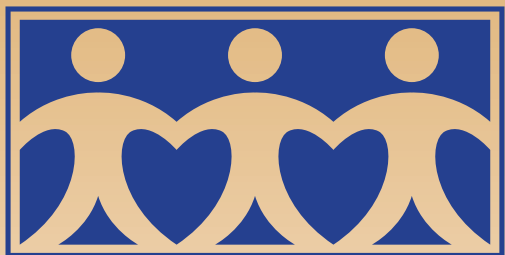


# Accommodating Students with a Disability

*All students, including students with a physical or mental disability, have a right to be given the opportunity to reach their individual potential.*

New Brunswick Human Rights Commission

NEW BRUNSWICK  
HUMAN RIGHTS COMMISSION



## Guideline on Accommodating Students with a Disability

The Human Rights Commission is responsible for education on human rights in New Brunswick. When necessary, the Commission investigates complaints of discrimination and enforces the *Human Rights Act*. To help explain the role of educators and parents in supporting and accommodating students with a disability in public schools the Commission has developed a guideline.

The “Guideline for Accommodating Students with a Disability” explains the “duty to accommodate” as well as the criteria for “reasonable accommodation”, and the limitations on the duty to accommodate. The guideline also emphasizes the importance of taking reasonable steps to accommodate parents with a disability to ensure that they have the opportunity to communicate effectively with the school and are able to actively participate in their children’s education. The guideline applies to most K-12 schools in the province; there are some exceptions such as First Nations Schools which are under federal law.

## What does “accommodation” mean?

Accommodation means removing barriers and taking steps to engage students in a way that helps them reach their potential both academically and socially. A student with a physical disability may need accessible facilities, special equipment or technologies. A student with a mental disability may need alternative teaching methods, adjustments to the curriculum, one-on-one assistance from a teaching aide or some time in a specialized group setting. Solutions must involve respect for the student’s dignity. The guideline emphasizes the importance of supporting students with disabilities so they may be included in regular classes as well as ensuring they have access to extra-curricular activities.

Reasonable accommodation will be different for each student or parent and it is important to meet the individual’s specific needs instead of relying on a single approach. Special needs and abilities, which may develop or decline over time, require that accommodations and strategies be assessed early and reassessed frequently.

## Are there limits on the duty to accommodate?

Yes there are limits. Accommodations must be reasonable. The objective is to provide the student with the means to meet their individual potential. What is reasonable will vary from case to case and must consider factors such as:

- the needs of the individual;
- the cost of the accommodation;
- the risk to health and safety; and
- the impact on other people and programs.

The duty to accommodate extends to the point of “undue hardship”. The point of reference for assessing “undue hardship” is not the classroom or the school, but the larger educational system operated by the province. The educational system must meet the accommodation requirement set out in a decision of the Supreme Court of Canada. An explanation of this requirement is provided in the guideline.

## What does the guideline say about discipline of students with a disability?

In some cases school discipline policies, especially zero-tolerance policies, may be unfair for students with a disability. If the disability is a factor in the student’s discipline problem, steps must be taken to develop a strategy for dealing effectively with the disruptive behaviour.

If the behaviour poses a health or safety risk to the student, to other students and/or to teachers and other staff, it may be necessary to make specific and individual arrangements for the student’s education.

## Responsibility of Education Providers, Students and Parents

Below you will find a summary of the responsibilities outlined in the guideline for those involved in the education of a student with a disability. For the detailed list you can obtain a copy of the guideline.

Education providers have a responsibility to:

- anticipate and plan for accessibility and inclusion;
- ensure staff have the training they need to accommodate students with a disability;
- assist with assessment and education planning with the help of experts or specialists as needed;
- deal with accommodation requests in a timely manner;

- ensure that schools are welcoming and that all students treat one another with respect;
- take immediate action in situations where bullying and harassment may be taking place.

Unions, professional associations and others involved in providing education and support services are also part of the accommodation process and have a responsibility to support accommodation measures.

The student and their parents or guardians have the right to expect reasonable steps to be taken to accommodate their needs, however, as part of the process they also have a role to play. The responsibilities of parents and students include:

- a duty to work with the schools;
- to keep education providers informed by providing information about the need for accommodation, this may include providing information from health care professionals on any restrictions or limitations.

### How do I file a complaint?

If a parent or student believes a school decision or policy is discriminatory or that the school did not take reasonable steps to accommodate them it may be appropriate to file a complaint with the Human Rights Commission. You generally will have only 12 months to file a complaint. There is no cost and staff members of the Commission are available to discuss potential complaints over the telephone or in person.

The staff at the Commission can explain the process of investigation and mediation and the types of orders that the Human Rights Board of Inquiry can make. Parties are generally encouraged to work together to resolve disputes.

In the case of harassment and bullying in public schools, the Department of Education provides a separate complaint process. A complaint can also be filed with the Human Rights Commission if the harassment or bullying is based on one of the protected grounds of discrimination.

### For more information

This pamphlet is only an overview of the type of information contained in the guideline. You may wish to read the full document online at [www.gnb.ca/hrc-cdp/07-e.asp](http://www.gnb.ca/hrc-cdp/07-e.asp). You can also obtain a copy or get more information by contacting the Human Rights Commission.

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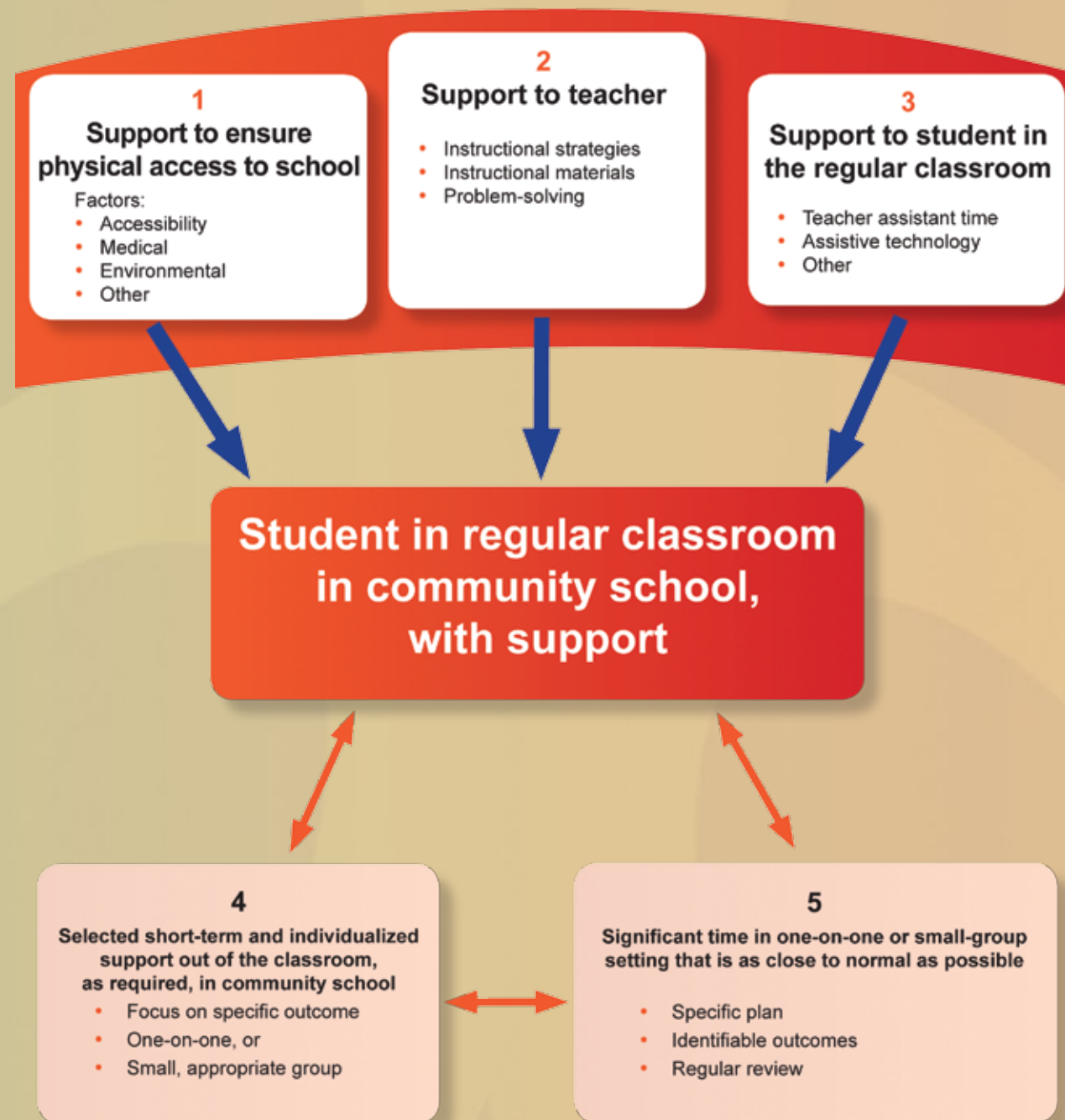
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## Inclusion Process



**1 Support to ensure physical access to school**  
Factors:  
• Accessibility  
• Medical  
• Environmental  
• Other

**2 Support to teacher**  
• Instructional strategies  
• Instructional materials  
• Problem-solving

**3 Support to student in the regular classroom**  
• Teacher assistant time  
• Assistive technology  
• Other

**Student in regular classroom in community school, with support**

**4 Selected short-term and individualized support out of the classroom, as required, in community school**  
• Focus on specific outcome  
• One-on-one, or  
• Small, appropriate group

**5 Significant time in one-on-one or small-group setting that is as close to normal as possible**  
• Specific plan  
• Identifiable outcomes  
• Regular review