

# **Recommendations to the Minister of Justice on an Accessibility Standard in Education: Phase 2**

## **Summary**

**Accessibility Advisory Board  
January 2023**

**This is a summary of recommendations developed by the Education Standard Development Committee and submitted to the Accessibility Advisory Board in October 2022.**

**The Accessibility Advisory Board reviewed, made amendments, and approved the recommendations for submission to the Minister of Justice.**

# 1. Introduction

## The Need for an Accessibility Standard in Education

The inclusion of people with disabilities, Deaf people, and other diverse groups helps to strengthen a society's ability to respond to change, be innovative, and build social, economic and environmental resilience.

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 Human Rights Act
- Nova Scotia Accessibility Act

Realizing education as a human right for all learners requires preventing and removing structural, systemic, and individual barriers that prevent equitable access. It means deliberately developing education systems and sectors that prioritize the knowledge and leadership of diverse minoritized communities, promote the meaningful participation of all learners, and ensure educational policies, programs, practices, and services are inclusive, flexible, and responsive.

The architects of that transformation must be minoritized communities that have been harmed by policies that have failed to redress the ableist, racist, and colonial roots of those harms. As a diverse community explicitly named in the Accessibility Act, people with disabilities are named throughout these recommendations. However, meaningful transformation must recognize and reflect the intersectional nature of exclusionary harm, and ensure those diverse voices are the key drivers of change.

Increased access to education improves quality of life, and leads to higher employment rates and income levels. People with disabilities generally have lower incomes, employment rates, and levels of education. Nova Scotian residents with a disability or chronic illness are less satisfied with all aspects of their quality of life, compared to the general population. Implementing an accessibility standard in education will prevent and remove barriers to education, improving access and participation levels. It is expected this will lead to enhanced quality of life, increased access to employment, and higher income levels among Nova Scotians with disabilities and Deaf Nova Scotians.

While varying definitions of disability exist, the Nova Scotia Accessibility Act defines disability as 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. Some people may not have a diagnosed disability, but still experience accessibility barriers. Others who experience accessibility barriers may not identify as having a disability. This may include people who are Deaf, those who identify as neurodivergent, those who have a chronic illness or condition, and others. In this document, the term "people with disabilities" is used and intended to include all people who experience accessibility barriers in education.

## **Background**

Nova Scotia's Accessibility Act, enacted in 2017, recognizes accessibility as a human right and sets a goal of becoming an accessible province by 2030.

In September 2018, Government released Access by Design 2030, and committed to developing an accessibility standard in education. Under the Accessibility Act, the Accessibility Advisory Board makes recommendations to the Minister of Justice on an accessibility standard in education. In March 2019, the Accessibility Advisory Board established an Education Standard Development Committee to assist them with this work. The Accessibility Advisory Board decided the scope of the recommendations would include public and private early years, elementary, secondary, and post-secondary education, including the Nova Scotia School for Adult Learning.

The Education Standard Development Committee consists of community members with a broad range of lived and professional expertise in education, and government representatives (see Appendix). The majority of committee members are representatives who identify as Deaf or having a disability.

## **Standard Development Process**

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

1. The Accessibility Advisory Board establishes a Standard Development Committee to assist them in developing recommendations for a standard.
2. The Standard Development Committee develops recommendations in consultation with stakeholders.
3. The Accessibility Advisory Board submits recommendations to the Minister of Justice. These recommendations are made publicly available.
4. The Minister prepares a proposed accessibility standard, adopting the Accessibility Advisory Board recommendations in whole, in part, or with modifications.

5. The Minister makes the proposed standard publicly available for comment for 60 days.
6. The Minister consults with the Accessibility Advisory Board with respect to any comments received, and revises the proposed standard, if necessary
7. The Minister recommends an accessibility standard to Governor-in-Council for approval as a regulation

## **Scope**

The Education Standard Development Committee developed recommendations for the following entities:

### **Early Years**

- Licensed child care facilities
- Family home child care agencies
- Pre-primary programs
- Early Childhood Development Intervention Services
- Atlantic Provinces Special Education Authority

### **Elementary and Secondary**

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

### **Post-Secondary**

- Universities
- Nova Scotia Community College
- Private Career Colleges
- Language Schools

### **Adult Learning**

- Nova Scotia School for Adult Learning

### **Government of Nova Scotia**

- Department of Advanced Education
- Department of Education and Early Childhood Development
- Department of Labour, Skills and Immigration

## Approach

Given the breadth of the scope and the complexity of accessibility issues to be addressed, the Education Standard Development Committee developed recommendations in two phases:

### Phase 1 Recommendations

The first phase of recommendations was submitted to the Minister of Justice in August 2020. Rather than being recommendations for an accessibility standard, they were recommendations for critical conditions and commitments that Nova Scotia's education sectors must make to realize equitable access to education as a fundamental human right that must be protected for all learners. The phase 1 recommendations can be accessed on the [Accessibility Directorate website](#).

### Phase 2 Recommendations

The Education Standard Development Committee began developing their second phase of recommendations in September 2020. They used the phase 1 recommendations as a framework to develop more specific and detailed recommendations for an accessibility standard.

## Consultation

In developing both phases of recommendations, the Education Standard Development Committee was informed by jurisdictional research, and presentations and resources provided by external experts. In addition, they consulted with over 900 Nova Scotians for input during various phases of their work. This included staff from education sectors, parents, students, representatives of disability organizations, and other stakeholders.

## Implementation

The Education Standard Development Committee agrees with the commitment made in Access by Design 2030 that the accessibility standard in education first apply to the Government of Nova Scotia, then public sector bodies prescribed under the Accessibility Act, and then other entities. It is recommended that the Government of Nova Scotia must comply with the standard beginning in 2025, prescribed public sector bodies in 2026, and other named entities in 2027.

It is also recommended that Government consider a phased approach to compliance with components of the standard. For example, first expecting compliance with components related to accountability and professional learning will help build capacity and awareness across education sectors and better prepare them to comply with other components of the standard.

Finally, the Department of Justice must ensure compliance and enforcement mechanisms developed and implemented under the Accessibility Act prioritize immediate solutions for learners and staff encountering accessibility barriers due to non-compliance.

## 2. Imperatives for Accessible Education

The following are essential commitments and conditions that must exist in Nova Scotia's education systems and sectors for an accessibility standard in education to be successfully implemented.

1. **Fundamental Commitment to Human Rights** - Nova Scotia's education systems and sectors must prioritize equitable access to education as a fundamental human right.
2. **First Voice** – Nova Scotia's education systems and sectors must value and demonstrate an understanding that all people with disabilities and Deaf people are experts in accessibility.
3. **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 by intentionally bringing diverse experiences to the centre of curricula, pedagogy, and spaces.
4. **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.
5. **Intersectionality** – Nova Scotia's education systems and sectors must demonstrate an understanding that individual and systemic responses to a diversity of disabilities and unique marginalized identities, circumstances, and experiences intersect with and impact accessibility.
6. **Collaboration and Consistency** – Nova Scotia's education systems and sectors must facilitate and prioritize a relational approach that centres collaboration, coordination, and consistency within and across stakeholders, initiatives, communities, and sectors.
7. **Sufficient and Sustainable Resources** – Nova Scotia's education systems and sectors must ensure funding and human resources to implement and sustain the accessibility standard in education.
8. **Continuous Learning and Improvement** – Nova Scotia's education systems and sectors must ensure their programs, policies, and procedures are continuously reviewed and improved to reflect new learning and research, and to respond to the changing needs and experiences of learners and educators.

### 3. Early Years Recommendations

This section includes recommendations for the early years sector. They apply to:

- Licensed child care facilities
- Family home child care agencies
- Pre-primary Programs
- Nova Scotia Early Childhood Development Intervention Services
- Atlantic Provinces Special Education Authority
- Department of Education and Early Childhood Development

Three types of recommendations are included in this section:

- Accessibility standard, enacted as regulation under the Accessibility Act
- Amendments to the Pre-primary Act and the Early Learning and Child Care Act regulations
- Other non-regulatory recommendations

There are 59 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Access and Program Entry
- Early Learning Environment
- Family Involvement and Collaboration
- Curriculum Framework
- Play Materials
- Instruction
- Authentic Assessment
- Program Planning and Delivery
- Language Access
- Accessibility Services and Assistive Technology
- Navigation and Communication
- Transition Planning
- Research and Data Collection



## 4. Public Elementary and Secondary Recommendations

This section includes recommendations for the public elementary and secondary education sector. They apply to:

- Regional Centres for Education, including Nova Scotia School for Adult Learning programs delivered at adult high schools
- Conseil scolaire acadien provincial
- Atlantic Provinces Special Education Authority
- Department of Education and Early Childhood Development

Two types of recommendations are included in this section:

- Accessibility standard, enacted as regulation under the Accessibility Act
- Non-regulatory recommendations

There are 46 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Places and Spaces
- Curricula
- Learning Resources
- Instruction and Learning Assessment
- Language Access
- Accessibility Services and Assistive Technology
- Navigation and Communication
- Transition Planning
- Research and Data Collection



## 5. Private Elementary and Secondary Recommendations

This section includes recommendations for the private elementary and secondary education sector.

### Recommendations for an Accessibility Standard

Recommendations for an **accessibility standard**, enacted as regulation under the Accessibility Act, apply to:

- The Department of Education and Early Childhood Development
- Elementary and secondary schools designated as special education private schools under the Education Act
- Private schools recognized by the Minister under the Nova Scotia Education Act with a 5-year average annual enrolment rate of 200 or more students in grades primary to 12.

### Recommendations for Accessibility Guidelines

Recommendations for **accessibility guidelines** apply to private schools recognized by the Minister under the Education Act with a 5-year average annual enrolment rate of fewer than 200 students in grades primary to 12.

There are 24 recommendations for a standard and 20 recommendations for guidelines to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Curricula and Learning Resources
- Instruction and Learning Assessment
- Accessibility and Assistive Technology
- Navigation and Communication

## 6. Public Post-Secondary Recommendations

This section includes recommendations for the public post-secondary sector. They apply to:

- Universities and Nova Scotia Community College, including:
  - Certificate, degree, and diploma programs
  - Nova Scotia School for Adult Learning programs
  - Inclusive post-secondary programs (such as Achieve, Axxcess Acadia, MountAbility, and CBU Inclusive)
- Department of Advanced Education
- Department of Labour, Skills and Immigration

Two types of recommendations are included in this section:

- Accessibility standard, enacted as regulation under the Accessibility Act
- Non-regulatory recommendations

There are 56 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Access and Admissions
- Places and Spaces
- Curricula, Courses and Programs
- Instructional Materials
- Instruction and Learning Assessment
- Accessibility Services and Assistive Technology
- Navigation and Transition Planning
- Research and Data Collection

## 7. Private Career Colleges Recommendations

This section includes recommendations for the private career colleges sector. They apply to:

- Private career colleges registered under the Nova Scotia Private Career Colleges Act
- Department of Advanced Education

Four types of recommendations are included:

- Amendments to the Private Career Colleges Act Operational Regulations (PCCOR) – Applicable to all private career colleges registered under the Nova Scotia Private Career Colleges Act
- Accessibility standard under the Accessibility Act – Applicable to all private career colleges registered under the Nova Scotia Private Career Colleges Act, with a 5-year average annual enrolment rate of 200 or more students per college, as reported under the Private Career Colleges Act.
- Accessibility guidelines – Applicable to all private career colleges registered under the Nova Scotia Private Career Colleges Act, with a 5-year average annual enrolment rate of fewer than 200 students per college, as reported under the Private Career Colleges Act.
- Other non-regulatory recommendations

There are 35 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Recruitment and Admissions
- Curricula and Learning Resources
- Instruction and Learning Assessment
- Accessibility Services and Assistive Technology
- Navigation and Communication

## 8. Language Schools Recommendations

This section includes recommendations for the language schools sector, which apply to:

- Language schools registered under the Nova Scotia Language Schools Act
- Department of Advanced Education

Four types of recommendations are included:

- Amendments to the Language Schools Act Regulations - Applicable to all language schools registered under the Nova Scotia Language Schools Act
- Accessibility standard, enacted as a regulation under the Accessibility Act - Applicable to all language schools registered under the Nova Scotia Language Schools Act that are operated by a university.
- Accessibility guidelines - Applicable to all language schools registered under the Nova Scotia Language Schools Act that are not operated by a university.
- Other non-regulatory recommendations

There are 30 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Recruitment and Admissions
- Instruction and Learning Assessment
- Accessibility Services and Assistive Technology
- Navigation and Communication

## 9. Nova Scotia School for Adult Learning Recommendations

This section includes recommendations for the Nova Scotia School for Adult Learning. They apply to:

- Department of Labour, Skills and Immigration
- Community Learning Organizations that deliver Nova Scotia School for Adult Learning programs under the Nova Scotia Adult Learning Act.

Three types of recommendations are included:

- Accessibility standard, enacted as regulation under the Accessibility Act – applicable to the Department of Labour, Skills and Immigration
- Accessibility Guidelines - applicable to Community Learning Organizations.
- Other non-regulatory recommendations

There are 35 recommendations to prevent and remove barriers in the following areas:

- Accountability
- Professional Learning
- Access and Admissions
- Curricula and Learning Resources
- Instruction and Learning Assessment
- Accessibility Services and Assistive Technology
- Navigation and Communication

# Appendix: Education Standard Development Committee Members

## Current Members

**Rosalind Penfound, Chair** – Chair, Accessibility Advisory Board

**Cynthia Bruce, Vice-Chair** - Assistant Professor, Department of Creative Arts Therapies, Concordia University

**Annie Baert - Director**, Student Services, Department of Education and Early Childhood Development

**Denise Cameron** – Vice-Principal, Cobequid Educational Centre, Chignecto Central Regional Centre for Education

**Jacqueline Cote** – Manager, Accessible Learning, Cape Breton University, Cape Breton University

**Alice Evans** - Executive Director, Prescott Group

**Mary Goya** - Manager, Policy and Planning, Department of Labour, Skills and Immigration

**Sheila Jamieson** - Classroom Teacher, Atlantic Provinces Special Education Authority

**Diane Johnson-Snook** - Program Coordinator, Achieve Program, Nova Scotia Community College

**Alex LeBlanc** – Retired Tradesman, Human Rights Advocate

**Chrissi Lynch** – Retired Coordinator of Student Services, Strait Regional Centre for Education

**Patricia Monaghan** - Executive Director, Nova Scotia Early Childhood Development Intervention Services

**Kevin Penny** - Equipment Grants Coordinator, Post-Secondary Accessibility Services, Department of Advanced Education

**Cornelia Schneider** - Associate Professor, Faculty of Education, Mount Saint Vincent University

**David Steele** - Registrar, Dexter Institute Private Career College

**Matt Walsh** - Accessibility Mentor and Advocate, Subway Employee

**Barbara Welsford** - Assistive Technology Specialist, South Shore Regional Centre for Education

**Jillian Wood** - Itinerant Teacher, Atlantic Provinces Special Education Authority

## **Past Members**

**Linda Campbell** – Professor, Faculty of Science, Saint Mary’s University

**Adela N’Jie** - Student Services Coordinator, Conseil scolaire acadien provincial

**Ann Power** – Executive Director, Student Equity and Support Services, Department of Education and Early Childhood Development

**Sue Taylor-Foley** - Executive Director, Innovation, Programs and Services, Department of Education and Early Childhood Development

## **Project Lead**

**Amy Middleton** - Accessibility Directorate, Department of Justice