

# **Simcoe County District School Board Accessibility Advisory Committee Terms of Reference**

Reference: Ontarians with Disabilities Act 2001

Accessibility for Ontarians with Disabilities Act 2005

Adopted: April 2006

Revised: January 2007; March 2007; January 2009, March 2011, May 2014, May 2015

## **1. Mandate**

To assist in fulfilling requirements originally outlined in the Ontarians with Disabilities Act, 2001, and continuing under the Accessibility for Ontarians with Disabilities Act, 2005, the Simcoe County District School Board Accessibility Advisory Committee was formed in 2003 to:

- 1.1 advise on the preparation, implementation and effectiveness of the Board's annual accessibility plan;
- 1.2 review and advise on accessibility issues relating to Board facilities and services;
- 1.3 advise on other accessibility related issues within Simcoe County District School Board buildings.

## **2. Committee Membership**

2.1 The SCDSB Accessibility Committee will include appointed staff and community members and staff resource personnel as required.

2.2 People with disabilities will be encouraged to apply to be community members. This encouragement will be facilitated through annual notices to be posted on the SCDSB website and distributed to local media outlets as required. Applicants must be a resident of the County of Simcoe and over 18 years of age.

2.3 In keeping with the intention of the AODA, the SCDSB Accessibility Committee will strive to maintain that the majority of the members of the committee shall include persons with disabilities. However, when insufficient numbers of persons with disabilities apply, the committee will consider suitably qualified applicants who have

family members with disabilities or community members who have a special interest in improving accessibility for people with disabilities.

2.4 Staff will be appointed by the Director of Education or designate to represent a broad range of departments and groups in the Board.

### **3. Committee Structure**

3.1 The Committee will include up to 12 members.

3.2 At least 7 positions will be allocated to people with disabilities as defined under the Accessibility for Ontarians with Disabilities Act, 2005.

3.2.1 If insufficient applications are received from individuals meeting this criteria, then members within this category may include individuals who have family members with disabilities or community members who have a special interest in improving accessibility for people with disabilities.

3.3 One (1) Board Trustee.

3.4 One (1) Superintendent.

3.5 One (1) staff member each from Facility Services and Human Resource Services.

3.6 One (1) staff member from Special Education.

3.7 The Director of Education shall be an ex-officio member.

3.8 See “Committee Support” below regarding other staff members participating with this committee.

### **4. Committee Support**

4.1 The Superintendent shall also determine additional staff participation requirements and assign staff members to act as resources during committee meetings and to assist in facilitating the work of the committee.

4.2 Staff representatives may be required from a range of departments, including, but not limited to: Director’s Office, Information Services, the Simcoe County Student Transportation Consortium, Business Services, Facility Services, Human Resource Services, Student Services, and School Services.

4.3 The Superintendent shall assign one (1) staff support member to act as secretary to the committee. Under the direction of the Superintendent the Committee Secretary shall:

4.3.1 Record meeting minutes and distribute.

- 4.3.2 Type, format and distribute meeting agendas.
- 4.3.3 Type and format required committee reports.
- 4.3.4 Maintain and distribute committee membership list.
- 4.3.5 Book meeting space and materials for required meetings.
- 4.3.6 Coordinate related public notices as required.
- 4.3.7 Arrange for appropriate and feasible supports required to convene and facilitate an accessible meeting (i.e. interpreters, physical setting).
- 4.3.8 Process and apply appropriate budget codes to required expenditures related to committee work (i.e. interpreter, mileage, transportation).

## **5. Committee Procedure**

5.1 All meetings will be conducted in accordance with Board by-laws and practices. As well, the following procedures will be followed:

5.1.1 Length of Term: Upon review of applications and appointment to the committee, it is recommended that the length of term for all committee members, with the exception of the trustee representative, be for four years. Community members may be appointed for a maximum of two (2) consecutive terms. Should vacancies exist, and should an existing committee member(s) wish to remain on the committee, the length of term may be re-evaluated. As per Board practice, the term for a Board trustee representative on a committee shall be for one year (trustee representation is confirmed through Board motion annually in January). In the absence of a suitably qualified volunteer to assume membership to the committee the Board has the right to reappoint.

5.1.1.1 Filling a Vacancy: In the event that a vacancy occurs in the midst of a term, the Accessibility Committee will appoint a new member to fulfill the balance of the former member's term. In the absence of a suitably qualified volunteer meeting the requirements of committee membership (Section 2), the board has the right to reappoint.

5.1.2 Chairperson and Vice-Chairperson: A chairperson and vice-chairperson will be elected from non-staff committee members on an annual basis at the first meeting of the new calendar year to preside over meetings and committee business.

5.1.3 Absences: If a committee member is absent for three consecutive meetings they have forfeited their membership unless their absence is justifiable.

5.1.4 Quorum: At least two appointed community members and two staff members (including at least one member of the SCDSB Administrative team or designate) must be present to ensure a quorum.

5.1.5 Sub-committees: The committee may appoint sub-committees and working groups as may be necessary to address specific issues.

5.1.6 Meeting Frequency: Committee meetings will be scheduled on the last Monday of September, November, January, March, and May - or as determined by the Superintendent. Sub-committees may determine some additional meeting dates for their smaller working groups to facilitate specific task completion.

5.1.7 Visitors: Requests to attend a meeting may be made by individuals who are not committee members or who have not been formally invited by the committee. These requests must be communicated through the secretary of the committee at least seven (7) days in advance of the meeting. The Chairperson and Vice-Chairperson of the Committee shall consider the request and then convey their decision to the requestor through the Committee secretary.

5.1.8 Minutes: Committee minutes shall be distributed to all Committee members. The approved minutes shall be made available to members of the public on the Board website. The minutes will be made available in alternate format, upon request.

5.1.9 Code of Ethics: Committee members shall maintain a Code of Ethics (see APPENDIX B).

## **6. Confidentiality**

6.1 Due to the nature of this Committee's mandate, discussions may touch upon special needs requirements for staff, students or community members. Staff and committee members are required to maintain confidentiality as mandated through information privacy legislation.

## **7. Reimbursement for Expenses**

7.1 Reimbursement will be provided at the Board-approved kilometrage rate for members who must travel to the Education Centre to attend committee meetings. The Board will pay for special transportation services as required for Committee members with disabilities to attend the meetings.

7.2 Expenses incurred through the provision of specialized services in order for committee members to participate in meetings will be reimbursed.

## **8. Conflict of Interest**

8.1 Conflicts of interest must be declared by Committee members. Conflicts of interest may arise for committee members when their personal or business interests clash with the duties and decisions of the committee. Conflict of interest as defined

by legislation is applied to Accessibility Advisory Committee members. (See Appendix A – Municipal Conflict of Interest Act.)

## **9. Amendments to the Terms of Reference**

9.1 Proposals to amend the Terms of Reference shall require approval by a majority of the Committee members present.

## **Municipal Conflict of Interest Act**

R.S.O. 1990, CHAPTER M.50

Consolidation Period: From July 1, 2010 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 21, s. 7.

### Definitions

1. In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; (“intérêts majoritaires”)

“council” means the council of a municipality; (“conseil”)

“elector” means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board; (“électeur”)

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; (“intérêt commun à tous les électeurs”)

“judge” means a judge of the Superior Court of Justice; (“juge”)

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; (“conseil local”)

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be; (“réunion”)

“member” means a member of a council or of a local board; (“membre”)

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; (“municipalité”)

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; (“père ou mère”)

“school board” means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act; (“conseil scolaire”)

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other

person who performs functions for the corporation similar to those normally performed by a person occupying any such office; (“dirigeant”)

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219.

Indirect pecuniary interest

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
  - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

## EXCEPTIONS

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

- (a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;
- (b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;
- (c) by reason of the member purchasing or owning a debenture of the municipality or local board;
- (d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;
- (e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

## DUTY OF MEMBER

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall

forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

## RECORD OF DISCLOSURE

Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

## REMEDY FOR LACK OF QUORUM

Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

## Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

## ACTION WHERE CONTRAVENTION ALLEGED

### Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

### Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

### Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

### Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

## Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant;  
and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

#### Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

#### Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

#### Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

#### Definition

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

#### Appeal to Divisional Court

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

#### Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the

case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

#### Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

#### Proceedings not invalidated but voidable

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

#### Other procedures prohibited

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

## GENERAL

### Insurance

14. (1) Despite section 279 of the Municipal Act, 2001 or section 218 of the City of Toronto Act, 2006, as the case may be, the council of every municipality may at any time pass by-laws,

- (a) for contracting for insurance;
  - (b) despite the Insurance Act, to enable the municipality to act as an insurer;
- and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

## Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

## Surplus funds

(3) Despite section 387 of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

## Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims

arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4); 2009, c. 33, Sched. 21, s. 7.

## Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

## Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

## Conflict with other Acts

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

## **Accessibility Advisory Committee Code of Ethics**

Members of the Accessibility Advisory Committee commit to respecting the character attributes upheld by the Simcoe County District School Board:

All members of the Accessibility Advisory Committee will:

- Respect and comply with all applicable federal, provincial and municipal laws;
- Demonstrate honesty and integrity;
- Respect differences in people, their ideas and opinions;
- Treat one another with dignity and respect at all times, and especially when there is disagreement;
- Respect and treat others fairly, regardless of, for example, their race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, gender, sexual orientation, age or ability;
- Respect the rights of others;
- Show proper care and regard for school board property and the property of others;
- Take appropriate measures to help those in need;
- Seek assistance from a member of the school board staff, if necessary;
- Respect all members of the school board;
- Respect the need of others to work in an environment that is conducive to learning and teaching.