



# ACCESSIBILITY A NEW FRAMEWORK

*a response from the BC School Trustees Association*

## Introduction

On behalf of the BC School Trustees Association (BCSTA), we thank you for the opportunity to submit these initial comments on the draft framework for accessibility legislation. Representing 60 school districts across the province, we believe we can make a significant contribution to the development of new accessibility legislation. We appreciate being able to be involved at this early stage in the development of legislation. At the same time, given the lack of detail so far, it is difficult to respond, except in generalities. The framework raises many questions for boards of education.

As a result, we ask that we be kept involved as the legislation is further developed and standards established. We appreciate the fact that the disability community, their families and supporters, as well as Indigenous people and business have been included in the preparation of the framework (p. 4). At the same time, public education is in a unique position to support a changing culture around accessibility. And, as boards of education are large employers in the province, and providers of service to a large number of persons with disabilities, the BCSTA believes we have much to offer in further development of this legislation and accompanying standards. Furthermore, as co-governors of the school system, school boards have an important role to play in this process.

We acknowledge the work the Province has already undertaken to make BC more accessible. The 2018 Progress Update for Building a Better BC is testament to the commitment of government to making B.C. the most progressive province in Canada for people with disabilities by 2024. We see this proposed legislation as a way to support that progress.

We also note that public schools are, to a large extent, exemplars of inclusion and accessibility. We take this opportunity to celebrate what we've already achieved in the public school system, with rising graduation rates for students with special needs. In fact, much of what the UN Convention on the Rights of Persons with Disabilities requires of member states with respect to education is in place in BC. School districts are continuing their efforts to enhance the achievement of students with special needs through a model of continuous improvement. We are also making strides with respect to mental health supports for students who need them to ensure their full inclusion in the system.

## Some General Points

We welcome the intent to use the UN Convention on the Rights of Persons with Disabilities, the United Nations Declaration on the Rights of Indigenous Peoples, and Canada's Bill C-81 as guiding the development of legislation. A consistent use of the important principles is key to achieving success in the goal for accessibility.

We are happy to see the Poverty Reduction Plan referred to in connection with accessibility. We recognize that socio-economic realities play a large role in the area of accessibility. We are also pleased to see the involvement of Indigenous peoples in the development of the new legislation. We know that barriers to accessibility are experienced disproportionately by Indigenous peoples.

We note that the legislation in other provinces is being used to inform this work. Given those provinces have some years of experience, and in the case of Ontario and Manitoba have had recent reviews of the implementation, it will be important to pay attention to the findings of those reviews. Some of the recommendations contained in those reviews mirror these suggestions from the BCSTA. While other countries may have legislation, it is important to focus on a Canadian context. Even more specifically, as noted in the framework, it will be important to attempt "to meet the unique needs of British Columbians" (p.13).

The Framework document says that existing legislation and programs that support persons with disabilities would be distinct from this new legislation (p.10). We wonder how current resources used in school districts, such as "Accessible School Facilities: A Resource for Planning", will interface with the new legislation. Similarly, school districts and schools are currently guided by "Special Education Services: A Manual of Policies, Procedures and Guidelines" and we wonder how these practices will affect, or be affected by the new legislation and its guidelines. At some point in the development process, it will be important to have clarity regarding the relationship between and among the various laws, policies, programs and guidelines that are in play.

## What's Important to Us

The BCSTA has a valuable role to play in developing this new important legislation. It is essential for boards of education to be included, especially as standards are developed.

Improvements to accessibility, clarity around expectations, and accountability for implementation are all areas that boards of education would welcome. However, new requirements will have financial implications. We would not want to see implementation requirements take anything, financially or educationally, away from students. In other words, implementation must be funded.

Accountability is important when new requirements are being implemented. We would like to emphasize the need to ensure that reporting or other means for accounting for compliance not be burdensome for boards of education, or district and school administration.

## Suggested Model for Legislation and Scope of Legislation

We support the government's purpose to remove and prevent barriers encountered by people with disabilities. We believe that educating people, raising awareness, and creating a culture of accessibility is central to the purpose and believe the public education system has much to offer in that regard. The participation of boards of education in developing standards and mechanisms for tracking them will be critical.

# Approach to Accessibility Standards

The five areas proposed for standards make good sense and we note that other provinces have used similar areas of standards. We also note that each area has direct and significant implications for public schooling. Boards of education have experience to bring to the table when standards are being developed. For example:

## Service Delivery

As providers of service to thousands of families in communities across the province with extensive experience in inclusive environments, boards of education have valuable knowledge to contribute to discussions about standards in this area. As well, improving service delivery will involve professional development and public awareness and training, areas of expertise for those involved in education.

## Employment

As a large employer in communities throughout the province, recruitment and hiring and creating inclusive working conditions are central activities of all boards of education.

## Information and Communication

Making communications accessible to the various families and staff in the communities is a challenge boards of education face on a daily basis. Sharing information with other agencies is also an area where boards of education have much experience within the confines of Freedom of Information and Protection of Privacy Guidelines.

## Built Environment

Boards of education desire to exceed the standards currently outlined in the Building Code when new builds are possible. Retrofitting is another challenge boards face as they identify needs and the restricted funding available.

## Transportation

Boards of education transport students, including those with special needs, to schools across the province. This costly and complex activity, especially in rural and remote areas, could be affected by new accessibility legislation.

There are funding implications for implementing improvements in all the standards. As the BC Trustees Association, cogovernors of the public school system, not just stakeholders, we emphasize the need for the involvement of boards of education in the development process.

On another point, we note that some standards would be voluntary and others mandated and will be looking for more clarity on the distinction as the process progresses.

## Suggested Approach to Timelines for Accessibility Legislation

We agree we can learn much from other jurisdictions that have already implemented accessibility legislation, especially those in Canada. However, it will be important to adapt any standards and tracking mechanisms to a BC context. We note, for example, that in the review of Manitoba's legislation, the reviewer concluded that a comparison with Ontario's work in the area was not appropriate because of the very different funding realities in the two provinces. Where Ontario made significant resource allocations to develop and implement standards, Manitoba did not. Timelines can put pressure on a process. That can be good, and it is possible that using extant work in the area could expedite work in British Columbia. However, getting it right by acknowledging the provincial context and funding realities is even more important than getting it done quickly.

## Suggested Approach to Governance for Accessibility Legislation

We understand that it will be necessary to have a governance structure in place. We caution that it be kept lean, that its reporting structures be made clear to everyone, and that it consistently achieves a balance of cost-benefit.

# Suggested Approach to Incentives, Compliance, and Enforcement of Accessibility Legislation

We agree that incentives, for the most part, are more effective than sanctions. We agree with the approach being primarily a focus on providing supports and incentives and building awareness (p.28). We are not clear about the incentives currently provided as suggestions. How would accessibility leadership be defined, for example? And, what would comprise an awards program? We note that none of the examples relate to K-12 schooling. Incentives have to be meaningful to a diverse population in concrete ways.

Compliance often requires reporting on progress. We would suggest that any such requirements for reporting not be burdensome to school districts and that resources be developed to support the work.

## Reviews of Accessibility Legislation

Reviews of the accessibility legislation will be essential to gauge and celebrate progress, as well as to identify and ameliorate problems with implementation. Having an initial review after a relative short time, followed by longer intervals makes sense.

Initiatives or Actions to Promote a Culture of Accessibility  
Awareness and education are keys to changing any culture. Public schools have a large role to play in this regard. This direction fits in well with the goals for personal and social competency and current work in schools could be leveraged to great advantage. Public awareness campaigns and opportunities to be trained in the implementation of the new standards will be essential.

# Summary of Important Points

## Participation

As consistently noted in the responses to questions posed in the framework, having a role in the development of the legislation and its standards is important to the BCSTA and its 60 member boards of education. We strongly believe we have a great deal to offer to the process, with an understanding of the various areas for standard development, as well as in the role education can play in creating an accessibility culture.

## Financial Implications

It cannot be emphasized enough that any new requirements under the accessibility legislation and standards will have implications for funding. It is important that new funding be directed to the new requirements under the legislation. The goal of accessibility is an important one and it deserves the funds that will contribute to success. Any costs to implementing the new legislation and standards can not result in taking money from other important programs and services. Boards of education are already challenged to provide the best education for all students and do not want to be placed in the position of sacrificing that work for new requirements in accessibility legislation.

## Reporting

It is important that any new requirements for reporting not place an undue burden on boards of education, or school and school district administration. Other jurisdictions have developed resources to assist in reporting and this approach could assist in British Columbia's work.

## Complexities

Just as British Columbia is unique among provinces, regions of BC are unique. Some school districts are rural and/or remote and have additional challenges as a result. Some are small and have challenges posed by their size. Some have high populations of families who are new to Canada and are learning to speak English. Others have large pockets of families who live with poverty. Any development of legislation needs to acknowledge the complexity of the public school system and the additional challenges some districts will face in implementing new accessibility standards.

## Conclusion

Thank you again for the opportunity to participate in the response to the British Columbia Framework or Accessibility Legislation. The BC Trustee Association commends you for taking this step in building a better BC for people with disabilities. We appreciate being involved in these early stages and look forward to greater involvement as the process proceeds. ■