



Title: **EQUITY AND INCLUSIVE EDUCATION**

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Authorization: PPM No. 119 (2009) "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools"

PPM 144 – 2009 - Bullying Prevention and Intervention.
Education Act Sec 8(1) 29.1

Ontario Human Rights Code

Canadian Charter of Rights and Freedoms

Ontario's Equity and Inclusive Education Strategy

POLICY

It is the policy of the Bloorview School Authority that:

- a) Staff, students, and families in diverse communities be served 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 Ontario Human Rights Code.
- b) The leaders and administrators 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
- c) Collaborative relationships with diverse communities be established and maintained so that the perspectives and experiences of all students, families, elders and community groups and employees are recognized and addressed.
- d) An inclusive curriculum be implemented and resources, instruction, and assessment and evaluation practices be reviewed in order to identify and address any discriminatory biases so that each student may maximize her or his learning potential.
- e) Each individual's right to follow or not to follow religious beliefs and practices be acknowledged, free from discriminatory or harassing behaviour and all reasonable steps be taken to provide religious accommodations to staff and students.

- f) 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.
- g) Administrators, staff, students and other members of the school community be provided with opportunities to acquire the knowledge, skills, attitudes and behaviour needed to identify and eliminate discriminatory biases and systemic barriers under the Ontario Human Rights Code
- h) The progress of Bloorview School Authority in implementing this policy be assessed and monitored and the guiding principles be embedded into all Board policies, programs, guidelines and practices.

GUIDING PRINCIPLES

1. The Ontario Human Rights Code identifies the following prohibited discrimination grounds: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (includes gender identity and pregnancy), sexual orientation, gender expression, age, record of offences, marital status, family status, and/or disability (includes perceived disability).
2. The Bloorview School Authority acknowledges that certain groups in our society are treated inequitably because of individual and systemic biases, barriers, oppression and discrimination related to race, colour, creed, culture, ethnicity, linguistic origin, disability, level of ability, socio-economic class, age, ancestry, nationality, place of origin, religion, sex, gender identity, gender expression, sexual orientation, body image, citizenship, immigration status, family status, and marital status. Similar biases, barriers, oppression and discrimination have also impacted on Canada's First Nation, Métis and Inuit population.
3. The Bloorview School Authority acknowledges that individual and systemic bias, oppression and discrimination may exist within our school and, regardless of intent, may be perpetuated unless focused, explicit, persistent and determined action is taken to identify, challenge and overcome them.
4. The mission of Bloorview School Authority is to enable and empower our students to learn and achieve to their fullest potential by providing specialized integrated programming and technology, partnering and collaborating to build expertise and acting as a key resource and leader in education. This must be done regardless of race, class, gender, ethnicity, disability, sexual orientation, gender expression and other historical forms of marginalization.

5. The Bloorview School Authority will ensure that our school system is built on the principles of anti-oppression, anti-racism, non-discrimination, equitable and inclusive education, which
 - a) is a foundation of excellence. In a diverse society, equity is a fundamental requirement for educational excellence and high standards of student achievement.
 - b) meets individual needs. Equity does not mean treating all students in the same way but, rather, responding to the individual needs of each student and providing the conditions and interventions needed to help him or her succeed.
 - c) identifies and eliminates barriers. All students are supported equitably through the identification and removal of discriminatory barriers that limit their ability to achieve to their full potential.
 - d) promotes a sense of belonging. Equity and inclusive education, as well as anti-black and anti-indigenous education contribute to every student's sense of well-being.
 - e) involves the broad community. Effective and meaningful school–community partnerships are an essential component of an equitable and inclusive education system.
 - f) builds on and enhances previous and existing initiatives. Sound research and analysis of successful policies and practices form the basis for the development and sharing of resources.
 - g) is demonstrated in the school authority and school and principles of equity and inclusive education are incorporated throughout the policies, programs, and practices
6. All students can learn and it is the responsibility of the school to enable each and every student to learn effectively, to reduce achievement gaps and to improve learning outcomes for all, regardless of race, class, gender, ethnicity, disability, sexual orientation and other historical forms of marginalization.
7. The Bloorview School Authority upholds the principles of respect for human rights and fundamental freedoms enshrined in the *Canadian Charter of Rights and Freedoms, the Constitution Act, 1982* and confirmed in the *Ontario Human Rights Code*. The Bloorview School Authority and its staff are also committed to the elimination of all types of discrimination as outlined in *Ontario's Equity and Inclusive Education Strategy* and the Ontario Ministry of Education Policy/Program Memorandum No. 119.
8. The Bloorview School Authority recognizes that equity of opportunity and equity of access to the full range of programs, the delivery of services and resources are critical to the achievement of successful educational and social outcomes for students, staff, parents and the wider community.

PROCEDURES

1. PROCEDURES RELATING TO POLICIES, PROGRAMS, GUIDELINES AND PRACTICES

The Bloorview School Authority will ensure that its policy review cycle will result in the alignment and integration of the requirements of the Ontario Human Rights Code, Policy/Program No. 119 into all Board policies, programs, procedures and practices. 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 Bloorview School Authority is inclusive and reflects the makeup of their diverse communities.

The Bloorview School Authority will:

- 1.1. Establish the foundational framework that will inform its review and/or development and implementation of a comprehensive equity and inclusive education policy that recognizes and addresses biases related to race, class, ethnicity, gender, sexual orientation, gender expression, disability, family status and religious and linguistic differences as well as socio-economic factors.
- 1.2. Review existing equity and inclusive education policies and/or extend or develop such policies to fulfill the requirements of existing regulations, the Equity Strategy, Policy/Program Memorandum No. 119 and the Ontario Human Rights Code.
- 1.3. Ensure that principles of equity and inclusive education, anti-racism, anti-oppression permeate and are explicitly stated in all the Bloorview School Authority policies, programs, guidelines, operations, practices and Bloorview School Authority improvement plans.
- 1.4. Ensure all future policies, guidelines and practices are drafted and implemented in accordance with the Bloorview School Authority's equity and inclusive, anti-racism, anti-oppression education commitments.
- 1.5. Collect information needed to monitor the effects of the implementation of this Equity and Inclusion Education policy by the Bloorview School Authority.
- 1.6. Ensure persons with disabilities are accommodated appropriately and in a manner consistent with the Ontario Human Rights Code and Accessibility requirements..
- 1.7. Provide training for school leaders and hiring managers to facilitate equitable recruitment and hiring practices to reflect Ontario's diverse society.
- 1.8. Provide opportunities for the diverse school community, including students, staff, parents, trustees and community members, to provide active input into Bloorview School Authority policies and improvement plans on an ongoing basis.

- 1.9. Investigate in a thorough and timely manner any claims of discrimination, oppression and/or racism and take appropriate action, consistent with the principles of the Ontario Human Rights Code.

2. PROCEDURE RELATED TO SHARED AND COMMITTED LEADERSHIP

The Bloorview School Authority 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.

The Bloorview School Authority 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 Ontario Human Rights Code.

The Bloorview School Authority 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.

The Bloorview School Authority will:

- 2.1. 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.
- 2.2. Identify and appoint a contact person to liaise with the Ministry and other Boards and School Authorities to share challenges, promising practices and resources.
- 2.3. Provide ongoing education and training for students, administrators, teachers, support staff and trustees in implementing equity and inclusive education and leadership initiatives.
- 2.4. 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.
- 2.5. 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.
- 2.6. Strive to include members of communities that are underserved and/or marginalized are included in the shared leadership.
- 2.7. Demonstrate leadership in setting the tone for the positive and proactive implementation of the Equity Strategy within the school.

3. PROCEDURE RELATED TO SCHOOL-COMMUNITY RELATIONSHIPS

The Bloorview School Authority 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.

The Bloorview School Authority values the assets that all stakeholders can bring to enable each and every student to learn effectively and enhance educational opportunities for all.

The Bloorview School Authority is committed to the maintenance, development and expansion of partnerships with parents and diverse communities that support system and school improvement.

The Bloorview School Authority will undertake to identify, examine and remove barriers that exist which may prevent full participatory school-community relations.

Bloorview School Authority will:

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

4. PROCEDURES RELATED TO INCLUSIVE CURRICULUM AND ASSESSMENT PRACTICES

With regard to inclusive curriculum and assessment practices, consideration must be given to both the "how" and the "what". What is brought to students in terms of content is as important as the way it is delivered. Consideration must be given to both what is said and what is not said, as it is known that students learn both the explicit and underlying curricula. Both in its content and methodology, inclusive curriculum seeks to recognize and affirm the life experiences of all students, regardless of race and ethnicity, gender, gender expression, place of origin, religion, cultural and linguistic background, social and economic status, sexual orientation, age and ability/disability.

Providing opportunities for formative assessment 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 multiple 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.

Bloorview School Authority will:

- 4.1. 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 Ontario Human Rights Code.
- 4.2. Support the review of classroom strategies that promote school-wide equity and inclusive education, anti-racism, anti-oppression policies and practices specifically addressing areas of discrimination under the Ontario Human Rights Code (e.g., race, gender, disability, creed/religion, sexual orientation).
 - 4.2.1. Provide for assessment and evaluation to support growth and learning, with the belief that each and every student can achieve and be successful to the best of his or her ability, given the appropriate time and support.
 - 4.2.2. 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.
 - 4.2.3. 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.
 - 4.2.4. Provide multiple opportunities for assessment (self, peer, teacher, student led conferencing and/or parent/student and teacher/team interviews).
 - 4.2.5. Adjust instruction based on the results of formative assessment. Feedback to students should be specific, timely and promote further learning.
 - 4.2.6. 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 ensuring all needed accommodations and modifications are in place to assist the student in accessing the curriculum.
 - 4.2.7. Provide accommodations for students who have English language learning needs that aligns with their specific needs and that provides equity of access to the curriculum.
 - 4.2.8. Provide access and use of assistive technologies for students who require accommodations to support achievement and success.
 - 4.2.9. Engage students as active participants in their learning (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).

4.2.10. 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 anti-racism, anti-oppression expectations.

4.2.11. Make certain that resources and instructional strategies show people of different races, genders, abilities and ages 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 of discrimination under the Ontario Human Rights Code (e.g., race, gender, disability, faith, sexual orientation) in society, the community and the school.

5. PROCEDURE RELATED TO PROCEDURES RELATED TO RELIGIOUS ACCOMMODATION (See also Appendix A)

The Bloorview School Authority 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 behaviour, including those based on religion.

Freedom of religion is an individual right and a collective responsibility. The Bloorview School Authority and the community it serves must work together to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. While the Bloorview School Authority and its staff will take all reasonable steps to ensure freedom of religion and religious practices, it is expected that students and their families will help the Bloorview School Authority to understand their religious needs and will work with the Bloorview School Authority to determine appropriate and reasonable accommodations.

Bloorview School Authority will:

- 5.1. Consult with members of the multiple faith communities that represent the Bloorview School Authority in the implementation of this policy.
- 5.2. Inform students and their parents/guardians and staff of their right to request accommodation for religious beliefs and practices.
- 5.3. Prepare a religious accommodation guideline in keeping with the Ontario Human Rights Code, which prohibits discrimination on the grounds of creed, and other Ontario Human Rights Code protected grounds, and provides a duty to accommodate.
- 5.4. Provide religious accommodation for students and staff consistent with the Ontario Human Rights Code.

6. PROCEDURES RELATED TO SCHOOL CLIMATE AND THE PREVENTION OF DISCRIMINATION AND HARASSMENT

The climate of the school must be to welcome all stakeholders and encourage active participation of parents, students and staff in ensuring that the principles of the Ontario Human Rights Code and the Equity Strategy are applied. The Equity Strategy requires the Bloorview School Authority to use a range of tools, including an equity lens, reflection tools and Ontario Human Rights Code principles to examine their policies, procedures and practices to address what may be discriminatory practices.

A 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.

Bloorview School Authority will:

- 6.1. 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 representation on the Bloorview School Authority Board and access to its initiatives;
- 6.2. Put procedures in place that will enable students and staff to report incidents of discrimination and harassment safely and that will also enable Bloorview School Authority to respond in a timely and effective manner as required in PPM 145 - 2009 Progressive Discipline and Promoting Positive Student Behaviour
- 6.3. Promote positive behaviour through initiating or strengthening proactive programs to reduce suspensions and expulsions as required by PPM 144 – 2009 - Bullying Prevention and Intervention.
- 6.4. Create a culture of high expectations in which excellence is continually strived for and respect permeates the environment.
- 6.5. Revise the code of conduct to identify and address any evidence of racism or discrimination.
- 6.6. Use Progressive Discipline practices which may include peer mediation and restorative justice.
- 6.7. Welcome, respect and validate the contributions of all students, parents and other members of the school community.
- 6.8. Ensure that every student is supported as identified in Student Success strategies, *Learning for All, Reach Every Student*, including the Ontario Human rights Code , and is inspired to succeed in a culture of high expectations for learning.

7. PROCEDURES RELATED TO PROFESSIONAL LEARNING

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. Perpetual professional learning is the groundwork for positive changes. Professional learning must include knowledge creation and knowledge sharing (Earl and Katz, 2005) to ensure that all voices are represented. It is recognized that there is no essential knowledge but rather a continued quest towards deeper representation of all within the knowledge base.

Bloorview School Authority will:

- 7.1. Support a review of classroom strategies that promote school-wide equity and inclusive education, anti-racism, anti-oppression policies and practices.
- 7.2. Allocate resources to provide ongoing opportunities for students, school leaders, teachers, support staff and trustees to participate in equity and inclusive education training and leadership initiatives.
- 7.3. Provide antiracism, anti-oppression and anti-discrimination training to students, administrators, teachers, support staff and trustees.
- 7.4. Promote collaboration among staff to select and implement best practices in equity and inclusive education.
- 7.5. Build staff capacity through ongoing professional learning that is based on needs determined through results-oriented and evidence-based research.
- 7.6. Encourage and support students in their efforts to promote social justice, equity, antiracism, anti-oppression and anti-discrimination in the school and classrooms.
- 7.7. Undertake initiatives which promote a welcoming and respectful school environment and provide timely and specific feedback that will further school-wide equitable practices.

8. PROCEDURES RELATED TO ACCOUNTABILITY AND TRANSPARENCY

As a publicly funded education system, the Bloorview School Authority acknowledges and assumes the responsibility for its policies, actions, and decisions. In the pursuit of greater transparency and accountability, the Bloorview School Authority, 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.

Bloorview School Authority will:

- 8.1. Embed the principles of equity and inclusive, anti-racism, anti-oppression education into all Bloorview School Authority policies, programs, guidelines and practices.

- 8.2. Actively communicate this policy to students, teachers, parents, staff, school councils, community partners and volunteers and post it on the Bloorview School Authority website.
- 8.3. Seek and use feedback to improve the Equity and Inclusive Education Policy, in the spirit of continuous improvement.
- 8.4. Engage school teams in school improvement planning with particular emphasis on identifying and removing barriers to student achievement.
- 8.5. Establish processes to monitor progress and assess effectiveness of policies, programs and procedures.
- 8.6. Track student achievement and intervene at all levels to ensure the achievement and success of all students.
- 8.7. Review and establish self-reflection and self-assessment tools to determine the effectiveness of the equity and inclusive education plans and procedures.

APPENDIX A - OHRC Policies and Guides

The Ontario Human Rights Code is for everyone. It is a provincial law that gives everybody equal rights and opportunities without discrimination in specific areas such as jobs, housing and services. The goal of this code is to prevent discrimination and harassment. OHRC policies and guidelines set standards for how individuals, employers, housing providers, service providers and policy makers should act to comply with the code. They are important because they represent the OHRC's interpretation of the code.

Available on the Internet: www.ohrc.on.ca

Available in other accessible formats on request

- Guide to your rights and responsibilities under the *Human Rights Code* (2009)
- Policy on discrimination because of pregnancy and breastfeeding (2009)
- Policy on human rights and rental housing (2009)
- Human rights at work – Third Edition (2008)
- Guidelines on developing human rights policies and procedures (2008)
- Policy on mental health discrimination and police record checks draft (2008)
- Policy on discrimination against older people because of age (2007, 2002)
- Policy and guidelines on discrimination because of family status (2006)
- Policy on discrimination and harassment because of sexual orientation (2006, 2001)
- Guide to releases with respect to human rights complaints (2006)
- Policy and guidelines on racism and racial discrimination (2005)
- Guidelines on accessible education (2004)
- Guidelines for collecting data on enumerated grounds under the *Code* (2003)
- Policy and guidelines on disability and the duty to accommodate (2001)
- Policy on discrimination and harassment because of gender identity (2000)
- Policy on drug and alcohol testing (2000)
- Policy on female genital mutilation (FGM) (1997)
- Policy on scholarships and awards (1997)
- Guidelines on special programs (1997)
- Policy on creed and the accommodation of religious observances (1996)
- Policy on sexual harassment and inappropriate gender-related comments and conduct (1996)
- Policy on HIV/AIDS-related discrimination (1996)
- Policy on requiring a driver's license as a condition of employment (1996)
- Policy on height and weight requirements (1996)
- Policy on employment-related medical information (1996)
- Policy on discrimination and language (2002)

APPENDIX B

RELIGIOUS ACCOMMODATION GUIDELINE

The Bloorview School Authority 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.

INTRODUCTION

The Bloorview School Authority 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.

Freedom of religion is an individual right and a collective responsibility. The Bloorview School Authority commits to working with the community it serves to foster an inclusive learning environment that promotes acceptance and protects religious freedom for all individuals. While Bloorview School Authority and its staff will take all reasonable steps to ensure freedom of religion and religious practices consistent with the Ontario Human Rights Code, it is expected that students and their families will help it to understand their religious needs and will work with Bloorview School Authority to determine appropriate and reasonable accommodations.

I LEGISLATIVE AND POLICY CONTEXT

The *Canadian Charter of Rights and Freedoms* (Section 15) protects freedom of religion. *The Ontario Human Rights 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".

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

II DEFINITIONS

1. 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 OHRC provides the right to be free from discrimination. There is a general corresponding duty to protect that right: the "duty to accommodate." The duty arises when a person's religious beliefs conflict with a requirement, qualification or practice. The OHRC 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.

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 OHRC. 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 OHRC provides that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

2. 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 OHRC .

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

3. Undue Hardship

Accommodation will be provided to the point of undue hardship, as defined by the Ontario Human Rights Commission (OHRC), e.g. 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 and Appendix E.

A determination that an accommodation will create undue hardship carries with it significant liability for the Bloorview School Authority. 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 Bloorview School Authority'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 Bloorview School Authority will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

III ACCOMMODATION GUIDELINES

The purpose of this guideline is to ensure that all Bloorview School Authority staff, students, parents and other members of the school community are aware of their rights and responsibilities under the OHRC with respect to religious accommodation. It also sets out the Bloorview School Authority's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Equity Strategy, the OHRC's *Guidelines on Developing Human Rights Policies and Procedures*, it is intended that the accommodation process, as well as the accommodation itself, be effective and respectful of the dignity of accommodation seekers.

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

1. Accommodation Based on Request

The Board will take all reasonable steps to provide accommodation to individual members of a religious group to facilitate their religious beliefs and practices. All accommodation requests will be taken seriously. No person will be penalized for making an accommodation request.

The Bloorview School Authority will base its decision to accommodate by applying the Ontario Human Rights code's criteria of undue hardship with the Bloorview School Authority's ability to fulfill its duties under its policies and the Education Act.

When concerns related to beliefs and practices arise in the school, collaboration among school, student, family and religious community is needed in order to develop appropriate accommodation. It is the role of the Bloorview School Authority and its staff to ensure equity and respect for the diverse religious beliefs and practices of students and their families as well as other staff. 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 a Bloorview School Authority responsibility.

2. General Procedures for Religious Accommodation

Staff

The person requesting accommodation should advise the administration at the beginning of the school year, to the extent possible. 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.

Students

Students 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.

The school handbook and parent newsletters should include information about the procedure to follow to request an accommodation for religious observances and/or holy days. Such procedures should be easy for staff, students and parents to understand.

3. Unresolved Requests

Despite the commitment of the Bloorview School Authority to accommodate, an individual may feel that discrimination based on religion has occurred. The Bloorview School Authority will, through its human rights policies, take reasonable and timely steps to address the unresolved issues raised by the affected person which could include dispute resolution mechanism.

AREAS OF ACCOMMODATION

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

- i. School opening and closing exercises;
- ii. Leave of Absence for Religious Holy Days;
- iii. Prayer;
- iv. Dietary requirements;
- v. Fasting;
- vi. Religious dress;
- vii. Modesty requirements in physical education; and
- viii. Participation in daily activities and curriculum.

GENERAL GUIDELINES AND PROCEDURES

This policy will consider each of the above-stated area of accommodation in turn.

1. School Opening and Closing Ceremonies

Pursuant to the Ontario Ministry of Education Policy/Program Memorandum No. 108 (“Memorandum No. 108”), if a student 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:

1. 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.
2. The inclusion of any content beyond “O Canada” in opening or closing exercises is to be optional for public school boards.
3. Where public school boards resolve to include, in the opening or closing exercises in their schools, anything in addition to the content set out in item 1 above, it must be composed of either or both of the following:
 - a. One or more readings that impart social, moral or spiritual values and that are representative of our multicultural society. Readings may be chosen from both scriptural writings, including prayers and secular writings;
 - b. A period of silence.
4. Parents who object to part or all of the exercises may apply to the Principal to have their children exempted. Students who are adults may also exercise such a right.

These requirements will be interpreted in accordance with the Human rights Code and the Bloorview School Authority will consider other requests for accommodation as may be made.

2. Absence for Religious Holy Days

The Bloorview School Authority is committed to affirm and value equally the faith diversity of all members of the school community. 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”.

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 Bloorview School Authority will encourage members of different faith-based groups to identify their religious holy days at the beginning of each school year. The Bloorview School Authority will make reasonable efforts to acknowledge the different observances of their community when planning programs and events, such as tests and examinations. To the extent possible, conferences, meetings, workshops, co-curricular activities and exams/tests, will not be scheduled on these significant faith days:

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

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. Such procedures should be easy to understand and follow.

Student agendas, school newsletters and announcements should include information about the procedures for requesting leaves.

All staff members acting on behalf of or representing Bloorview School Authority on other organizations, which, in partnership with Bloorview School Authority, are planning events or activities that involve its students and/or staff, have the responsibility to bring this procedure to the attention of these organizations.

Unresolved Requests

a. Employee

In the event that, after an employee's consultation with the Principal, unresolved issues remain, then the matter will be referred to the Supervisory Officer

b. Students

In the event that a student maintains that his or her rights under the Bloorview School Authority's Religious Accommodation Policy have been compromised, then the matter will be referred to the Supervisory Officer.

3. Prayer

The Bloorview School Authority recognizes the significance of prayer in religious practice. It 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. This may mean a quiet space in the library, an empty room, or wherever it is mutually satisfactory for the school and the student or staff member requesting the accommodation. Particular accommodation for prayer may include late school arrival, early school leaving or seasonal adjustment. Adult presence should be for supervision purposes only.

4. Dietary Restrictions

The Bloorview School Authority is sensitive to the different dietary restrictions of various religious groups. Such sensitivity includes attending to issues related to food provided at school-sponsored activities and community events.

Special attention needs to be given to field trips that extend over a mealtime period if any food is provided.

5. Fasting

The Bloorview School Authority is sensitive to religious periods of fasting. It will endeavour to provide appropriate space for individuals who are fasting in religious observance. Bloorview School Authority recognizes that students who are fasting may need exemptions from certain physical education classes and staff should make reasonable efforts to provide appropriate accommodations.

6. Religious Dress

The Bloorview School Authority recognizes that there are certain religious communities that require specific items of ceremonial dress. It understands that some religious attire, which is a requirement of religious observance, may not conform to its dress code as outlined in Bloorview School Handbook. The Bloorview School Authority will reasonably accommodate students with regard to religious attire. Religious attire is not cultural dress; it is a requirement of religious observation.

Religious attire that should be reasonably accommodated by Bloorview School Authority includes, but is not limited to:

- Head covers: Yarmulkes, turbans, Rastafarian headdress, hijabs
- Crucifixes, Stars of David, etc.
- Items of ceremonial dress

Special attention must be given to accommodations necessary for a student to participate in physical education and school organized sports. Where possible, these should be incorporated into the Bloorview School Authority policies as part of an inclusive design process.

The Bloorview School Authority seeks to foster an atmosphere of cultural understanding in order to be proactive in addressing potential harassment about religious attire. It is aware that harassment about religious attire is one of the most common types of harassment and bullying. The Bloorview School Authority will not tolerate any teasing directed at, or inappropriate actions taken against, an individual's religious attire and there will be appropriate consequences for individuals who violate this rule.

There are religious communities that require specific items of ceremonial dress which may be commonly perceived as contravening Bloorview School Authority policies, for example the use of the Kirpan by Khalsa Sikh students. For specific guidelines on the accommodation of Khalsa Sikh students wishing to carry a Kirpan, see below.

7. Modesty Requirements for Dress in Physical Education Classes

The Bloorview School Authority recognizes that some religious communities observe strict modesty attire in respect of their religion. This can become a matter of concern when students are asked to wear the clothing used in physical education activities. Such policies should be designed inclusively, taking into account common religious needs that may exist.

If a family has concerns that cannot be addressed through inclusive design, the school should discuss the modesty requirements with them, and, taking into consideration the Ministry of Education's mandated expectations in the physical education curriculum, provide reasonable accommodation. 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.

8. Participation in Daily Activities and Curriculum

The Bloorview School Authority 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, staff should have an informed discussion with the student's parents/guardians to understand the nature and extent of the conflict.

The staff should make it clear during the discussion that the role of the Bloorview School Authority is to protect students and staff from harassment and discrimination because of their religion and cultural practices. Where these conflict with the routines and activities or curriculum, Bloorview School Authority should consider accommodation. It cannot, however, accommodate religious values and beliefs that clearly conflict with mandated Ministry of Education and Bloorview School Authority 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).

In general, the Bloorview School Authority recommends an informed, common-sense approach to questions of religion and curriculum. Hopefully, these questions can be solved by an open discussion between the teacher, the student and his/her family.

LIMITATIONS TO RELIGIOUS ACCOMMODATION

The Bloorview School Authority is committed to preventing and eradicating within its school community discrimination and harassment based on enumerated grounds set out in the Human Rights Code, including creed. The Bloorview School Authority 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 Bloorview School Authority will limit practices or behaviour which may put public safety, health, or the human rights and freedoms of others at risk. As well, the Bloorview School Authority will limit practices or behaviours in its schools that are in violation of other Bloorview School Authority policies.

GUIDELINE FOR KIRPAN ACCOMMODATION

A Kirpan is a ceremonial sword that must be worn by all baptized Khalsa Sikhs. The Bloorview School Authority 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 the 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 in length 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.

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(e) The TDSB acknowledges that inequitable treatment leads to educational, social, and career outcomes that do not accurately reflect the abilities, experiences, contributions and potential of our students, employees, parent/guardian, Caregivers and community partners.

The TDSB will ensure that Fairness, Non-discrimination, anti-Oppression, Anti-Racism, Equity, Acceptance and Inclusion are integrated into our policies, procedures, programs and initiatives as essential elements of the school system.