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**Subject** **EQUITY AND INCLUSIVE EDUCATION**

**References**

Policy 3130 – Equity and Inclusive Education  
*Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, 2014*  
*Canadian Charter of Rights and Freedom, the Constitution Act, 1982*  
*Ontario Human Rights Code*  
*Bill 33, Toby’s Act (Right to be Free from Discrimination and Harassment Because of Gender Identity or Gender Expression), 2012*  
*Ontario First Nation, Métis, and Inuit Education Policy Framework, 2007*  
*Truth and Reconciliation Commission of Canada: Calls to Action, 2015*  
*Ministry of Education Policy/Program Memorandum 108 – January 12, 1989 – Opening and Closing Exercises in Public Elementary and Secondary Schools*  
*Ministry of Education Policy / Program Memorandum 144 – December 5, 2012 - Bullying Prevention and Intervention*  
*Ministry of Education Policy /Program Memorandum 145 – December 5, 2012 - Progressive Discipline and Promoting Positive Student Behaviour*  
*Ministry of Education Policy / Program Memorandum No. 119 – April 22, 2013 - Developing and Implementing Equity and Inclusive Education Policies in Ontario schools*

**Contact** School Services

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**EQUITY AND INCLUSIVE EDUCATION****1. Rationale**

Policy 3130 - Equity and Inclusive Education and its related procedures outline the Simcoe County District School Board (SCDSB)'s commitment to ensuring equitable and inclusive learning and working environments.

**1.1 Equity and inclusive education:**

- 1.1.1 is a foundation of excellence;
- 1.1.2 meets individual needs;
- 1.1.3 identifies and eliminates barriers;
- 1.1.4 promotes a sense of belonging;
- 1.1.5 involves the broader community;
- 1.1.6 builds on and enhances previous and existing initiatives; and,
- 1.1.7 is demonstrated throughout the system.

**2. Definitions** (excerpted from *Ministry of Education Guidelines for Policy Development and Implementation - 2009, Equity and Inclusive Education in Ontario Schools*).

- 2.1 *Equity* - is a condition or state of fair, inclusive and respectful treatment of all people. Equity does not mean treating people the same without regard for individual differences.
- 2.2 *Inclusive Education* - is based on the principles of acceptance and inclusion of all students. Students see themselves reflected in their curriculum, their physical surroundings and the broader environment, in which diversity is honoured and all individuals are respected.
- 2.3 *Race* - a social construct that groups people on the basis of common ancestry and characteristics such as colour of skin, shape of eyes, hair texture, and/or facial features. The term is used to designate the social categories into which societies divide people according to such characteristics. Race is often confused with ethnicity (a group of people who share a particular cultural heritage or background); there may be several ethnic groups within a racial group.
- 2.4 *Ethnicity* - the shared national, ethnocultural, racial, linguistic, and/or religious heritage of a group of people, whether or not they live in their country of origin.
- 2.5 *Gender* - a term that refers to those characteristics of women and men that are socially constructed.
- 2.6 *Sexual Orientation* - a person's sense of sexual attraction to people of the same sex, the opposite sex, or both sexes.

- 2.7 *Disability* - a term that covers a broad range and degree of conditions, some visible and others not (e.g. physical, mental, and learning disabilities, hearing or vision disabilities, epilepsy, environmental sensitivities). A disability may be present from birth, may be caused by an accident, or may develop over time.
- 2.8 *Racism* - a set of erroneous assumptions, opinions, and actions stemming from the belief that one race is inherently superior to another. Racism may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviours of individuals.
- 2.9 *Social Justice* – a concept based on the belief that each individual and group within a given society has a right to equal opportunity, civil liberties, and full participation in the social, educational, economic, institutional, and moral freedoms and responsibilities of that society.
- 2.10 *Diversity* - is the presence of a wide range of human qualities and attributes within a group, organization or society. The dimensions of diversity include, but are not limited to, ancestry, culture, ethnicity, gender, gender identity, race, religion, sex, sexual orientation and socio-economic status.
- 2.11 *Barriers* - an obstacle to equity that may be overt or subtle, intended or unintended, and systemic or specific to an individual or group, and that prevents or limits access to opportunities, benefits, or advantages that are available to other members of society.
- 2.12 *Creed* - one of the prohibited grounds of discrimination in the *Ontario Human Rights Code*, interpreted by the Ontario Human Rights Commission to mean “religious creed” or “religion”. Creed is “a professed system and confession of faith, including both beliefs and observances or worship” that is “sincerely held” and includes non-deistic belief systems. Creed does not include “secular, moral, or ethical beliefs or political convictions” or “religions that promote violence or hate towards others or that violate criminal law”. Individuals who do not belong to a religion or practice any specific faith are also protected by the *Ontario Human Rights Code*.
- 2.13 *Bias* - an opinion, preference, prejudice, or inclination that limits an individual’s or a group’s ability to make fair, objective, or accurate judgements.
- 2.14 *Discrimination* - unfair or prejudicial treatment of individuals or groups on the basis of race, ancestry, place or origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability, as set out in the *Ontario Human Rights Code*, or on the basis of other, similar factors. Discrimination, whether intentional or unintentional, has the effect of preventing or limiting access to opportunities, benefits, or advantages that are available to other members of society. Discrimination may be evident in organizational and institutional structures, policies, procedures, and programs, as well as in the attitudes and behaviour of individuals.

- 2.15 *Harassment* - a form of discrimination that may include unwelcome attention and remarks, jokes, threats, name-calling, touching, or other behaviour (including the display of pictures) that insults, offends, or demeans someone because of his or her identity. Harassment involves conduct or comments that are known to be, or should reasonably be known to be, offensive, inappropriate, intimidating, and hostile.
- 2.16 *Accommodation* - an adjustment made to policies, programs, guidelines, or practices, including adjustments to physical settings and various types of criteria, that enables individuals to benefit from and take part in the provision of services equally and to participate equally and perform to the best of their ability in the workplace or an educational setting. Accommodations are provided so that individuals are not disadvantaged or discriminated against on the basis of the prohibited grounds.
- 2.17 *Religious Accommodation* - an obligation under the *Ontario Human Rights Code* to provide reasonable accommodation for students and employees who wish to observe the tenets or practices of their faith, as well as for those who wish not to participate in any form of religious observance.
- 2.18 *Gender Identity* – a person’s sense of self, with respect to being male or female. Gender identity is different from sexual orientation, and may be different from birth-assigned sex. (Refer to the Ontario Human Rights Commission’s Policy on Discrimination and Harassment because of Gender Identity, at [www.ohrc.on.ca](http://www.ohrc.on.ca).)
- 2.19 *Land Acknowledgement* – a Land Acknowledgement is a formal statement that recognizes the unique and enduring relationship that exists between Indigenous Peoples and their traditional territories.

### **3. Guidelines**

*Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, Ontario’s Equity and Inclusive Education Strategy and Policy/Program Memorandum No. 119 (2013) “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”* identify eight areas of focus as important for establishing an equitable and inclusive educational environment:

#### **3.1 Board Policies, Programs, Guidelines and Practices**

All board policies, programs, guidelines, and practices will serve employees, students, and families in all communities by incorporating the principles of equity and inclusive education into structures, policies, programs, procedures, guidelines, and practices, consistent with the principles of the *Ontario Human Rights Code*.

Boards should make every effort to identify and remove discriminatory biases and systemic barriers that may limit the opportunities of individuals from diverse communities for employment, mentoring, retention, promotion, and succession planning in all board and school positions. The board’s work force should reflect the diversity within the community so that students, parents/guardians, and community

members are able to see themselves represented. The board's work force should also be capable of understanding and responding to the experiences of the diverse communities within the board's jurisdiction.

The board will:

- 3.1.1 establish the foundational framework that will inform their review and/or development and implementation of a comprehensive equity and inclusive education policy that recognizes and addresses biases related to race, class, ethnicity, gender, sexual origination, disability, family status, and religious and linguistic differences as well as socio-economic factors;
- 3.1.2 review existing equity and inclusive education policies and/or extend or develop such policies to fulfill the requirements of existing regulations, the Strategy, *Policy/Program Memorandum No. 119, Ontario's Equity and Inclusive Education Strategy* and the *Ontario Human Rights Code*;
- 3.1.3 ensure that principles of equity and inclusive education permeate and are explicitly stated in all board policies, programs, guidelines, operations, practices and board improvement plans;
- 3.1.4 ensure all future policies, administrative procedures and guidelines are drafted and implemented in accordance with the board's Equity and Inclusive Education Policy;
- 3.1.5 collect information needed to monitor the implementation of the Equity and Inclusion Education Policy by the board;
- 3.1.6 provide training to facilitate equitable recruitment and hiring practices to reflect Ontario's diverse society;
- 3.1.7 provide opportunities for the diverse school community, including students, staff, parents/guardians, trustees and community members, to provide active input into board policies and improvement plans on an ongoing basis;
- 3.1.8 investigate in a thorough and timely manner any claims of discrimination, inequity, and/or non-inclusionary practices, and take appropriate action, consistent with the principles of the *Ontario Human Rights Code* and *Ontario's Equity and Inclusive Education Strategy*; and,
- 3.1.9 implement a land acknowledgement statement for Board meetings and significant events.

Schools will:

- 3.1.10 extend, develop, and implement strategies to actively engage students, parents/guardians, families, and the wider community in the review, development, and implementation of initiatives to support and promote equity and inclusive education;
- 3.1.11 implement board equity and inclusive education policies, programs and school improvement plans that are consistent with the *Ontario Human Rights Code* and *Ontario's Equity and Inclusive Education Strategy* and reflect the needs of diverse students and school communities; and,
- 3.1.12 implement a land acknowledgement statement at significant events and as part of their daily opening exercises.

### 3.2 Shared and Committed Leadership

The board will work with all educational partners to provide leadership that is responsive to the diverse nature of Ontario's communities by identifying and removing discriminatory biases and/or systemic barriers to student achievement and well-being.

The board will:

- 3.2.1 identify and appoint a contact person to liaise with the ministry and other boards to share challenges, promising practices and resources;
- 3.2.2 provide ongoing education and training for students, administrators, teachers, support staff and trustees in implementing equity and inclusive education and leadership initiatives;
- 3.2.3 establish selection criteria for leadership positions that prioritize demonstrated commitment, knowledge and skills related to equity and inclusive education implementation and inclusive leadership;
- 3.2.4 provide ongoing training for all staff in the principles of human rights and their fundamental role in an equitable and inclusive environment; and,
- 3.2.5 include members of communities that are underserved and/or marginalized in shared leadership.

Schools will:

- 3.2.6 establish a collaborative culture where the collective capabilities and voices of all stakeholders are included to develop and implement equity and inclusive education goals;
- 3.2.7 promote equity and inclusive minded student leadership related to issues of social justice; and,
- 3.2.8 demonstrate leadership in setting the tone for the positive and proactive implementation of the equity and inclusion strategy within the school.

### 3.3 School – Community Relationships

The board will establish and maintain collaborative relationships with all communities so that the perspectives and needs of all students, families, and employees are recognized and addressed through shared and committed leadership and school-community relationships. These relationships will create and sustain a positive school climate that supports student achievement and well-being.

The board will:

- 3.3.1 review and/or initiate tools to determine stakeholders' views on school environments and act upon relevant next steps;
- 3.3.2 review existing committees to assess the levels of representation of the diversity of the board and wider community;
- 3.3.3 review and/or deepen existing community partnerships to ensure that they reflect the principles of equity and inclusive education;
- 3.3.4 expand community outreach efforts to foster new partnerships that engage a cross-section of diverse students, parents/guardians, staff, community members and various community organizations, including business groups to foster and support an inclusive environment; and,

- 3.3.5 establish processes to identify and address systemic barriers that limit or prevent all sectors of the school community from opportunities for board representation and involvement in board activities.

Schools will:

- 3.3.6 review and revise existing community partnerships to ensure that they reflect the diversity of the community;
- 3.3.7 invite and support representation of diverse groups on school committees, including school improvement planning; and,
- 3.3.8 engage stakeholders in community forums to listen to and address concerns and suggestions.

#### 3.4 Inclusive Curriculum and Assessment Practices

The board will review curriculum and resources, instruction, and assessment/evaluation practices in order to eliminate stereotypes, discriminatory biases, and systemic barriers, thereby ensuring equity of opportunity and access for each student.

The board will ensure the implementation of an inclusive curriculum supported by resources and instructional strategies and assessment and evaluation practices that reflect the diverse needs of all students and their learning pathways.

The board will:

- 3.4.1 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 and Ontario's Equity and Inclusive Education Strategy*;
- 3.4.2 support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices specifically addressing areas of discrimination under the *Ontario Human Rights Code and Ontario's Equity and Inclusive Education Strategy*; and,
- 3.4.3 provide students and staff with authentic and relevant opportunities to learn about diverse histories, cultures, and perspectives. Students should be able to see themselves represented in the curriculum, programs, and culture of the school. Also, since schools have a pivotal role in developing the work force of tomorrow, students should be able to see themselves represented in the teaching, administrative, and support staff employed by the board.

Schools will:

- 3.4.4 review student assessment and evaluation policies and practices to identify and address systemic bias that may exist in the way students' work is assessed and evaluated; the principles of such a review will be consistent with the *Ontario Human Rights Code* and *Ontario's Equity and Inclusive Education Strategy*.
  - 3.4.4.1 provide for assessment and evaluation to support growth and learning, with the belief that each and every student can achieve and be successful given the appropriate time, support, accommodations and/or modifications and/or alternative programming as needed;
  - 3.4.4.2 provide education and training based on the belief that all students can learn. This belief will be reflected in: the expectations of students' assessment and evaluation practices; counseling about available program options; and other counseling practices;
  - 3.4.4.3 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;
- 3.4.5 support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices:
  - 3.4.5.1 provide multiple opportunities for assessment (self, peer, teacher), student led conferencing or parent/guardian/student and teacher interviews, and multiple formats through which students can share their learning (written, oral, using technology/visuals/manipulatives);
  - 3.4.5.2 instruction should be adjusted based on the results of formative assessment. Feedback to students should be specific, timely, aligned to curriculum expectations and success criteria, and promote further learning;
  - 3.4.5.3 provide a learning environment that recognizes and supports a variety of student learning styles or preferred learning modalities. Provide for consistent monitoring of the growth of students who are on Individual Education Plans and/or are English Language Learners to meet the specific needs of students through effective programming based on best practices in assessment; all needed accommodations and modifications must be in place to assist the student in accessing the curriculum;
  - 3.4.5.4 provide an education program for students who have English language learning needs that aligns with their specific needs and that provides equity of access to the curriculum;
  - 3.4.5.5 provide access and use of assistive technologies for students who require accommodations to access the curriculum, and support achievement and success;

- 3.4.5.6 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);
- 3.4.5.7 review and reflect on classroom practices and revise them as needed to ensure they are aligned with school-wide equity and inclusive education policies; and,
- 3.4.5.8 ensure that resources and instructional strategies are respectful in teaching about the prohibited grounds of discrimination; show people of different races, genders, 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* in society, the community, and the school.

### 3.5 Religious Accommodation

The board acknowledges each individual's right to follow or not to follow religious beliefs and practices free from discriminatory or harassing behaviour and will take reasonable steps to provide religious accommodation to students and staff.

The board will:

- 3.5.1 inform students and their parent(s)/guardian(s) and staff of their right to request accommodation for religious beliefs and practices;
- 3.5.2 prepare a religious accommodation guideline in keeping with the *Ontario Human Rights Code*, which prohibits discrimination on the grounds of creed, and other Code protected grounds, and provides a duty to accommodate; and,
- 3.5.3 provide religious accommodation for students and staff consistent with the *Ontario Human Rights Code* and *Ontario's Equity and Inclusive Education Strategy*.

Schools will:

- 3.5.4 revise/implement their religious accommodation practices to align with the board's religious accommodation guideline (APPENDIX A).

### 3.6 School and Workplace Climate and Prevention of Discrimination and Harassment

The board is committed to the principle that every person is entitled to work and/or learn in a respectful, positive, working and learning environment, free from all forms of discrimination, harassment, and exclusion. When relationships are founded on mutual respect, a culture of respect becomes the norm.

- 3.6.1 Regular school and board monitoring of school climate is essential. Monitoring through school climate surveys, as outlined in PPM 144 - 2012 - Bullying Prevention and Intervention, can help identify inappropriate behaviours, barriers, or issues that should be addressed. Boards are therefore expected to incorporate questions on equity and inclusive education in their school climate surveys. Boards must require schools to conduct anonymous school climate surveys of their students and staff and the parents/guardians of their students at least once every two years, in accordance with subsection 169.1(2.1) of the *Education Act*;
- 3.6.2 implement strategies to identify and address discriminatory barriers that limit engagement by students, parents/guardians, and the community, so that diverse groups and the broader community have board-level representation and access to board initiatives;
- 3.6.3 implement procedures that will enable students and staff to report incidents of discrimination and harassment safely and that will also enable boards to respond in a timely and effective manner as required in PPM 145 - 2012 Progressive discipline and promoting positive student behaviour;
- 3.6.4 promote positive behaviour through proactive programs to reduce suspensions and expulsions and as required by PPM 144 - 2012 Bullying Prevention and Intervention; and,
- 3.6.5 create a culture of high expectations in which excellence is continually strived for and respect permeates the environment.

Schools will:

- 3.6.6 use progressive discipline practices which may include peer mediation and restorative practice;
- 3.6.7 welcome, respect and validate the contributions of all students, parents/guardians, and other members of the school community;
- 3.6.8 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;
- 3.6.9 ensure that school codes of conduct are developed with the active consultation and involvement of students, staff, parents/guardians, and a representative cross-section of community members to address the needs of diverse communities; and,
- 3.6.10 assure the school community that board procedures will enable students and staff to report incidents of harassment and discrimination safely and that they will receive a timely and appropriate response in accordance with the requirements of the *Education Act*.

### 3.7 Professional Learning

The board will provide employees, students and other members of the SCDSB community, including parents/guardians, visitors, contractors, third parties and others, 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*.

The board will

- 3.7.1 support the schools' review of classroom strategies that promote school-wide equity and inclusive education policies and practices;
- 3.7.2 provide ongoing opportunities for students, administrators, teachers, support staff, and trustees to participate in equity and inclusive education training and leadership initiatives;
- 3.7.3 provide antiracism and antidiscrimination training to students, administrators, teachers, support staff, and trustees; and,
- 3.7.4 ensure that the principles of equity and inclusive education are modelled and incorporated in professional learning programs.

Schools will:

- 3.7.5 review classroom strategies and revise them as needed to ensure that they are aligned with and reflect board-wide equity and inclusive education policies;
- 3.7.6 promote collaboration among staff to select and implement best practices in equity and inclusive education;
- 3.7.7 build staff capacity through ongoing professional learning that is based on needs determined through results-oriented and evidence-based research;
- 3.7.8 encourage and support students in their efforts to promote social justice, equity, inclusion, antiracism, and antidiscrimination in schools and classrooms; and,
- 3.7.9 undertake initiatives which promote a welcoming and respectful school environment and provide timely and specific feedback that will further school-wide equitable practices.

### 3.8 Accountability and Transparency

The board will ensure that assessment and monitoring processes are in place to gauge the implementation of *Ontario's Equity and Inclusive Education Strategy* embedding these principles into all board policies, programs, guidelines and practices, and the communication of these results to the community.

The board will:

- 3.8.1 embed the principles of equity and inclusive education into all board policies, administrative procedures, board learning plans, programs, guidelines and practices;
- 3.8.2 actively communicate the Equity and Inclusive Education Policy to students, teachers, parents/guardians, staff, school councils, community partners, and volunteers and post it on the board's website. Seek and use feedback to improve the Equity and Inclusive Education Policy, in the spirit of continuous improvement;
- 3.8.3 engage board and school teams in school improvement planning with particular emphasis on identifying and removing barriers to student achievement;
- 3.8.4 establish processes to monitor progress and assess effectiveness of policies, programs, and procedures;
- 3.8.5 report on the progress of implementation of the strategy and its impact on student achievement using specific criteria to the Ministry of Education and the local community;

- 3.8.6 assess progress made in the equity and inclusive education policy in order to enhance implementation and determine pathways toward full integration of equity and inclusive education into school and board practices, using specific criteria from the Council of Ontario Directors of Education's "*Equity and Inclusive Education: Going Deeper*" assessment tool; and,
- 3.8.7 ensure the transparency of the Identification Placement and Review Committee (IPRC) process, informs, and supports parent(s)/guardian(s).

Schools will:

- 3.8.8 intervene at all levels to ensure the achievement and success of all students;
- 3.8.9 develop and communicate evidence based school learning plans that are aligned with *Ontario's Equity and Inclusive Education Strategy*; and,
- 3.8.10 review and establish self-reflection and self-assessment tools to determine the effectiveness of the school's equity and inclusive education plans and procedures.

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**RELIGIOUS ACCOMMODATION GUIDELINE****Religious Accommodation**

The Simcoe County District School Board (SCDSB) acknowledges each individual's right to follow or not to follow religious beliefs and practices, free from discriminatory, exclusionary, or harassing behaviours and is committed to taking all reasonable steps to provide religious accommodations to staff and to students.

**Introduction**

The SCDSB 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, exclusionary, or harassing behaviours based on religion.

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

**1. Legislative and Policy Content**

All school boards exist within a broader context of law and public policy that protect and defend human rights. Policy statements have been developed that reinforce both federal and provincial legislation to help ensure that the freedoms they set out are protected within the school system.

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

PPM No. 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools",

R.R.O. 1990, Regulation 298, "Operation of School-General" s 27-29, under the heading "Religion in Schools"

PPM No. 119, "Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools", 2013.

The SCDSB recognizes, and is committed to, the values of freedom of religion and freedom from discriminatory, exclusionary, or harassing behaviour based on religion through its human rights policies, equity and inclusive education policy, student discipline policy and curriculum documents. All of these are informed by, and interpreted in accordance with, the principles of the *Ontario Human Rights Code*.

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## 2. Definitions

### **Accommodation**

The Ontario Human Rights Commission's (OHRC) Policy on Creed and the Accommodation of Religious Observances define "accommodation" as a duty corresponding to the right to be free from discrimination:

The *Ontario Human Rights Code* provides the right to be free from discrimination, and there is a general corresponding duty to protect the right: the "duty to accommodate." The duty arises when a person's religious beliefs conflict with a requirement, qualification or practice. The *Ontario Human Rights Code* imposes a duty to accommodate based on the needs of the group of which the person making the request is a member. Accommodation may modify a rule or make an exception to all or part of it for the person requesting accommodation.

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 *Ontario Human Rights Code*. The duty to accommodate must be provided to the point of undue hardship. In determining whether there is undue hardship, section 24(2) of the *Ontario Human Rights Code* provides that reference should be made to the cost of accommodation, outside sources of funding, if any, and health and safety requirements.

### **Creed**

Creed is interpreted by the Ontario Human Rights Commission's 1996 Policy on Creed and the Accommodation of Religious Observances as "religious creed" or "religion." It is defined as a professed system and confession of faith, including both beliefs and observances of worship.

Religion is broadly accepted by the OHRC to include, for example, non-deistic bodies of faith, such as the spiritual faiths/practices of aboriginal cultures, as well as bona fide newer religions (assessed on a case by case basis).

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 *Ontario Human Rights Code*.

This guideline 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.

**Undue Hardship**

Accommodation will be provided to the point of undue hardship, as defined by the OHRC. 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.

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 their recourse under the board's Equity and Inclusive Education Policy and Procedure, and under the *Ontario Human Rights Code*.

Where a determination has been made that an accommodation would cause undue hardship, the board will proceed to implement the next best accommodation short of undue hardship, or will consider phasing in the requested accommodation.

**3. Accommodation Guidelines**

The purpose of this guideline is to ensure that all board staff, students, parent(s)/guardian(s) and other members of the school community are aware of their rights and responsibilities under the *Ontario Human Rights Code* with respect to religious accommodation. It also sets out the board's procedures for accommodation and the responsibilities of each of the parties to the accommodation process. In accordance with the Equity Strategy, the *Ontario Human Rights Code* and 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 board is committed to providing an environment that is inclusive and that is free of barriers based on religion or creed. Accommodation will be provided in accordance with the principles of dignity, individualization, and inclusion. The board will work cooperatively, and in a spirit of respect, with all partners in the accommodation process.

**Accommodation Based on Request**

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 board will base its decision to accommodate by applying the *Ontario Human Rights Code*'s criteria of undue hardship with the board's ability to fulfill its duties under board policies and the *Education Act*.

When concerns related to beliefs and practices arise in schools, collaboration among school, student, family, and religious community is needed in order to develop appropriate accommodation. It is the role of the board and its staff to ensure equity and respect for the diverse religious beliefs and practices of students and their families and other staff in the school system. However, school administrators should not be placed in the position of monitoring a child's compliance with a religious obligation, and enforcing such practices, i.e. performing daily prayers or wearing a head covering is not the responsibility of the school or the board.

### **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 policy and the appropriate collective agreement.

#### **Students**

Students must present verbal or written notice from their parent(s)/guardian(s) 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. Student handbooks and parent(s)/guardian(s) newsletters should include information about the procedure to follow to request an accommodation for religious observances and/or holy days.

#### **Unresolved Requests**

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

#### **Areas of Accommodation**

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

- school opening and closing exercises;
- leave of Absence for Religious Holy Days;
- prayer;
- dietary requirements;
- fasting;
- religious dress;
- modesty requirements in physical education;
- participation in daily activities and curriculum.

#### 4. General Guidelines and Procedures

##### School Opening and Closing Ceremonies

Memorandum No. 108 states the following:

- All public elementary and secondary schools in Ontario must be opened or closed each day with the national anthem. “God Save the Queen” may be included.
- The inclusion of any content beyond “O Canada” in opening or closing exercises is to be optional for public school boards. In order to honour the recommendations of the Truth and Reconciliation report, the SCDSB will use a daily Land Acknowledgement as part of their opening exercises. The Land Acknowledgement will be read, not recorded, by a student or staff member each morning, ahead of O’Canada. Students do not need to stand for this acknowledgement.
- Where public school boards resolve to include, in the opening or closing exercises in their schools, anything in addition to the content set out above, it must be composed of either or both of the following:
  - 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;
  - a period of silence.

Parents/guardians 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 *Ontario Human Rights Code* and the board will consider other requests for accommodation as may be made.

##### **Absence for Religious Holy Days**

The board affirms and values equally the faith diversity in our schools. Section 21(2) (g) of the *Education Act* provides that a person is excused from school attendance in observance of a “holy day by the church or religious denomination to which he/she belongs.” This requirement will be interpreted in accordance with the *Ontario Human Rights Code*.

All staff and students who observe religious holidays in accordance with section 21(2) (g) of the *Education Act* may be excused from attendance, subject to the particular request for religious leave process.

The board will encourage members of different faith-based groups to identify their religious holy days at the beginning of each school year. The board will make reasonable efforts to acknowledge the different observances of their community when planning programs and events, such as board-wide 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:

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

A holy days and holidays calendar will be provided on a yearly basis to help schools make appropriate accommodations.

**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 an absence should give verbal or written notice from their parent(s)/guardian(s) to the school at, or as close as possible to, the beginning of the school year.

Student agendas, school newsletters, announcements and other forms of communication should include information about the procedures for requesting an absence for Religious Holy Days.

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

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For consultation or further clarification of questions, administrators and managers should contact their superintendent.

#### Unresolved Requests

##### Employee

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

##### Students

In the event that a student maintains that their rights under the board's religious accommodation policy have been compromised, then the matter will be referred to the appropriate superintendent of education.

#### **Prayer**

The board recognizes the significance of prayer in religious practice. Schools will make reasonable efforts to accommodate individuals' requirement for daily prayer by providing an appropriate location within the building for students and staff to participate in prayer. 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.

#### **Dietary Restrictions**

The board is sensitive to the different dietary restrictions of various religious groups. Such sensitivity includes attending to issues related to the menus provided by catering companies, snacks in elementary schools, and food provided within schools, at school-sponsored activities and community events.

Breakfast and lunch programs in both secondary and elementary schools will consider relevant dietary restrictions in their menu planning. Availability of vegetarian options is recommended as a form of inclusive design.

Special attention needs to be given to overnight outdoor education activities, as well as field trips that extend over a mealtime period.

#### **Fasting**

The board is sensitive to religious periods of fasting. Schools will endeavour to provide appropriate space, other than cafeterias or lunchrooms, for individuals who are fasting in religious observance. The board recognizes that students who are fasting may need exemptions from certain physical education classes and schools should make reasonable efforts to provide appropriate accommodations.

**Religious Dress**

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

The board recognizes that there are certain religious communities that require specific items of ceremonial dress. The board understands that some religious attire, which is a requirement of religious observance, may not conform to a school’s Dress Code. Schools 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 in schools 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.

The board seeks to foster an atmosphere of cultural understanding in order to be proactive in addressing potential harassment about religious attire. Harassment about religious attire is one of the most common types of harassment and bullying. The board and its schools will not tolerate any harassment, exclusionary, or discriminatory practices directed at, or inappropriate actions taken against, an individual’s religious attire.

There are religious communities that require specific items of ceremonial dress which may be commonly perceived as contravening board 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, please see APPENDIX A - 10.

**Modesty Requirements for Dress in Physical Education Classes**

The board 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.

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.

**Participation in Daily Activities and Curriculum**

The board will seek to reasonably accommodate students where there is a demonstrated conflict between a specific class or curriculum and a religious requirement or observance. Where academic accommodation is requested, the school should have an informed discussion with the student’s parent(s)/guardian(s) to understand the nature and extent of the conflict.

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

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

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

In general, the board recommends an informed, common-sense approach to questions of religion and curriculum with the view that these questions be solved by an open discussion between the teacher, the student and their family.

#### **5. Limitations to Religious Accommodation**

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

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

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**GUIDELINE FOR KIRPAN ACCOMMODATION**

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

- At the beginning of the school year, or upon registration, the student and parent(s)/guardian(s) must request accommodation by providing written notification to their respective school administration that they are Khalsa Sikhs and wear the five articles of faith, including a Kirpan.
- The principal, in consultation with the student and their parent(s)/guardian(s) will develop appropriate accommodations to allow the student to wear the Kirpan while ensuring the safety of others. These may include the following conditions:
  - the Kirpan is six inches or less;
  - the Kirpan will be sufficiently secured with a stitched flap so it is not easily removed from its sheath;
  - the Kirpan will not be worn visibly, but under the wearer's clothing; and,
  - students under the age of eighteen must be accompanied by parent(s)/guardian(s) when discussing the rules regarding the wearing of a Kirpan.