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Subject: DEVELOPING AND IMPLEMENTING EQUITY AND INCLUSIVE EDUCATION POLICIES IN ONTARIO SCHOOLS

Application: Directors of Education
Secretary-Treasurers of School Authorities
Superintendents
Principals of Elementary Schools
Principals of Secondary Schools
Principals of Provincial and Demonstration Schools

Reference: This memorandum replaces Policy/Program Memorandum No. 119, “Developing and Implementing Equity and Inclusive Education Policies in Ontario Schools”, June 24, 2009.

INTRODUCTION

Ontario’s publicly funded education system supports and reflects the democratic values of fairness, equity, and respect for all. Recognizing the importance of education, the Ontario government has established three core priorities:

- high levels of student achievement
- reduced gaps in student achievement
- increased public confidence in publicly funded education

An equitable, inclusive education system is fundamental to achieving these core priorities, and is recognized internationally as critical to delivering a high-quality education for all learners. “Equity and excellence go hand in hand. ... In a truly equitable system, factors such as race, gender, and socio-economic status do not prevent students from achieving ambitious outcomes. Our experience shows that barriers can be removed when all education partners create the conditions needed for success.”¹

Providing a high-quality education for all is a key means of fostering social cohesion based on an inclusive society where diversity is affirmed within a framework of common values that promote the well-being of all citizens. Ontarians share a belief in the need to develop students’ character and to prepare students for their role in society as engaged, productive, and responsible citizens. Active and engaged citizens are aware of their rights, but more importantly, they accept responsibility for protecting their rights and the rights of others.

1. Ministry of Education, Ontario, *Reach Every Student: Energizing Ontario Education* (Toronto: Ministry of Education, Ontario, 2008), p. 8.

On April 6, 2009, the Minister of Education released *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy* (hereafter referred to as “the strategy”). This document sets out a vision for an equitable and inclusive education system. The action plan contained in the document focuses on respecting diversity, promoting inclusive education, and identifying and eliminating discriminatory biases, systemic barriers, and power dynamics that limit students’ learning, growth, and contribution to society. These barriers and biases, whether overt or subtle, intentional or unintentional, need to be identified and addressed.

The purpose of this memorandum is to provide direction to school boards² on the review, development, implementation, and monitoring of equity and inclusive education policies to support student achievement and well-being. Our schools need to help students develop into highly skilled, knowledgeable, and caring citizens who can contribute to both a strong economy and a cohesive society.

BACKGROUND

The ministry has issued several policy/program memoranda to support equity, student achievement, and positive school climates, including Policy/Program Memorandum No. 119, “Development and Implementation of School Board Policies on Antiracism and Ethnocultural Equity”, July 13, 1993.³ When No. 119 (1993) was issued, many boards focused on creating learning environments that respected the cultures of all students. The antiracism and ethnocultural policies contained in No. 119 (1993) went “beyond a broad focus on multiculturalism and race relations”⁴ to focus on identifying and changing institutional policies and procedures, as well as individual behaviours and practices that may be racist in their impact. No. 119 (1993) sought to equip students with the knowledge, skills, and attitudes to live in an increasingly diverse world, appreciate diversity, and reject discriminatory behaviours and attitudes. Several boards have expanded these antiracism and ethnocultural policies into more inclusive equity policies that address a broader range of discriminatory factors.

In addition, it is now recognized that such factors as race, sexual orientation, physical or mental disability, gender, and class can intersect to create additional barriers for some students. Many organizations, including the United Nations, are recognizing the compounding impact of such intersections on discrimination. Ministry and board policies, therefore, should also take intersecting factors into account.

Although much has been done – and continues to be done – to build the publicly funded education system’s capacity to foster equity and inclusiveness in boards and schools, evidence indicates that some

2. In this memorandum, *school board(s)* and *board(s)* refer to district school boards and school authorities.

3. Others include Policy/Program Memoranda No. 108, “Opening or Closing Exercises in Public Elementary and Secondary Schools”, January 12, 1989; No. 127, “The Secondary School Literacy Graduation Requirement”, October 13, 2004; No. 128, “The Provincial Code of Conduct and School Board Codes of Conduct”, December 5, 2012; No. 144, “Bullying Prevention and Intervention”, December 5, 2012; and No. 145, “Progressive Discipline and Promoting Positive Student Behaviour”, December 5, 2012. Sections 27–29 (“Religion in Schools”) of Regulation 298 replaced No. 112, “Education about Religion in the Public Elementary and Secondary Schools”, December 6, 1990.

4. Ministry of Education, Ontario, *Antiracism and Ethnocultural Equity in School Boards: Guidelines for Policy Development and Implementation* (Toronto: Ministry of Education, Ontario, 1993), p. 7.

groups of students continue to encounter discriminatory barriers to learning. Recent research shows that students who feel connected to teachers, to other students, and to the school itself do better academically.⁵

Policy/Program Memorandum No. 119 (2009) broadened the scope of No. 119 (1993) to take into account a wide range of equity factors, as well as all of the prohibited grounds of discrimination under the Ontario Human Rights Code and other similar considerations. No. 119 (2009) fully supported and expanded on the principles of antiracism and ethnocultural equity that were outlined in No. 119 (1993), and did not reflect a weakened or reduced commitment to antiracism or ethnocultural equity. By promoting a system-wide approach to identifying and removing discriminatory biases and systemic barriers, it has helped to ensure that all students feel welcomed and accepted in school life.

This memorandum brings No. 119 (2009) up to date so that it is in accordance with amendments to the Education Act; that is, school boards are now required to develop and implement an equity and inclusive education policy. This memorandum also updates No. 119 (2009) to reflect the fact that gender identity and gender expression are dimensions of diversity under the Ontario Human Rights Code.

REQUIREMENTS FOR BOARDS

All publicly funded school boards are required to develop, implement, and monitor an equity and inclusive education policy that includes a religious accommodation guideline, in accordance with the requirements set out in this memorandum and the strategy, and that complies with relevant legislation, including amendments to the Education Act.⁶

The strategy is designed to promote fundamental human rights as described in the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms, with which school boards are already required to comply, subject to subsection 93(1) of the Constitution Act, 1867, and section 23 of the Canadian Charter of Rights and Freedoms. Boards must comply with all other aspects of the Education Act and regulations made under the act, including Ontario Regulation 181/98, which pertains to students with special education needs.⁷ Boards must also comply with the Municipal Freedom of Information and Protection of Privacy Act, the Ontarians with Disabilities Act (2001), and the Accessibility for Ontarians with Disabilities Act (2005), as applicable. Other relevant legislation, such as the Youth Criminal Justice Act, must be referenced where appropriate. In addition, boards should refer to *English Language Learners / ESL and ELD Programs and Services: Policies and Procedures for Ontario Elementary and Secondary Schools, Kindergarten to Grade 12, 2007*; *Ontario's Aménagement linguistique Policy for French-Language Education, 2005*;⁸ and *Ontario First Nation, Métis, and Inuit Education Policy*

5. D. Goleman, *Social Intelligence: The New Science of Human Relationships* (New York, NY: Bantam, 2006).

6. Paragraph 8(1)(29.1) of the Education Act gives the Minister of Education the authority to require all school boards to develop and implement an equity and inclusive education policy, and, if required by the Minister, to submit the policy to the Minister and implement changes to the policy as directed by the Minister.

7. Ontario Regulation 181/98, "Identification and Placement of Exceptional Pupils", requires school boards to consider placement of students with special education needs into regular classrooms before considering alternative placements.

8. Boards should also refer to Policy/Program Memorandum No. 148, "Policies Governing Admission to French-Language Schools in Ontario", April 22, 2009; and *L'admission, l'accueil et l'accompagnement des élèves dans les écoles de langue française de l'Ontario – Énoncé de politique et directives, 2009*.

Framework, 2007. They should also consult with their legal counsel and Freedom of Information coordinators to ensure that they are fulfilling all their legal responsibilities.

The equity and inclusive education policy of a board must address the eight areas of focus outlined in this memorandum, and must include a guideline on religious accommodation and an implementation plan. During the cyclical process of reviewing and revising their policies, boards will take steps to align all their other policies and procedures (e.g., on safe and accepting schools, student discipline, staff hiring and development) with their equity and inclusive education policy. This process will help to ensure that the principles of equity and inclusive education are embedded in all aspects of board and school operations.

School board policies must be comprehensive and must cover the prohibited grounds of discrimination set out in the Ontario Human Rights Code. The code prohibits discrimination on any of the following grounds: race, colour, ancestry, place of origin, citizenship, ethnic origin, disability, creed (e.g., religion), sex, sexual orientation, gender identity, gender expression, age, family status, and marital status. Boards may also address related issues resulting from the intersection of the dimensions of diversity that can also act as a systemic barrier to student learning.

POLICY DEVELOPMENT

Equity and inclusive education policies and implementation plans will be consistent with the guiding principles and goals set out in the strategy, with the requirements in this memorandum, and with the revised ministry document entitled *Equity and Inclusive Education in Ontario Schools: Guidelines for Policy Development and Implementation, 2013* (hereafter referred to as “the guidelines”). These three documents should be used together when boards are reviewing and/or developing and implementing their equity and inclusive education policy, and when conducting their cyclical reviews of all their other policies.

When reviewing or developing their equity and inclusive education policy, boards are expected to consult widely with students, parents,⁹ principals, teachers and other staff, school councils, their Special Education Advisory Committee, their Parent Involvement Committee and other committees (e.g., Diversity Committee; First Nation, Métis, and Inuit Education Advisory Committee), federations and unions, service organizations, and community partners in order to reflect the diversity of the community.

Boards have flexibility to adapt their equity and inclusive education policy to take into account local needs and circumstances.

9. In this memorandum, *parent(s)* refers to parent(s) and guardian(s).

Areas of Focus

The three goals of the equity and inclusive education strategy are as follows:

- *shared and committed leadership* by the ministry, boards, and schools to eliminate discrimination through the identification and removal of biases and barriers
- *equity and inclusive education policies and practices* to support positive learning environments that are respectful and welcoming to all
- *accountability and transparency* with ongoing progress demonstrated and communicated to the ministry and the community

In order to achieve these goals, each school board policy on equity and inclusive education will cover the following eight areas of focus.

1. Board policies, programs, guidelines, and practices

Through cyclical policy reviews, boards will embed the principles of equity and inclusive education in all their other policies, programs, guidelines, and practices, so that an equity and inclusive education focus is an integral part of every board's operations and permeates everything that happens in its schools.

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, 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.

2. Shared and committed leadership

Board and school leaders must be responsive to the diverse nature of Ontario's communities. Leadership is second only to teaching in its impact on student outcomes. School boards and schools are expected to provide leadership that is committed to identifying and removing discriminatory biases and systemic barriers to learning. Specifically, boards will identify a contact person to liaise with the ministry and other boards to share challenges, promising practices, and resources.

In accordance with the principles of the ministry's Ontario Leadership Strategy, effective board and school leaders promote the development of collaborative environments in which participants share a commitment to equity and inclusive education principles and practices. This collaborative approach includes and supports the active engagement of students, parents, federations and unions, colleges and universities, service organizations, and other community partners.

3. School–community relationships

Schools and boards will continue building their capacity – with the active engagement of parents and school community partners – to create and sustain a positive school climate that supports student achievement and well-being. Each board and its schools should review the structures of existing committees and partnerships to help ensure that they reflect the principles of equity and inclusive education. Boards should expand upon their outreach efforts in order to foster new partnerships that engage a cross-section of diverse students, parents, staff, community members, and various organizations, including business groups (e.g., business education councils). Boards are encouraged to draw upon the expertise of their partners to explore innovative ways of sharing resources that can help them meet the diverse needs of their students and provide new and relevant learning opportunities. Strong, positive, and respectful relationships are necessary to effect real change so that all students can reach their potential regardless of personal circumstances.

4. Inclusive curriculum and assessment practices

Students need to feel engaged in and empowered by what they are learning, supported by teachers and staff, and welcome in their learning environment. To this end, boards and their schools will use inclusive curriculum and assessment practices and effective instructional strategies that reflect the diverse needs of all students and the learning pathways that they are taking. Schools must 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 at the school.

Boards are expected to draw upon strategies that have been shown by the evidence to support student success and reduce achievement gaps. These include reviewing resources, instruction, and assessment and evaluation practices to identify and eliminate stereotypes, discriminatory biases, and systemic barriers. For example, schools could make use of differentiated instruction, which takes into account the backgrounds and experiences of students in order to respond to their individual interests, aptitudes, and learning needs.

In order to help ensure that assessment and evaluation are valid and reliable and lead to improvement of student learning, teachers must use assessment and evaluation strategies outlined in the assessment and evaluation section of the curriculum policy documents. Assessment tasks should be designed to ensure consistency of standards, and any discriminatory biases in the way students' work is assessed and evaluated should be identified and addressed.

5. Religious accommodation

School board policies on religious accommodation must be in accordance with the Ontario Human Rights Code and the requirements stated in Policy/Program Memorandum No. 108, "Opening or Closing Exercises in Public Elementary and Secondary Schools", and in sections 27–29 ("Religion in Schools") of Regulation 298. As part of their equity and inclusive education policy and implementation plan,

boards will include a religious accommodation guideline in keeping with the Ontario Human Rights Code, which prohibits discrimination on the grounds of creed (e.g., religion) and imposes a duty to accommodate.¹⁰ Accordingly, boards are expected to take appropriate steps to provide religious accommodation for students and staff.

6. School climate and the prevention of discrimination and harassment

Board policies on equity and inclusive education are designed to foster a positive school climate that is free from discriminatory or harassing behaviour. A positive and inclusive school climate is one where all members of the school community feel safe, included, welcomed, and accepted. The principles of equity and inclusive education support a whole-school approach to foster positive student behaviour. These principles must also be applied in progressive discipline, particularly when it is necessary to take into account mitigating and other factors.¹¹ When relationships are founded on mutual respect, a culture of respect becomes the norm. Boards will also put procedures in place that will enable students and staff to report incidents of discrimination and harassment safely, and that will enable boards to respond in a timely manner.

Regular school and board monitoring of school climate is essential. Monitoring through school climate surveys, as outlined in Policy/Program Memorandum No. 144, “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 of their students at least once every two years, in accordance with subsection 169.1(2.1) of the Education Act.

7. Professional learning

Professional learning activities must be ongoing, evidence-based, and focused on positive outcomes. Boards will therefore provide opportunities for teachers (including guidance counsellors), support staff, administrators, and trustees to participate in training on topics such as antiracism, antidiscrimination, and gender-based violence, and will provide information for students and parents to increase their knowledge and understanding of equity and inclusive education. Boards are also encouraged to draw upon existing expertise within their own organization, other boards, and their own community partners and agencies. Changing individual and collective behaviour, as well as organizational and institutional practices, will help to ensure that the education system is free from discrimination.

10. Under the Ontario Human Rights Code, the duty to accommodate requires accommodation to the point of undue hardship. For further details, see Ontario Human Rights Commission, *Policy on Creed and the Accommodation of Religious Observances* (1996), available at www.ohrc.on.ca.

11. Ontario Regulation 472/07, “Suspension and Expulsion of Pupils”, identifies mitigating factors and other factors that must be taken into account in individual cases.

8. Accountability and transparency

Ongoing and open communication to keep all stakeholders informed of a board's goals and progress will increase transparency and public confidence in the board and its schools. It is expected that boards will post their equity and inclusive education policy on their website.

Board and school improvement plans, within the context of a board's strategic multi-year plan, will take into consideration the board's equity and inclusive education policy. The plans should focus on identifying and removing any barriers to student learning in order to reduce gaps in achievement and provide a respectful and responsive school climate.

Each board will post the Director of Education's annual report on its website, which will inform the ministry and the local community about the progress the board has made in meeting its strategic objectives in the previous school year and the action the board is taking in those strategic priority areas where goals are not being met.

IMPLEMENTATION

The ministry recognizes that school boards are at different stages in the implementation of an equity and inclusive education policy. The ministry expects boards to demonstrate continuous improvement, so that progress is evident on an annual basis towards the goal of embedding the equity and inclusive education policy into all operations of the board.

Implementation plans will:

- contain clearly stated annual objectives and measurable outcomes at both the board and school levels;
- reflect consultation with community partners, and show evidence of active and ongoing partnerships with students, parents, and diverse communities;
- contain indicators for measuring and evaluating progress.

RESOURCES

To support boards in developing, implementing, and monitoring their policy on equity and inclusive education, the ministry is providing practical strategies, advice, and templates in the guidelines. The ministry will also review and conduct research on promising practices in equity and inclusive education, and will disseminate this information to boards.

APPENDIX: DEFINITIONS

The following definitions are included for the purposes of this policy/program memorandum only.

Diversity: 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, gender expression, language, physical and intellectual ability, race, religion, sex, sexual orientation, and socio-economic status.

Equity: 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.

Inclusive Education: Education that 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.