What law does a parent need to know to support inclusion goals?

The Law · https://inclusionactionontario.ca/docs/what-aspect-of-human-rights-law-does-a-parent-need-to-know-to-support-their-inclusion-goals/

Without an identification through an Identification, Placement & Review Committee (IPRC) under the Education Act regulations, and decision to place the student in a special education classroom through that committee, the Board cannot place a student in a special education classroom. For detailed information about the IPRC process, see this link.

In addition, the Human Rights Code requires school boards to provide accommodation to students with disabilities. This is known as the duty to accommodate. The cornerstone of the Code is dignity, individualization, integration and full participation.

People with disabilities have a right to the level of accommodation that will give them equal access to the benefits of society. In education, that means that kids have a right to the accommodations they need to access the curriculum. In the case of a child with an individual education plan, they must be provided supports to meet the program outlined in that program.

A failure to accommodate is discrimination. Regarding placement in a special education classroom, the school board must show that even with all accommodations in place in a regular classroom this is not meeting the needs of the student to access the curriculum; and/or that there is an accommodation that cannot be provided in the regular classroom, but can only be provided in the segregated classroom. This is a high standard and very difficult to meet.

In practice, many families will consent to a placement in a segregated setting, even in the absence of an IPRC decision, because school staff have told them it is better and more resources will be provided there. Some school boards will place a child in a segregated setting as early as kindergarten. IAO considers both of these practices to be contrary to legislative goals of the Human Rights Code and/or undermines the IPRC processes established under the Education Act.

For full details on accessible, inclusive education, see the Ontario Human Rights Commission's Policy on Accessible Education.

For a 2021 Summary of Education and Disability Law Resources and Concepts, download our primer (PDF).