VIDEO TRANSCRIPTIONS

KNOW YOUR RIGHTS: HUMAN RIGHTS

Background: General Accessibility

Video 1 of 4: Students with Disabilities and Their Legal Rights

Video 2 of 4: Roles and Responsibilities During the Accommodations Process

Video 3 of 4: The Accommodations Process

Video 4 of 4: Limits to the Duty to Accommodate

Link to Videos: dreamingsaferschools.ca/humanrights

General Accessibility

Image Description for All Video Title Pages: In the centre of a white, landscape background, bolded, dark blue Atkinson Hyperlegible text indicates the (sub)title spoken in the voiceover(s) [indicated in all subheadings throughout transcript]. In the upper right corner, smaller, dark blue Atkinson Hyperlegible text reads “Video __ of __: Human Rights” [indicated in all main headings throughout transcript].

At the bottom of the page are the following logos (ordered from left to right):

Disability Justice Network of Ontario (DJNO): The words “Disability Justice Network of Ontario” are written in dark blue. The phrase “Disability Justice Network” is in bold, while the phrase “of Ontario” is not. Small flower petals are positioned like a crown over the words “Disability” and “Network”, in colours yellow, light blue, and dark blue.

Dreaming Safer Schools: Inside a round, cloud-shaped bubble, the words “Dreaming Safer” are written in thin black text. Underneath this is a playful image of a block-like building structure, with two purple rectangular blocks standing upright with a space between them, another sky blue rectangular block laying flat on top of them, and a light yellow triangle sitting at the very top. All blocks have a thin black border. Below the structure, the word “Schools” is also written in thin black text.

ARCH Disability Law Centre: The logo features the word “ARCH” in large, bold, dark blue capital letters. Below “ARCH,” in smaller dark blue text, are the words “Disability Law Centre.” To the left of the text, there is a curved, semi-circular design made of progressively smaller blue dots that create a dynamic, swirling effect, starting from the bottom left and arching upward. The dots fade from darker blue to lighter shades as they move outward.

Video 1 of 4: Students with Disabilities and Their Legal Rights

[Heading] Students with Disabilities and Their Legal Rights

Voiceover: (reading title page) "Video 1 of 4: Human Rights: Students with Disabilities and Their Legal Rights".

Lila: This is a video series delivered by ARCH Disability Law Centre in collaboration with the Disability Justice Network of Ontario and Osgoode Hall Law School's Disability Law Intensive program. My name is Lila Refaie, and I am the bilingual staff lawyer for ARCH.

Saul: My name is Saul Rosal, and I am part of Osgoode Hall Law School's Disability Law Intensive.

[Heading] Purpose of Video Series

Voiceover: (reading title page) "Purpose of Video Series".

Saul: What is the purpose of this video series?

Lila: So the purpose of the video series is to inform students and their parents or guardians about the right of students with disabilities to be accommodated in order to meaningfully access their education. The first video will provide general information about rights of students with disabilities in school and the school's duty to accommodate. The second video will explain the roles and responsibilities of the school and of the parent and student during

the accommodation process. The third video will go through the stages of the accommodation process. And the fourth video will explain some limits to a school's duty to accommodate.

[Heading] Overview of Video

Voiceover: (reading title page) "Overview of Video".

Saul: What will we cover in this video?

Lila: So this first video will explain the rights that students with disabilities have when attending school. Students with disabilities have the right to equal treatment and the right to receive accommodations for their disability-related needs. Schools have a duty to accommodate students with disabilities to the point of "undue hardship" so that the student can access education.

[Heading] What are the rights of students with disabilities?

Voiceover: (reading title page) "What are the rights of students with disabilities?".

Saul: What is a disability?

Lila: So what is considered a disability can be different depending on which law applies. In these videos, we are going to talk only about human rights law in Ontario. More specifically, we're going to talk about the Ontario Human Rights Code. The Human Rights Code defines disability as being a physical disability, mental or developmental disability, learning disability or mental health

disability, for example. It is a very general definition and courts agree that disabilities should be defined broadly in human rights law.

Saul: What legal rights do students with disabilities have?

Lila: A student with a disability has the right to be treated equally at school without discrimination and the right to meaningful access to an education. To make sure these rights are respected, the school would at times need to accommodate the student with a disability. This is called the duty to accommodate. If a student with a disability needs an accommodation at school or to access education, the school has a legal obligation, or a duty, to accommodate them to the point of undue hardship.

[Heading] The Duty to Accommodate

Voiceover: (reading title page) "The Duty to Accommodate".

Saul: What is the duty to accommodate?

Lila: Schools have a legal obligation to provide their students with accommodations they need so they can access their education in a meaningful way. In the law, it is called the duty to accommodate. The duty to accommodate creates two obligations for the school. The first is the school must figure out what the student's disability-related needs are and determine what accommodations they need at school. To do this, the school works with the student and their parents or guardians to figure out what accommodations should be put into place. The accommodations must be appropriate to the student's

disability-related needs. The school may also reach out to experts or workers who are supporting the student outside of school. Once the school understands the student's disability-related needs, they will create an Individual Education Plan for them. An Individual Education Plan, or IEP for short, is a tool used by schools to list a student's disability-related needs and the accommodations that will be put in place.

The second obligation of the school is that the school actually provides the accommodations listed in the IEP. For example, a school may accommodate a Deaf student by hiring an American Sign Language—or ASL—interpreter for their classroom so that this student can participate in class. Now, there are limits under the law to a school's duty to accommodate. A school's duty to accommodate is only to the point of "undue hardship." This means that if a specific accommodation costs "way too much" or causes a "health or safety risk", the school may not be able to put in place that specific accommodation. But, that doesn't mean the school cannot accommodate the student. In this case, the school would still need to look at other options to accommodate the student in a way that doesn't cause undue hardship. Also, it is important to say that the school only has to accommodate for what a student "needs" because of their disability.

Saul: What is considered an appropriate accommodation?

Lila: An accommodation is appropriate when it respects the student's dignity. This means that it respects the student's self-worth and autonomy. An appropriate accommodation has to also be specific to

the student's individual needs, and integrate them into the school so they can participate in school.

[Heading] Contacting ARCH Disability Law Centre for Legal Advice [see final slide for contact information]

Voiceover: (reading title page) "Contacting ARCH Disability Law Centre for Legal Advice".

Saul: Who can they contact if they have any questions or need help?

Lila: If you have questions or need help, you can call ARCH Disability Law Centre at 416-482-8255 or toll free at 1-866-482-2724. We also have a TTY number which is 416-482-1254 and a TTY Toll Free number which is 1-866-482-2728. If you are unable to call us by phone, you can also send an email to intake@arch.clcj.ca if you're unable to contact us on the phone. So I-N-T-A-K-E-@-A-R-C-H-dot-C-L–C-J-dot-C-A. ARCH can provide summary legal advice about your situation.

Video 2 of 4: Roles and Responsibilities During the Accommodations Process

[Heading]

Voiceover: (reading title page) "Video 2 of 4: Human Rights: Roles and Responsibilities During the Accommodations Process".

Lila: This is a video series delivered by ARCH Disability Law Centre in collaboration with the Disability Justice Network of Ontario and Osgoode Hall Law School's Disability Law Intensive program. My name is Lila Refaie, and I am the bilingual staff lawyer at ARCH.

Saul: And my name is Saul Rosal, and I am part of Osgoode Hall Law School's Disability Law Intensive.

[Heading] Overview of Video

Voiceover: (reading title page) "Overview of Video".

Saul: What is the purpose of this video?

Lila: So in this video, we'll talk about the roles and responsibilities of everyone involved in the accommodation process itself.

[Heading] What responsibilities do schools have during the accommodations process?

Voiceover: (reading title page) "What responsibilities do schools have during the accommodation process?".

Saul: What responsibilities do schools have during the accommodations process?

Lila: Well, a school's first responsibility is to check if a student with a disability needs accommodations at school. If so, the school then has to start the accommodation process. The school has to figure out what the student's disability-related needs are and what accommodations should be put in place to meet these needs. A school would consult the parent or guardian of the student, and even could the student themselves if they are 16 years and older. But schools are also encouraged to consult the student of any age. If the school needs medical information about the student, to better figure out the right accommodations, they can only request medical information that is specifically related to their student's disability-related needs. This means the school doesn't need to have access to the student's entire medical file; only what is needed to give the most appropriate accommodation. Also, the school has to keep everything confidential. This means that the school cannot tell anyone who is not involved in the accommodation process about the student's disability, their needs or their medical information, unless it is necessary. The school also needs to keep notes of what they are doing during the accommodation process. Then, once the school figures out what accommodations are needed, they would write an Individual Education Plan for the student. An Individual Education

Plan, or IEP for short, is a tool used by schools to list a student's disability-related needs and the accommodations provided to them. The parents or guardians of a student with a disability, and as well, the student, if they are 16 years old or older, must be given a copy of the IEP within 30 days of it being written. The school also has the responsibility to put the accommodations in place as soon as possible. If the accommodations cost money, the school pays for it. After that, the school continues to monitor the student's accommodations, to make sure they are still good, and change any accommodations that are no longer working, or add new accommodations if needed.

Saul: What kind of medical information can schools get?

Lila: A school can only ask for medical information that is related to the student's disability-related needs. This means the school is not allowed to have access to the entire medical file if it has nothing to do with the student's specific needs and accommodations in school. This is to respect the student's right to privacy.

[Heading] What are the roles and responsibilities of the student and their parent/guardian during the accommodations process?

Voiceover: (reading title page) "What are the roles and responsibilities of the student and their parent/guardian during the accommodations process?".

Saul: Do students and their parents or guardians have responsibilities during the accommodation process?

Lila: Yes, they do. There are two main responsibilities. The first one is that they need to tell the school about their disability-related needs. This does not mean that the parent, guardian or the student need to know the exact accommodation that the school needs to put in place. It only means that the school needs to be told what the disability-related needs of the student are when it comes to education. The second responsibility is that the parent, guardian or student need to cooperate with the school during the accommodation process, and give the school information that is requested. They need to cooperate as long as the school's requests are reasonable.

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Saul: Who can someone contact if they have questions or need help?

Lila: If you have questions or need help, you can call ARCH Disability Law Centre at 416-482-8255 or toll free at 1-866-482-2724. We also have a TTY number which is 416-482-1254 and a TTY Toll Free number which is 1-866-482-2728. If you are unable to call us by phone, you can also send an email to intake@arch.clcj.ca if you're unable to contact us on the phone. So I-N-T-A-K-E-@-A-R-C-H-dot-C-L–C-J-dot-C-A. ARCH can provide summary legal advice about your situation.

Video 3 of 4: The Accommodations Process

[Heading] The Accommodations Process

Voiceover: (reading title page) "Video 3 of 4: Human Rights: The Accommodations Process".

Lila: This is a video series delivered by ARCH Disability Law Centre in collaboration with the Disability Justice Network of Ontario and Osgoode Hall Law School's Disability Law Intensive program. My name is Lila Refaie, and I am the bilingual staff lawyer for ARCH.

Saul: My name is Saul Rosal, and I am part of Osgoode Hall Law School's Disability Law Intensive.

[Heading] Overview of Video

Voiceover: (reading title page) "Overview of Video".

Saul: What will we be covering in this video?

Lila: This video will explain what happens during the accommodation process from start to finish. When a student needs accommodations, there are basically 4 steps the school must do. After the last step, the school continues to check if the accommodations in place are still appropriate or if there needs to be new accommodations. This video will also give some tips when going through the accommodation process.

[Heading] How can I start the accommodations process?

Voiceover: (reading title page) "How can I start the accommodations process?".

Saul: How does the accommodation process start?

Lila: There are two different ways the accommodation process can start. The first way is for the parents or guardians of a student with a disability, or the student themselves, to tell their school that they need accommodations. The second way is for the school to ask if the student needs accommodations for their disability, sometimes because the school believes the student may need accommodations at school.

Saul: What are the steps of the accommodation process?

Lila: First, the school would gather information about the students' disability-related needs. Schools must consult with their parents and guardians, and with the student if they are 16 years old or older, to really understand the student's disability-related needs. This is usually done by having one or many meetings with the school, usually the principal. The school may also talk to the student's teachers, other school staff and healthcare professionals that are involved with the student. But, before the school talks to a health care professional, they need to get consent from the parent or guardian. The second step is for the school to figure out what accommodations the students need at school and those that are appropriate.

Usually, students and their parents or guardians, school principal, the student's teachers, and special education staff would work together

to find the most appropriate accommodation for the student's needs. Everyone involved in the process has their own role and responsibilities in the accommodation process. The parent or guardian of a student with a disability does not have the obligation to tell the school what specific accommodation the student needs. That is up to the school to come up with the specific solution that will help the student access their education. Now, the third step is the school then writes the individual education plan for the student. An individual education plan, or IEP for short, is a tool used by schools to list a student's disability-related needs and the accommodations provided to them. Once the school knows what accommodations would be put in place for the student, they will write them in the IEP. The school will meet with the student's parents or guardians—or the student themselves if they are 16 years or older—to go through the details of the IEP with them, and the accommodations the school will give the student. During this meeting, if there is anything in the IEP that is wrong, the parent or guardian should tell the school. The fourth step is actually doing what the IEP says for the student. In other words, have the accommodations in place for the student. Afterwards, the school has to check in regularly to make sure the accommodations in the IEP are still working for the student. If not, then the school needs to go through the accommodation process again to change or add new accommodations for the student.

[Heading] Tips for the Accommodations Process

Voiceover: (reading title page) "Tips for the Accommodations Process".

Saul: What tips can you give students and their parents or guardians who are going through the accommodation process with a school?

Lila: So always take notes during any meeting you have with the school. Have everything in writing. And this means even when you are asking to meet with the school, ask it in an email. Or if the school just called to schedule a meeting, confirm the meeting date and reason for the meeting in an email after the call. If the school asks for information, it's a good idea to give them the information, unless what they are asking for is not something they are allowed to get under the law. If you are not sure what to do, then get legal advice.

[Heading] Contacting ARCH Disability Law Centre for Legal Advice [see final slide for contact information]

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Lila: So if you have questions or need help, you can call ARCH Disability Law Centre at 416-482-8255 or toll free at 1-866-482-2724. We also have a TTY number which is 416-482-1254 and a TTY Toll Free number which is 1-866-482-2728. You can also send an email to intake@arch.clcj.ca. So I-N-T-A-K-E-@-A-R-C-H-dot-C-L–C-J-dot-C-A. if you're unable to contact us on the phone. ARCH can provide summary legal advice about your situation.

Video 4 of 4: Limits to the Duty to Accommodate

[Heading] Limits to the Duty to Accommodate

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Saul: My name is Saul Rosal, and I am part of Osgoode Hall Law School's Disability Law Intensive.

[Heading] Overview of Video

Voiceover: (reading title page) "Overview of Video".

Saul: What will we cover in this video?

Lila: This video will cover some legal limits to the school's duty to accommodate. The two main limits are if the accommodation requested is not needed and when an accommodation creates undue hardship for the school.

[Heading] What are the legal limits to a school's duty to accommodate?

Voiceover: (reading title page) "What are the legal limits to a school's duty to accommodate?".

Saul: Does a school have to agree to any accommodation request?

Lila: Not necessarily. Well, schools are only required to accommodate for the student's disability-related needs—not what they prefer to have. For example, a student may want to have a one-on-one Education Assistant but they don't "need" a one-on-one Education Assistant.

Saul: Are there any other reasons schools would not be legally obligated to provide specific accommodations?

Lila: Yes. Under the Human Rights Code, a school is not legally required to provide accommodations that create "undue hardship" for the school. This means that if a specific accommodation "costs way too much" or causes a "health or safety risk", the school may not be able to put in place that specific accommodation. But that doesn't mean the school cannot accommodate the student. In this case, the school would still need to look at other options to accommodate the student in a way that doesn't cause undue hardship. So, as I said earlier, an accommodation can be undue hardship in two ways. The first way is if it costs too much money. And the school must show that the accommodation costs so much money that they simply cannot afford it because of their budget. It is not a reason for any time an accommodation costs the school any money. Here, we are talking about a situation where the cost of the accommodation is extremely high and the school cannot afford it. But, before saying something costs too much money, the school has to first look for any kind of

funding they can apply for and get to help pay for the accommodation. This can mean trying to get more money from the government or another organization that can help pay for the accommodation. The second way an accommodation can be undue hardship, is if there will be a “serious health and safety risk” to others in the school. Even if a specific accommodation is undue hardship, the school still has a duty to accommodate the student. The school would then just need to try to find another accommodation that is not undue hardship and will still meet the student’s disability-related needs.

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