collaboration among staff to select and implement best practices in equity and inclusive education.
- c) Build staff capacity through ongoing professional learning that is based on needs determined through results-oriented and evidence-based research.
- d) Encourage and support students in their efforts to promote social justice, equity, and inclusive practices and activities in schools and classrooms.
- e) Undertake initiatives which promote a welcoming and respectful school environment and provide timely and specific feedback that will further school-wide equitable practices.

4.9 FOCUS AREA #8: ACCOUNTABILITY AND TRANSPARENCY

4.9.1 As a publicly funded education system, the Board acknowledges and assumes the responsibility for its policies, actions, and decisions. In the pursuit of greater transparency and accountability, the Board, in respectful collaboration and communication with the whole school community, will report on its goals and progress in the areas of policy review, school improvement planning and the implementation of Ontario's Equity and Inclusive Education Strategy.

4.9.2 The Board is committed to assessing and monitoring progress in implementing Ontario's Equity and Inclusive Education Strategy; to embed the principles into all Board policies, programs, guidelines and practices; and to communicate these results to the community.

4.9.3 The Board will:

- a) Embed the principles of equity and inclusive education into all Board policies, programs, guidelines, and practices.
- b) Actively communicate the equity and inclusive education policy to students, teachers, parents, staff, school councils, community partners, and volunteers and post it on the Board's website. Seek and use feedback to improve the Equity and Inclusive Education policy, in the spirit of continuous improvement.

- c) Engage Board and school teams in school improvement planning with particular emphasis on identifying and removing barriers to student achievement.
- d) Establish processes to monitor progress and assess effectiveness of policies, programs, and procedures.
- e) Report on the progress of implementation of Ontario's Equity and Inclusive Education Strategy and its impact on student achievement using specific criteria from the Ministry of Education and the local community.
- f) Ensure the transparency of the Identification Placement and Review Committee (IPRC) process, inform, and support parents through this process.

4.9.4 Schools will:

- a) Report student achievement data annually to the Board and intervene at all levels to ensure the achievement and success of all students.
- b) Develop and communicate evidence based school improvement plans that are aligned with Ontario's Equity and Inclusive Education Strategy.
- c) Review and establish self-reflection and self-assessment tools to determine the effectiveness of the school's equity and inclusive education plans and procedures (example: climate surveys, Equity Walks).

4.10 UNRESOLVED REQUESTS

4.10.1 The Board will take reasonable and timely steps to address unresolved issues raised by the affected person(s) which could include the Board's recommended dispute resolution mechanism, as outlined in school agendas and on the Board website. Additional information pertaining to special education can be found in the Board's Special Education plan.

5.0 APPENDICES

- 5.1 Appendix 1 - Equity Walks (template developed by Dr. Bev Freedman and adapted by the Ontario Principals Council Equity and Inclusive Education Team)
- 5.2 Appendix 2 - Religious Accommodation Guidelines

EQUITY WALK MATRIX

The purpose of equity walks is to sharpen & focus the instructional leadership lens and allow the gathering of observational data to confirm or challenge assumptions regarding school improvement and equity in the building(s). Equity walks support ongoing monitoring of implementation.

The observational data remains tacit unless there is specific collegial feedback to staff to engage them in reflecting on instruction and assessment.

The Equity Walks Document at the link below was developed by the Ontario Principal's Council (OPC).

<http://www.principals.ca/documents/EquityWalkMatrix.pdf>

RELIGIOUS ACCOMMODATION GUIDELINE

Trillium Lakelands District School Board acknowledges each individual's right to follow or not to follow religious beliefs and practices, free from discriminatory or harassing behaviours and is committed to taking all reasonable steps to provide religious accommodations to staff and to students.

Trillium Lakelands District School Board recognizes and values the religious diversity within its community and is committed to providing a safe, respectful and equitable environment for all, free from all forms of discriminatory or harassing behaviours based on religion.

The Board commits to work with the community it serves to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. While the Board and its staff will take all reasonable steps to ensure freedom of religion and religious practices consistent with the Code, it is expected that students and their families will help the Board to understand their religious needs and will work with the Board and its schools to determine appropriate and reasonable accommodations.

TERMS AND DEFINITIONS

Accommodation

- The Ontario Human Rights Commission's Policy on Creed and the Accommodation of Religious Observances define "accommodation" as a duty corresponding to the right to be free from discrimination.
- The Code provides the right to be free from discrimination, and there is a general corresponding duty to protect the right: the "duty to accommodate." The duty arises when a person's religious beliefs conflict with a requirement, qualification or practice. The Code imposes a duty to accommodate based on the needs of the group of which the person making the request is a member. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation. (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, October 20, 1996, pg. 5)
- The duty to accommodate is an obligation that arises when requirements, factors, or qualifications, which are imposed in good faith, have an adverse impact on, or provide an unfair preference for, a group of persons based on a protected ground under the Code.
- The duty to accommodate must be provided to the point of undue hardship. In determining whether there is undue hardship, section 24(2) of the Code provides that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

Creed

- Creed is interpreted by the Ontario Human Rights Commission's 1996 Policy on Creed and the Accommodation of Religious Observances as "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances of worship.
- The existence of religious beliefs and practices are both necessary and sufficient to the meaning of creed, if the beliefs and practices are sincerely held and/or observed.
- According to the Ontario Human Rights Commission, every person has the right to be free from discrimination or harassing behaviour that is based on religion or which arises because the person who is the target of the behaviour does not share the same faith. Atheists and agnostics are also protected under the *Code*.
- Creed does not include secular, moral, or ethical beliefs or political convictions. This policy does not extend to religions that incite hatred or violence against other individuals or groups, or to practices and observances that purport to have a religious basis, but which contravene international human rights standards or criminal law (Policy on Creed and the Accommodation of Religious Observances, Ontario Human Rights Commission, October 20, 1996, pg. 2).

Undue Hardship

- Accommodation will be provided to the point of undue hardship, as defined by the OHRC (for example in the *Policy and Guidelines on Disability and the Duty to Accommodate*). A determination regarding undue hardship will be based on an assessment of costs, outside sources of funding, and health and safety. It will be based on objective evidence. For more information about the evidence needed to prove undue hardship, see *Human Rights at Work*, p. 133-134.
- A determination that an accommodation will create undue hardship carries with it significant liability for the Board. It should be made only with the approval of the Board of Trustees.
- Where a determination is made that an accommodation would create undue hardship, the person requesting accommodation will be given written notice, including the reasons for the decision and the objective evidence relied upon. The accommodation seeker shall be informed of his or her recourse under the Board's Equity and Inclusive Education Policy and Anti-Discrimination Policy and Procedure, and under the Ontario *Human Rights Code*.
- Where a determination has been made that an accommodation would cause undue hardship, the Board will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

GUIDELINE

The Board recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory or harassing behaviour based on religion through human rights policies, equity and inclusive education policy, safe schools policies and curriculum documents. All of these will be informed by, and interpreted in accordance with, the principles of the Code.

The *Canadian Charter of Rights and Freedoms* (Section 15) protects freedom of religion. The *Ontario Human Rights Code* (The Code) protects an individual's freedom from discriminatory or harassing behaviours based on religion. In addition to and consistent with this legislation, The *Education Act*, its Regulations and policies govern Equity and Inclusion in Schools:

- PPM No 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools",
- R.R.O. 1990, Regulation 298, "Operation of School-General" s 27-29, under the heading "Religion in Schools"
- PPM No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools".

Accommodation Guidelines

The purpose of this guideline is to ensure that all Board staff, students, parents and other members of the school community are aware of their rights and responsibilities under the Code with respect to religious accommodation.

In accordance with the Equity Strategy, the Code and OHRC's *Guidelines on Developing Human Rights Policies and Procedures*.

The Board is committed to providing an environment that is inclusive and that is free of barriers based on creed (religion). Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The Board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

Accommodation Based On Request

- School and Board websites should include information about the procedure to follow in order to request an accommodation for religious observances and/or holy days.
- The Board will take all reasonable steps to provide accommodation to individuals to facilitate their religious beliefs and practices. No person will be penalized for making an accommodation request.
 - The Board will base its decision to accommodate by applying the Code's criteria of undue hardship with the Board's ability to fulfill its duties under Board policies and the Education Act.
 - When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed in order to develop appropriate accommodation. However, school administrators should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices (e.g. performing daily prayers or wearing a head covering is not the responsibility of the school or the Board).

General Procedures For Religious Accommodation

- a) Staff
The person requesting accommodation should advise administration at the beginning of the school year. If September notice is not feasible, the person should make the request as early as possible. The absence of employees due to religious observances should be granted as determined by this policy and the appropriate collective agreement.
- b) Students
Students under the age of 18 must present verbal or written notice from their parents/guardians specifying their accommodation needs relating to religious observances, including holy days on which they will be absent from school. This notice should be made enough in advance (preferably at the beginning of each school year) to ensure that scheduling of major evaluations, such as tests, assignments or examinations, takes the religious observances into consideration.

Areas Of Accommodation

For many students and staff of the Board, there are a number of areas where the practice of their religion will result in a request for accommodation on the part of the school and/or the Board. These areas include, but are not limited to the following:

- School opening and closing exercises;
- Leave of Absence for Religious Holy Days;
- Prayer;
- Dietary requirements;
- Fasting;
- Religious attire including modesty requirements;
- Participation in daily activities and curriculum.

General Guidelines and Procedures

This guideline will consider each (of the above stated) area of accommodation in turn.

- a) **School Opening and Closing Ceremonies**
Pursuant to the Ontario Ministry of Education Policy/Program Memorandum No. 108 (“Memorandum No. 108”), if a student over the age of 18 or parent/guardian objects to all or part of the opening or closing exercises due to religious beliefs, the student will be exempted and given the option not to participate and to remain in class or in an agreed upon location through the duration of the exercise. Memorandum No. 108 states the following:
 - All public elementary and secondary schools in Ontario must be opened or closed each day with the national anthem. “God Save the Queen” may be included.
 - The inclusion of any content beyond “O Canada” in opening or closing exercises is to be optional for public school boards. This optional content should reflect our diverse society.

These requirements will be interpreted in accordance with the *Code* and the Board will consider other requests for accommodation as may be made.

b) Absence for Religious Holy Days

- Section 21(2) (g) of the Education Act provides that a person is excused from school attendance in observance of a “holy day by the church or religious denomination to which he/she belongs.” This requirement will be interpreted in accordance with the *Code*.
- All staff and students who observe religious holidays in accordance with section 21(2) (g) of the *Education Act* may be excused from attendance, subject to the particular request for religious leave process.
- The Board will encourage members of different faith-based groups to identify their religious holy days in accordance with section 4.4. The Board will make reasonable efforts to acknowledge the different observances of their community when planning programs and events (for example, examinations, conferences, meetings, etc.).

| (Examples of) Significant Faith Days: | |
|--|---|
| <i>Baha’j</i> | Ridvan |
| <i>Buddhist</i> | Lunar New Year/Chinese |
| <i>Western Christian</i> | Good Friday |
| <i>Eastern Christian</i> | Christmas Holy Friday |
| <i>Hindu</i> | Diwali |
| <i>Jewish</i> | Rosh Hashanah (2 days) Yom Kippur Passover (first day) |
| <i>Muslim</i> | Eid-ul-Fitr Eid-ul-Adha |
| <i>Sikh</i> | Baisakhi |

c) **Prayer**

Board schools will make reasonable efforts to accommodate individuals' requirement for daily prayer by providing an appropriate location within the building for students and staff to participate in prayer. Particular accommodation for prayer may include a quiet space, late school arrival, early school leaving or seasonal adjustment. Adult presence should be for supervision purposes only.

d) **Dietary Restrictions**

The Board is sensitive to the different dietary restrictions of various religious groups. Special attention needs to be given to overnight outdoor education activities, breakfast and lunch programs and to food provided in the schools, as well as field trips that extend over a mealtime period, which should include vegetarian options.

e) **Fasting**

Board schools will endeavour to provide appropriate space, other than cafeterias or lunchrooms, for individuals observing religious periods of fasting. Individuals who are fasting may need exemptions from certain physical education classes.

f) **Religious Attire**

"Dress Code" is the appropriate dress policy established by a school, and may include a school uniform. Such policies should be designed inclusively, taking into account common religious needs that may exist.

The Board recognizes that there are certain religious communities that require specific items of religious attire which may not conform to a school's Dress Code. Board schools will reasonably accommodate students with regard to religious attire.

Reasonable accommodations include but are not limited to:

- Head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs, niqab
- Crucifixes, Stars of David, etc.
- Items of religious attire, including items commonly perceived as contravening board policy (see appendices in the Religious Accommodation Guidelines).

Where uniforms are worn, administrators may ask the student to wear religious attire in the same colour as the uniform (e.g. the head scarves for females); however, there may be religious requirements of colour that cannot be modified.

Special attention must be given to accommodations necessary for a student to participate in physical education and school organized sports, this includes modesty requirements, safety concerns etc. Schools will provide reasonable accommodation, taking into consideration the Ministry of Education's mandated expectations in the physical education curriculum. The curriculum requirements should be explained to the family so that it has sufficient information to understand the physical education curriculum and to select available curriculum alternatives.

The Board and its schools will not tolerate any harassment directed at, or inappropriate actions taken against, an individual's religious attire and there will be appropriate consequences for individuals who violate this rule.

g) Participation in Daily Activities and Curriculum

The Board will seek to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance. Where academic accommodation is requested, the school should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict. Where these conflict with the school routines and activities or curriculum, the school should consider accommodation. It cannot, however, accommodate religious values and beliefs that clearly conflict with mandated Ministry of Education and Board policies.

It is important to note that when an individual requests an accommodation related to the curriculum, the accommodation applies to the individual in question and not to the whole class or to classroom practices in general.

The Ministry of Education recommends substitutions when there are exemptions requested related to specific curriculum (Ontario Secondary Schools, Grades 9-12, Program and Diploma Requirements).

Limitations To Religious Accommodation

The Board is committed to preventing and eradicating within its school community discrimination and harassment based on enumerated grounds set out in the *Code*, including creed. The Board supports freedom of religion and an individual's right to manifest his/her religious beliefs and observances. The right to freedom of religion, however, is not absolute.

The Board will limit practices or behaviours in its schools that are in violation of other Board policies which may put public safety, health or the human rights and freedoms of others at risk. These decisions will be made in accordance with the principles of the *Code*.

Unresolved Requests

a) Employee

In the event that, after an employee's consultation with the school administration and the Superintendent of Education, unresolved issues remain, then the matter will be referred to the Superintendent of Human Resources.

b) Students

In the event that a student maintains that his or her rights under the Board's religious accommodation policy have been compromised, dispute resolution will begin with the school administration and follow procedures for addressing concern as outlined on the Board website. The matter may be referred to the appropriate Superintendent of Education.

Guidelines For Administrators

In accordance with their rights, all staff and students who request to observe a religious holy day should be allowed this right without having to undergo any unnecessary hardship.

Staff requesting a leave should advise the school administration at, or as close as possible to, the beginning of the school year and leave should be granted in accordance with the terms of the appropriate collective agreement.

Students requesting a leave should give verbal or written notice from their parent/guardian to the school at, or as close as possible to, the beginning of the school year.

Board/school websites should include information about the procedures for requesting leaves.

All staff members acting on behalf of or representing the Board on other organizations who are planning events or activities have the responsibility to bring this procedure to the attention of these organizations.

For consultation or further clarification of questions, administrators and managers should contact the Board Equity Consultant.

Guideline For Kirpan Accommodation

A Kirpan is a ceremonial sword that must be worn by all baptised Khalsa Sikhs. The Board seeks to accommodate Khalsa Sikhs who wear a kirpan under the following conditions as follows:

- At the beginning of the school year or upon registration, the student and parents/guardians must report to their respective school administration that they are Khalsa Sikhs and wear the five articles of faith, including a Kirpan.
- The principal, in consultation with the student and his/her parents/guardians will develop appropriate accommodations to allow the student to wear the Kirpan while ensuring the safety of others. These may include the following conditions
 - The Kirpan is six inches or less.
 - The Kirpan will be sufficiently secured with a stitched flap so it is not easily removed from its sheath.
 - The Kirpan will not be worn visibly, but under the wearer's clothing.
 - There is notification in writing to the principal by the parents/guardians and student and, where possible, from the Guardwara (place of worship), confirming that the student requesting accommodation is a Khalsa Sikh.
- Students under the age of eighteen must be accompanied by parents/guardians when discussing the rules regarding the wearing of a Kirpan