

Recommendations to the Government of Nova Scotia on Accessibility Standards in Education: **Phase 1**

**Submitted to the Minister of Justice
by the Accessibility Advisory Board**

August 2020

The enclosed recommendations were developed by the Education Standard Development Committee and submitted to the Accessibility Advisory Board in July 2020.

The Accessibility Advisory Board reviewed and approved them for submission to the Minister of Justice.

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Introduction

Education as a Human Right

Equitable access to education is a human right, enshrined provincially, nationally, and internationally in the:

- United Nations Convention on the Rights of Persons with Disabilities
- Universal Declaration of Human Rights
- Canadian Charter of Rights and Freedoms
- Nova Scotia's Human Rights Act
- Nova Scotia's Accessibility Act

Realizing education as a human right involves prioritizing the prevention and removal of structural and systemic barriers that prevent equitable access, while also ensuring the prevention and removal of individual barriers. It requires an education system that prioritizes the knowledge and leadership of marginalized communities. It must be designed for the meaningful participation of all learners, and ensure educational policies, programs, practices, and services are inclusive, flexible, and responsive.

Background

Nova Scotia's Accessibility Act, enacted in 2017, recognizes accessibility as a human right and sets a goal of an accessible Nova Scotia by 2030. It enables Government to develop accessibility standards in the areas of:

- Education
- Built environment
- The delivery and receipt of goods and services
- Information and communication
- Employment
- Transportation

In September 2018, Government committed to developing an accessibility standard in education. The scope of this standard is to prevent and remove barriers to accessibility in public and private early childhood, elementary, secondary, and post-secondary education, including the Nova Scotia School for Adult Learning.

Under the Accessibility Act, the Accessibility Advisory Board (AAB) makes recommendations to Government on standards in education. In March 2019, the AAB established an Education Standard Development Committee (SDC) to assist them with this work.

The Education SDC consists of community members with a broad range of lived and professional expertise in education, and government representatives (see Appendix A). The majority of committee members are first voice representatives.

Standard Development Process

The Accessibility Act outlines the following steps for developing accessibility standards:

1. The AAB establishes a Standard Development Committee to assist them in developing recommendations on the content and implementation of standard.
2. The Standard Development Committee develops recommendations in consultation with stakeholders.
3. The AAB submits recommendations to the Minister of Justice. These recommendations are made publicly available.
4. The Minister prepares proposed accessibility standard, adopting the AAB recommendations in whole, in part, or with modifications.
5. The Minister makes proposed standard publicly available for comment for 60 days.
6. The Minister consults with the AAB with respect to any comments received, and revises proposed standard, if necessary
7. The Minister recommends accessibility standard to Governor-in-Council for approval as a regulation

Approach to Developing Recommendations

The Education SDC recognizes the breadth of the scope and complexity of the issues to be addressed, and is therefore using an incremental approach to develop recommendations for a comprehensive standard in phases:

Phase 1: Recommendations for imperatives and foundational commitments related to: capacity building; teaching and learning; accessibility services; research; accountability; communication and navigation. These foundational recommendations outline critical conditions and commitments that Nova Scotia's education system must ensure in order to realize equitable access to education as a fundamental human right. They will provide the framework for and directly correlate to more specific recommendations in Phase 2.

In Phase 2, recommendations for regulations will outline more specific expectations for how the Phase 1 recommendations are to be implemented.

Phase 2: Recommendations for accessibility standards (regulations) that provide more specific expectations for how the Phase 1 recommendations are to be implemented by the education system. These recommendations will relate to the same areas as Phase 1: capacity building, teaching and learning, accessibility services communication and navigation, research, and accountability. They will be submitted to Government by the AAB by March 2022.

The Phase 1 recommendations were informed by consultation with approximately 720 Nova Scotians involved in the education system as students, parents, and staff. An online questionnaire was conducted in Spring 2019 to identify barriers to accessing education, and to identify and prioritize areas for improvement in the education system. In March 2020, in-person consultations were conducted in five communities to gather feedback on an earlier draft of the recommendations.

The Education SDC also considered information provided through a jurisdictional review, and presentations and resources from the education sector.

Implementation of Recommendations

These recommendations outline essential conditions and commitments that Nova Scotia's education system must ensure in order to realize equitable access to education as a fundamental human right. The Education SDC considers the education system to be inclusive of the following entities:

Early Childhood

- Licensed child care facilities
- Family home day care agencies
- Pre-primary programs
- Early Childhood Development Intervention Services

Elementary and Secondary

- Regional Centres for Education
- Conseil scolaire acadien provincial
- Atlantic Provinces Special Education Authority
- Private elementary and secondary schools

Post-Secondary

- Universities and Nova Scotia Community College
- Private career colleges and language institutes

Adult Learning

- Nova Scotia School for Adult Learning

Government of Nova Scotia

- Department of Education
- Department of Labour and Advanced Education
- Elementary and secondary education delivered by the Departments of Justice, Community Services, and Health and Wellness

The objective of implementing these recommendations is to provide a framework and foundation that orients and guides the education system toward more specific regulatory change that will be enacted in the next phase. By endorsing these commitments, and ensuring they are reflected in how education is provided and accessed, the education system will begin to make the essential changes required to ensure equitable access to education for persons with disabilities, Deaf and neurodivergent persons.

The Education SDC strongly suggests the enclosed recommendations be implemented fully and unaltered, using a tool that ensures impact on the education system, such as:

- **A Provincial Charter on Accessible Education** – endorsed and signed by Government, public education entities prescribed under the Accessibility Act, and other designated entities and voluntary signatories; or
- **Accessible Education Guidelines** – endorsed by Government through an administrative order or Ministerial directive

In addition, the Education SDC recommends that Government use regulatory means to ensure the education system implements the Charter or Guidelines. Regulations could include:

- **A requirement that educational entities prescribed** as public sector bodies under the Accessibility Act must implement the commitments outlined in the Charter or Guidelines in their accessibility plans.
- **A requirement that the education system commit** to the imperatives for success outlined in the Charter or Guidelines.

The Education SDC recognizes that, given the broad, foundational nature of these Phase 1 recommendations, it may not be feasible to regulate compliance for all entities within the education system at this stage. However, to realize Government's commitment to accessibility as a human right under the Accessibility Act, the education system must ensure equitable access by removing systemic, structural, and individual barriers to learning. During Phase 2, the Education SDC will be making more specific and detailed recommendations for regulations and compliance for all entities. As such, Government is strongly encouraged to assist all sectors within the education system to understand the value and importance of beginning this work now.

Definitions

Accessibility services – Programs, services, processes, and policies related to assistive technology, accessibility accommodations, assessment processes, communication services, transition planning, and others that ensure access to learning and learning communities.

Accessible – Free of barriers that hinder the full and effective participation of persons with disabilities, Deaf and neurodivergent persons.

Assistive technology – Any device, software, service or product system, including service animals, that reduces individual barriers to accessing and engaging in all aspects of a learning community including social, emotional, academic, and daily living activities and experiences.

Barrier – Anything that hinders or challenges the full and effective participation in society of persons with disabilities, Deaf and neurodivergent persons. Barriers may be systemic, structural and individual, and can take the form of physical barriers, architecture, information, communications, attitudes, technology, policies, or practices.

Curriculum – Expectations of learning through objectives and outcomes that are aligned to principles, competencies, skills, and concepts. Curriculum is relevant for all learners across curricular areas, and grounded in effective, evidence-based instruction and assessment practices. It is inclusive, culturally responsive, and developed using principles of universal design for learning. Curriculum takes into consideration and caters to the diverse needs, previous experiences, interests and personal characteristics of all learners. It attempts to ensure that all students are part of the shared learning experiences of the classroom and that equal opportunities are provided regardless of learner differences.

Deaf – A sociological term referring to those individuals who are medically deaf or hard of hearing who identify with and participate in the culture, society, and language of Deaf people, which is based on Sign language. ¹

Disability – A physical, mental, intellectual, learning or sensory impairment, including an episodic disability, that, in interaction with a barrier, hinders an individual's full and effective participation in society. ²

¹ Canadian Association of the Deaf

² Nova Scotia Accessibility Act

Early childhood education – Licensed child care facilities, family home day care agencies, pre-primary programs, and Early Childhood Development Intervention Services. Educational institutions - Private and public early childhood, elementary, secondary, and post-secondary schools, centres, and programs, including education delivered by the Nova Scotia School for Adult Learning, the Departments of Community Services, Health and Wellness, and Justice.

Educators – Teachers, administrators, faculty members, sessional instructors, educational/ teacher assistants, early childhood development professionals, and other learning specialists.

First Voice – First voice perspectives refer to the knowledge generated by persons with disabilities, Deaf, and neurodivergent persons that emerges from lived experience, community connections, knowledge traditions, and scholarly activities that are typically undervalued and underrepresented.

Inclusive – Inclusive spaces commit to valuing diversity and to dismantling the systemic barriers preventing a diversity of learners from full participation in their learning communities. They prioritize the well-being and achievement of all learners, are culturally, physically and emotionally safe, utilize principles of universal design for learning, prioritize first voice, and are culturally and racially responsive.

Instructional materials – Resources and tools used by educators to support learning.

Neurodivergent – Neurodivergent means having a brain that functions in ways that diverge significantly from the dominant societal standards of “normal”. It recognizes diverse neurologies and ways of being, as variation of human experience, rather than deficiency in need of remediation or cure. It includes those who identify with autism spectrum disorder, ADHD, Tourette’s syndrome, and dyslexia, to name a few. ³

Nova Scotia’s education system – Private and public early childhood, elementary, secondary, and post-secondary education, including the Nova Scotia School for Adult Learning.

³ Scorgie, K. & Forlin, C. (2019). Promoting Social Inclusion: Co-Creating Environments that Foster Equity and Belonging.

Participants in Nova Scotia's education system – Including, but not limited to, senior administrators, staff, learners, families or supporters, service providers, volunteers, government, and contractors.

Programming – A collection of educational activities which are organized to complete educational tasks or accomplish an objective (such as increasing knowledge and understanding, or preparing for an occupation, further study, or community living). Educational activities may be courses, or other components such as work experience, research projects, or preparing dissertations.

Teaching and learning spaces – Physical and digital spaces, where teaching and learning occurs. This includes both indoor and outdoor spaces, and spaces utilized during class trips, extra curricular activities, breaks between classes, and while at conference, in meetings, and on practicums and work and community placements.

Transition planning – The collaborative, learner-centered process to develop and implement plans to guide the transition from one stage of learning to another. This includes transitioning between courses, learning spaces, grade levels, education levels, and from education to employment or community living.

Imperatives and Commitments for Accessible Education

The following imperatives and commitments provide the framework for Nova Scotia's education system to realize equitable access to education as a fundamental human right.

Fundamental Commitment

Nova Scotia's education system prioritizes equitable access to education as a fundamental human right. All participants in the system demonstrate a shared responsibility for equity and accessibility within a human rights framework, by preventing and removing systemic, structural, and individual barriers to participation.

Imperatives for Success

The following section outlines essential conditions that must exist in Nova Scotia's education system for the commitments in this document to be successfully implemented. These conditions are integrated in and integral to all recommendations outlined in the Foundational Commitments section.

- 1. First Voice** – Nova Scotia's education system must value and demonstrate an understanding that persons with disabilities, Deaf and neurodivergent persons are experts in accessibility. Their experience, expertise and leadership, including evidence generated by first voice researchers, must be prioritized in this work.
- 2. Equity** – Equitable access to education must be ensured through inclusive teaching and learning practices and environments that maintain high expectations for achievement and well-being of all learners.
- 3. Inclusive Decision-Making** – Learners who experience barriers to education, and their families or supporters, must be meaningfully supported to be full, active participants in decision-making regarding their education. This involves prioritizing first voice, and family voice, especially when learners are young or require advocacy support. It also involves ensuring access to information and tools to understand and participate fully in the decision-making process.
- 4. Intersectionality** – Nova Scotia's education system must demonstrate an understanding that individual and systemic responses to a diversity of disabilities and unique marginalized identities, circumstances, and experiences intersect and impact accessibility.

5. **Collaboration and Consistency** – Nova Scotia’s education system must facilitate and prioritize collaboration, coordination, and consistency within and among stakeholders, initiatives, communities, and sectors.
6. **Sufficient and Sustainable Resources** – Nova Scotia’s education system must ensure funding and human resources to implement and sustain these imperatives and commitments.
7. **Continuous Learning and Improvement** – In order to reflect new learning and research, and the changing needs and experiences of learners and educators, the imperatives and commitments outlined in this document must be regularly reviewed and improved.

Foundational Commitments

The following section outlines foundational commitments that Nova Scotia’s education system must enact in order to realize equitable access to education as a fundamental human right.

1. Capacity Building

- a. All participants in Nova Scotia’s education system must demonstrate through action an understanding of human rights, inclusive education, accessibility, equity, disability rights, and barriers to participation.
- b. Nova Scotia’s educational institutions and senior administrators increase capacity among all educators and other staff to deliver equitable education for learners who encounter barriers to participation, by providing learning opportunities that are sustainable, relevant, participatory, informed by evidence that prioritizes first voice, and aligned with accountability measures.
- c. Accessibility concepts and disability issues that prioritize first voice are visible across the programming and curriculum at all levels of Nova Scotia’s education system. This includes the programming and curriculum of post-secondary programs that prepare students to work in the education system.
- d. Persons with disabilities, Deaf, and neurodivergent persons are actively recruited, hired, and supported as employees in all sectors and job categories of the education system.

- e. Nova Scotia's educational institutions and senior administrators provide learners and their families or supporters with learning opportunities to ensure capacity to be full, active participants in decision-making regarding their education.
- f. Nova Scotia's government and educational institutions integrate an accessibility lens into policy analysis to ensure that implications for persons with disabilities, Deaf, and neurodivergent persons are assessed when developing, implementing, analysing and reviewing policies and programs.

2. Teaching and Learning

- a. Nova Scotia's teaching and learning spaces are inclusive, flexible, accessible, and responsive to all educators and learners.
- b. Accessibility, including universal design for learning and the prioritization of first voice, is a fundamental principle in the design and delivery of curriculum, programming, and instructional materials for all learners.
- c. Nova Scotia's education system values, prioritizes, and provides timely access to multiple, diverse, and flexible ways to demonstrate and assess learning.
- d. Nova Scotia's post-secondary institutions offer multiple admission pathways that are responsive to high school graduation/equivalency options, and do not discriminate (as defined in the Nova Scotia Human Rights Act) against learners based on documented or undocumented learning profiles.

3. Accessibility Services

- a. Nova Scotia's education system provides timely, equitable, and individualized access to the full spectrum of accessibility services and assistive technology that meet the needs of learners and educators who experience barriers in all teaching and learning spaces.
- b. Nova Scotia's education system has the required, reliable infrastructure to support the implementation and use of accessibility services and assistive technology in all learning environments.
- c. Learners, and their families or supporters, are supported to be full, active participants in decision-making related to accessibility services and assistive technology. This decision-making is responsive to the changing needs of learners. Educators are actively involved in decision-making related to accessible and inclusive teaching and learning spaces.

- d. Transition planning in Nova Scotia's education system prioritizes the voices and choices of learners and their families or supporters, and is fundamentally based on strong, collaborative relationships among learners, families and supporters, staff, educational institutions, and external agencies.
- e. Transition plans address barriers that impact learners' well-being and achievement, guarantee continuity in access to accessibility services and assistive technology, and are responsive, flexible, and updated regularly.

4. Communication and Navigation

- a. Learners and their families or supporters are supported through established, flexible, proactive, and responsive programs and processes to navigate Nova Scotia's education system and advocate for the needs of learners.
- b. Information about programs, services, and policies for learners who encounter barriers to learning is clear, accessible, proactively communicated, and easy to find and access.
- c. Learners and their families or supporters can provide feedback to and communicate with those working in the education system.

5. Research

- a. Policies, resources, and practices in Nova Scotia's education system are informed by a broad base of evidence that prioritizes first voice experience and expertise.
- b. Nova Scotia's educational institutions and government support the growth and development of research on accessibility and disability issues, especially the work of first voice researchers. This includes research to inform the implementation of inclusive education practices, and the development of accessibility standards.
- c. Nova Scotia's education system collects and shares qualitative and quantitative data on the well-being and achievement of learners who encounter barriers to learning, in order to inform and effect system change.

6. Accountability

Independent monitoring occurs to ensure compliance with accessibility standards in education, evaluate the impact of standards, policies, and practices on the well-being and achievement of learners who encounter barriers to learning, celebrate success, and make system improvements.

Appendix A: Education Standard Development Committee Members

Rosalind Penfound, *Chair*

Vice-President, Organizational Development, Nova Scotia Community College, Dartmouth

Cynthia Bruce, *Vice-Chair*

Instructor II, School of Education, Acadia University, Kentville

Annie Baert

Director, Student Services, Department of Education and Early Childhood Development, Halifax

Denise Cameron

Department Head, Learning Centre and Resource, Chignecto Central Regional Centre for Education, Truro

Linda Campbell

Professor, School of Environment, Saint Mary's University, Halifax

Jacqueline Cote

Manager, Accessible Learning, Cape Breton University, Sydney Forks

Alice Evans

Executive Director, The Club Inclusion, Halifax

Mary Goya

Manager, Nova Scotia School for Adult Learning, Department of Labour and Advanced Education, Dartmouth

Sheila Jamieson

Classroom Teacher, Atlantic Provinces Special Education Authority, Halifax

Diane Johnson-Snook

Program Co-ordinator, Achieve Program, Nova Scotia Community College, Port Hawkesbury

Alex LeBlanc

Retired Tradesman, Human Rights Advocate, Wolfville

Chrissi Lynch

Co-ordinator of Student Services, Strait Regional Centre for Education, Queensville

Patricia Monaghan

Executive Director, Nova Scotia Early Childhood Development Intervention Services, Halifax

Adela N'Jie

Student Services Co-ordinator, Conseil scolaire acadien provincial, Dartmouth

Kevin Penny

Equipment Grants Co-ordinator, Post-Secondary Accessibility Services,
Department of Labour and Advanced Education, Halifax

Cornelia Schneider

Associate Professor, Faculty of Education, Mount Saint Vincent University, Porters Lake

David Steele

Manager, Program Development, Dexter Institute Private Career College, Lower Sackville

Sue Taylor-Foley

Executive Director, Innovation, Programs and Services,
Department of Education and Early Childhood Development, Chester

Matt Walsh

Accessibility Mentor and Advocate, Subway Employee, Upper Tantallon

Barbara Welsford

Lead Developer, Assistive Technology Strategy,
Nova Scotia Education Common Services Bureau, Mahone Bay