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Key Legal Information for Inclusive Education

Human Rights Code

- Duty to Accommodate in the provision of services, including education
- Disability is broadly defined
- An Individual Education Plan may be used to outline accommodations or other supports for disability
- Undue Hardship: financial test; health and safety test
- Regular classroom is the only legally permissible placement in the absence of a placement decision under the *Education Act* into a special education classroom
- In practice: children are sometimes placed in spec ed classes “on consent”

Education Act

- [Identification Placement and Review Committee](#)
 - [Highlights of Regulation 181/98](#)
 - Exceptionality (11 categories within four main categories: communication, behavioural, intellectual, physical – “12th category” is multiple exceptionalities)
 - If identified with an exceptionality, an Individual Education Plan is required
- Decision is supposed to be on the basis of the best interests of the student
 - Required to be regular classroom if committee is satisfied the regular class meets the student’s need and is consistent with parental preferences

Where the Human Rights Code and Education Act meet: [Individual Education Plan](#)

Accessibility for Ontarians with Disabilities Act – Integrated Accessibility Standards

- requires accessible format materials

UN Convention on the Rights of Persons with Disabilities – [Article 24 - Education](#) (Canada has consented to being bound by this Convention)

Key Resources and Support

[ARCH Disability Law Centre: Inclusive Education Initiatives](#)

[Human Rights Legal Support Centre](#)

[Inclusive Education Canada](#)

[Integration Action for Inclusion](#)

[Ontario Autism Coalition: 2020 OAC Education Resource Guide](#)

[Ontario Human Rights Commission: Policy on accessible education for students with disabilities](#)

Special Education Programs and Services - Education Act: [summary information](#)

Research: [2018 A Summary of the Evidence on Inclusive Education](#) (from <https://alana.org.br/en/>)

Social capital: [Somewhere to Live, Something to Do, Someone to Love: Examining Levels and Sources of Social Capital Among People with Disabilities](#)