

Education

Know Your Rights – Legal Information Handbook

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Disclaimer

This content is provided as general information and is not legal advice. If you need advice about a specific legal issue, contact a lawyer.

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To learn more about the Know Your Rights project, please visit cnib.ca/KnowYourRights

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My Legal Rights

Q: What legal rights do I have when it comes to education in Saskatchewan?

A: Under Saskatchewan laws, people with disabilities have important legal rights when it comes to education. Students with disabilities have the right to equal access to and benefit from the educational system.

- You have the right to receive an education equal to your peers without discrimination because of your disability.
- You have the right to receive accommodations for your disability from your educational institution up to the point of undue hardship.
- You have the right to challenge administrative decisions made about you by schools, school boards and other educational institutions
- A child with disabilities in Saskatchewan has the right to receive appropriate special education programs and services at no additional cost to their parents or guardians.

Duty to Accommodate & Undue Hardship

An educational institution's **"duty to accommodate"** means that they are legally required to provide you with the supports you need to succeed in education.

However, the duty to accommodate has a limit and this limit is called **"undue hardship"**. **Undue hardship** is a legal term. It means that if an educational institution can show that it would be very difficult for them to provide you with a certain type of accommodation, then they don't have to provide it

It is important to note that it is not enough for an educational institution to simply claim undue hardship. An educational institution must show clear evidence of undue hardship. Such evidence can relate to:

1. Whether the cost of the accommodation is so high that it will significantly interfere with the educational institution's ability to operate. When calculating cost, consideration should also be given to outside sources of funding, e.g. grants or subsidies from government programs;
2. Whether the accommodation will create serious health and safety risks.

3. Whether the accommodation infringes upon the protected rights of other people, and whether other accommodations may be more appropriate, given the rights of others.

4. Whether there have been past unsuccessful efforts to accommodate.

Even if an educational institution can show that an accommodation would cause undue hardship, they may still have a legal duty to provide you with the **next best** accommodation.

The Rights of Parents or Guardians

- Parents or guardians with disabilities have the right to receive communications from schools in accessible formats, e.g., parent guides, report cards, consent forms, schedules, or newsletters
- Parents or guardians of a child with disabilities have the right to be consulted about the accommodations that are necessary to meet their child's educational needs

Parents are encouraged to be familiar with the [supports available for students with additional needs](#). Parents can get in touch with the [Ministry of Education, Student Achievement and Supports department](#) to discuss their child's educational needs. Parents may find it helpful to review the [Teaching Students with Visual Impairments guidebook](#).

Q: Where do my legal rights come from?

A: Your legal rights relating to primary and secondary education come from a variety of different laws including:

- [The Saskatchewan Human Rights Code](#)
 - Prohibits discrimination based on disability in most areas of public life, including education.
- [The Education Act](#)
 - Governs how public schools and separate schools deliver services in Saskatchewan
 - Creates a process identifying and placing exceptional students in Saskatchewan's primary and secondary public school system
- [The Canadian Charter of Rights and Freedoms](#)

- Guarantees equality of the law including equal benefit of the law without discrimination.

Your legal rights relating to postsecondary education come from a variety of different laws including:

- [The Saskatchewan Human Rights Code](#)
- [The Canadian Charter of Rights and Freedoms](#).
- [The Post-Secondary Education and Skills Training Act](#)
- [The Private Vocational Schools Regulation Act](#)
- [The Regional Colleges Act](#)
- [The Saskatchewan Applied Science Technologists and Technicians Act](#)
- [The Saskatchewan Indian Institute of Technologies Act](#)
- [The Saskatchewan Polytechnic Act](#)
- [The University of Regina Act](#)
- [The University of Saskatchewan Act](#)

Q: Who must comply with Saskatchewan laws related to education?

A: Students and staff, schools, educational institutions, and the Saskatchewan government are required to comply with Saskatchewan's education laws. This includes:

- People within the education system, such as deans, professors, principals, vice-principals, teachers, other school officials, parents/guardians, and students
- Educational institutions, including:
 - Early childhood pre-schools, such as daycares
 - Primary and secondary schools (public and private) including French-language schools

While very few parts of the [Education Act](#) apply to private primary and secondary schools, [The Saskatchewan Human Rights Code](#) applies to all private schools and can take priority over any policies or procedures that private schools create.

- School Boards
- Special schools such as hospital schools, care and treatment programs
- Universities and colleges including private colleges, trade schools, and professional accreditation courses
- Government ministries, such as the [Ministry of Education](#) and the [Ministry of Advanced Education](#)
- Professional bodies such as the [Saskatchewan Professional Teachers Regulatory Board](#) and the [Saskatchewan Early Childhood Association](#)

Q: What can I do to enforce my legal rights?

A: If you feel you or your child have been unfairly discriminated against by an educational institution, there are things you can do to stand up for yourself.

In general, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

For more resources on self-advocacy, please visit the [Self-Advocacy section of the Know Your Rights website](#).

Consider the following legal options you can pursue:

- Make a complaint with [Ombudsman Saskatchewan](#).
 - Ombudsman Saskatchewan can consider whether an individual has been unfairly treated by the [Ministry of Education](#), [Ministry of Advanced Education](#), Saskatchewan Polytechnic, and the province's regional colleges.

Note: Ombudsman Saskatchewan **does not** have jurisdiction over public or private schools, teachers or school boards.

- Initiate a professional complaint regarding the conduct or practice of a member of the [Saskatchewan Teachers' Federation](#)
- Make a complaint to the [Saskatchewan Professional Teachers Regulatory Board](#)
- File a complaint with the [Saskatchewan Human Rights Commission](#)
- Contact the [Saskatchewan Advocate for Children and Youth](#) for assistance

You may also consider hiring a lawyer to help you with any of the legal options listed above or to pursue other legal options, such as a claim before a [Saskatchewan Court](#).

Common Scenarios

Even though there are laws to protect you from discrimination, people with disabilities still face barriers to receiving an education that is equal to their peers.

This section describes barriers that are commonly experienced and suggests practical next steps. Keep in mind that in most situations, you should first try to resolve your concerns by speaking with the people who are directly involved in an informal and collaborative way.

Elementary and Secondary School

Q: My child will be starting school. What can I do to ensure that my child's sight loss is accommodated?

A: All children in Saskatchewan have the right to receive equal treatment with respect to education without discrimination because of disability. This includes the right to receive meaningful access to education and the benefits of education. Once a school is made aware of your child's disability, the school has a duty to accommodate your child's needs up to the point of undue hardship.

Plan Ahead

The [Ministry of Education](#) provides resources for teachers and parents/guardians to help them meet student-learning needs. It is critical to plan ahead. Before registering your child for school,

consider whether your child's needs require specialized programming and assistance such as [Functional Integrated Programs](#).

Functional Integrated Programs are intended for students with significant intellectual and/or multiple disabilities who require highly individualized programming to meet their needs. Other supports include assessments, resource programs, educational assistants, special programs and/or special schools. For further information, [contact your school division](#).

The School's Duty to Accommodate

The school's duty to accommodate is triggered when the school is made aware of your child's disability. It is important for you to provide the school with as much information about your child's disability as is necessary to establish your child's need for accommodations and to ensure that appropriate accommodations are provided. Keep in mind that your relationship with the school will be long lasting and that collaboration is key to ensuring your child thrives in an educational environment.

When considering your options, you may wish to contact the school or school board in advance of enrollment to discuss the ways in which your child's disability can be accommodated.

In most cases, schools are expected to provide children with individual accommodations that allow for the child's full participation and integration in the classroom environment. Examples of accommodations include:

- Assessments
- Resource programs
- Educational Assistants
- Special programs
- Classroom supports
- Consultative supports
- Counsellors/Social Workers

Children and Self-Advocacy

Once your child has been registered for school, encourage your child to advocate for themselves by letting you and their teacher know when they're having difficulties due to their sight loss. This will be helpful in determining whether adjustments need to be made to accommodations and how to best meet their current and future educational needs.

Q: The school board implemented an accommodation plan to support my child's sight loss. I don't agree with the school board's approach to accommodations. What can I do?

A: If the school or school board proposes an accommodation that you have concerns about or disagree with, it's important to share these concerns with school officials. The development and implementation of accommodations is a collaborative process that will involve you, school officials, and in many cases, your child.

Consider requesting a meeting with your child's teacher, vice-principal or principal to better understand or to challenge the position of the school. If this request is not accommodated or the matter is not resolved, request to meet with a superintendent or school board official to discuss your concerns.

The School's Duty to Accommodate

When you are being consulted/discussing accommodations, keep in mind that an appropriate accommodation is informed by these principles:

- Respect to dignity
- Individualization
- Integration
- Full participation

Schools are required to develop and implement accommodations that will "best" meet your child's needs up to the point of undue hardship. It's important to keep in mind that schools are not legally obligated to ensure your child's accommodation is "perfect" or to provide your child with your

“preferred” accommodation because there may be an alternative accommodation that responds to your child's needs just as well.

If it will take a lot of time to develop and implement the “best” accommodation, the school or school board has a duty to provide an alternative or “next best” temporary accommodation to ensure that your child's interim educational needs are met.

Parents with Sight Loss

Q: My child's school has sent me written information that is not in an accessible format. Due to my sight loss, I'm unable to read the communication. What can I do?

A: As a parent, the school has a legal duty to accommodate you, to the point of undue hardship. Once you make your sight loss known to the school, you can request that the school communicate with you using accessible formats, such as:

- Email
- Accessible .pdf documents
- Microsoft Word documents

Post-secondary Programs

Q: I've been accepted to a post-secondary institution, but I'm uncertain about what steps I need to take to have my sight loss accommodated.

A: Like elementary and secondary schools, post-secondary institutions have a duty to accommodate students' disabilities to the point of undue hardship.

Unlike elementary and secondary schools, however, post-secondary institutions will not review your educational process and perform assessments to see if you need accommodation. Post-secondary students carry more responsibility to advocate for themselves to ensure they receive the accommodation they need.

It is important to be proactive. Most post-secondary institutions have an accessibility services department or provide accessibility services through a student services department. You may consider contacting the appropriate department as soon as possible, and as early as when you accept an offer of admission.

When you inform your postsecondary institution of your disability, it triggers their legal duty to provide you with reasonable accommodations. Your institution may ask for medical documentation about your disability. While they have a right to ask for this information, you only need to provide information that explains your need for accommodations. You are not required to tell them your exact diagnosis and you are not required to provide information that is not related to your need for accommodations.

It's important to remember that selecting appropriate accommodations is a collaborative process. As a student requesting an accommodation, you have a duty to work with your educational institution to help them select an appropriate accommodation. You will need to work closely with the post-secondary institution to ensure that the accommodations are sufficient and that they are implemented in a timely manner.

Self-Advocacy Tips for Post-Secondary Students

Here are some helpful tips to keep in mind when advocating for yourself in a postsecondary setting:

- Inform the postsecondary institution about your need for accommodations as early as possible to ensure there's enough time to develop and implement the most appropriate accommodations.
- You are expected to know what kinds of accommodations you require to receive an equal education to your peers.
- Emailing or introducing yourself to your instructors in advance of the class start date can help make the class accessible from the start.
- If you need the course materials to be adapted or transcribed, be proactive. Determine what materials you'll need well in advance of the start date and coordinate transcription services as soon as possible.

- Many postsecondary institutions have accessibility services departments that coordinate accommodations for students with accessibility needs. These departments can also assist you by connecting you with other resources.

Q: Despite my requests, I have not received the accommodations that I require. What can I do?

A: Under [The Saskatchewan Human Rights Code](#), educational institutions have a legal duty to provide reasonable accommodations for your disability up to the point of undue hardship.

Many postsecondary institutions have an accessibility services department that should be able to assist you with securing accommodations.

However, if you are still not receiving appropriate accommodations in a timely manner, you may want to meet in person with your instructor or the department / faculty administration to discuss your concerns. Consider reiterating your need for accommodations with a written request. If the issue remains unresolved, consider following up with the postsecondary institution's internal supervisory body.

Keep in mind that in situations where there are delays with implementing the most appropriate accommodation, postsecondary institutions still have a duty to provide you with a temporary or “next best” accommodation to ensure your educational needs are met in the interim.

If you have exhausted the options outlined above, and the institution continues to take the position that they cannot accommodate your disability in your program, you may wish to consult with a lawyer to obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the [Saskatchewan Human Rights Commission](#) for information and direction.

Q: My post-secondary institution has advised me that it cannot accommodate certain aspects of my degree/diploma (such as a practicum). I have been told that I have to switch programs/placements or leave the institution. What can I do?

A: Once you've made your disability, and need for accommodation, known to your post-secondary institution, the institution has a duty to identify and remove barriers that prevent people with disabilities from receiving the same quality of education as people without disabilities.

Generally speaking, the institution cannot prevent you from completing your program because you have a disability.

If you have exhausted the options outlined above, and the institution continues to take the position that they cannot accommodate your disability in your program, you may wish to consult with a lawyer to obtain independent legal advice regarding your specific circumstances. You may also find it helpful to contact the [Saskatchewan Human Rights Commission](#) for information and direction

Resources

Legal Services

[Public Legal Education Association of Saskatchewan \(PLEA\)](#)

PLEA is a non-profit, non-government, charitable organization which exists to educate, inform, and empower individuals through law-related education.

PLEA can help members of the public by providing general legal information, suggesting resources, and telling people about different options for obtaining legal advice.

PLEA also provides free legal information on a variety of topics on its website, including [Resources for Teachers](#), and [Human Rights](#).

[Pro Bono Law Saskatchewan \(PBLS\)](#)

PBLS is a non-profit, non-government organization that provides free legal advice to low-income individuals in Saskatchewan. PBLS operates and partners with 14 free legal clinics across Saskatchewan. PBLS tries to fill the gap of legal services between government funded legal aid and hiring a private lawyer.

[Community Legal Assistance Services for Saskatoon Inner City \(CLASSIC\)](#)

With a commitment to social justice, decolonization, and the dignity of all peoples, CLASSIC provides free legal services, programming and supports to people who experience poverty and injustice, including services in relation to human rights issues.

[Saskatchewan Legal Coaching and Unbundling Pilot Project](#)

This resource provides individuals with a lower cost alternative to full legal representation. Through this service, individuals receive limited legal services where you hire a lawyer to handle only part of your case or to do a specific task.

[The Saskatchewan Human Rights Commission \(SHRC\)](#)

The SHRC promotes human rights through public legal education and policy development. The SHRC has created [Policies and Guidelines](#) and [Information Sheets](#) on human rights topics.

For information on filing a complaint with the SHRC, refer to the “[Filing a Complaint](#)” section of the SHRC website.

[Accessibility Legislation for Saskatchewan](#)

Saskatchewan is in the process of developing a set of laws that will cover accessibility in outside spaces (such as parks, crosswalks, and parkades) and other key areas. Information about Saskatchewan’s progress in developing this legislation is available at the [Accessibility Legislation for Saskatchewan website](#).

Essential Non-Legal Services

[Ombudsman Saskatchewan](#)

Ombudsman Saskatchewan takes complaints about provincial government ministries, agencies, Crown corporations and most health entities.

Ombudsman Saskatchewan also takes complaints about Saskatchewan cities, towns, villages, resort villages, rural municipalities, northern municipalities, and municipal council members.

You may contact **Ombudsman Saskatchewan** to discuss a concern, or [make a complaint](#), regarding any of the entities above.

[Saskatchewan Advocate for Children and Youth](#)

The Saskatchewan Advocate for Children and Youth is an independent officer of the Legislative Assembly of Saskatchewan, and performs the following functions:

- **Advocates** on behalf of children and youth receiving services from a provincial ministry, direct or delegated agency, or publicly funded health entity.
- **Investigates** any matter concerning services provided to children and youth by a provincial ministry, direct or delegated agency, or publicly funded health entity.

- Delivers **Public Education** to raise awareness of the rights, interests, and well-being of children and youth.
- **Researches and advises** on matters relating to the rights, interests and well-being of children and youth.

You may [contact the Saskatchewan Advocate for Children and Youth](#) regarding concerns related to the [Ministry of Education](#) and your child's education.

Saskatchewan Alternate Format Materials Library

The **Saskatchewan Alternate Format Materials Library** provides curricular resources in alternate formats for K-12 students with perceptual disabilities that prevent them from accessing regular text. The alternate format materials library provides braille, large print, audio, and e-text titles. This resource is available to students across the province.

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Ontario Parents of Visually Impaired Children (formerly VIEWS For the Visually Impaired)

Ontario Parents of Visually Impaired Children ("OPVIC") is a non-profit organization that advocates and provides opportunities for children, youth, and young adults with sight loss.

As part of its efforts to advocate for young people, it provides parents with education and support around advocating for their children in the school setting.

While OPVIC is Ontario-based, there are a number of resources they list that are available throughout Canada.

National Educational Association of Disabled Students ("NEADS")

National Educational Association of Disabled Students ("NEADS") is a national charity that advocates for full access to education and employment for post-secondary students with

disabilities. Among many other resources, NEADS offers a [guide on how to enhance accessibility of postsecondary institutions](#).

Library Services

The [Centre for Equitable Library Access](#) and [National Network for Equitable Library Service](#) provide information about library services that are available to Canadians with print disabilities.

CNIB Programs

We're here to help – contact CNIB for more programs, support, and resources. Some ways we can assist include:

- [CNIB Virtual Programs](#)
 - CNIB offers a range of free virtual programs for children, youth, adults and families.
 - You can access a list of CNIB's virtual program offerings on [CNIB's website](#).
 - You can access a list and schedule of CNIB Saskatchewan's program offerings on [CNIB Saskatchewan's website](#).
- [Technology Training](#)
 - Join CNIB tech leads from across the country for programming that highlights the suite of programs, apps, products and services that will help empower you to achieve your personal and professional goals.
- [Virtual Vision Mate](#)
 - The Virtual Vision Mate program exists to address the feelings of isolation that many people with sight loss experience. Through the Virtual Vision Mate program, people who are blind or partially sighted are connected with sighted volunteers to engage in virtual, weekly conversation.
- [CNIB SmartLife](#)
 - CNIB SmartLife is an interactive retail experience that gives people with disabilities hands-on access to the latest breakthroughs in assistive technologies, as well as tried-and-true favourites.

- SmartLife’s goal is not necessarily to sell products but is to give customers the skills and confidence they need to make the most out of assistive tools that can help them lead better lives.
- [CNIB Advocacy Team](#)
 - The CNIB Advocacy Team can assist participants with advocating for themselves and understanding their rights.
- [CNIB Guide Dogs](#)
 - CNIB Guide Dogs can assist guide dog handlers with advocating for themselves and understanding their rights. This program also provides public education to organizations to provide knowledge about the rights of guide dog users.

[Vision Loss Rehabilitation Canada](#)

Vision Loss Rehabilitation Canada (“VLRC”) is a not-for-profit national healthcare organization and the leading provider of rehabilitation therapy and healthcare services for individuals with vision loss. VLRC’s services are tailored to the unique needs and goals of each person they assist. Specifically, VLRC certified specialists provide a range of services that help individuals with vision loss lead more independent, active lives.

Contact information for VLRC’s Saskatchewan offices is available in the [“Locations” section of the VLRC website](#).

Other Services

[SaskAbilities](#)

SaskAbilities is a registered charity that is dedicated to providing programs and services to people experiencing disability in Saskatchewan. SaskAbilities has branches located in Regina, Saskatoon, Swift Current and Yorkton.

Wayfinding

Wayfinding refers to technological tools that assist partially sighted, blind and Deafblind persons with navigation and orientation. Such tools include:

- [BlindSquare](#): a GPS-app developed for people with sight loss that describes the environment and announces points of interest and street intersections.
- [Key 2 Access](#): a pedestrian mobility app that allows users to wirelessly request crossing at intersections without having to locate the button on the pole. It also allows users to wirelessly open doors and obtain information about indoor spaces.
- [Access Now](#): a map application that shares accessibility information for locations based on users' feedback.
- [Be My Eyes](#): a volunteer-based app that connects people with sight loss to sighted volunteers, who can assist with tasks such as checking expiry dates, distinguishing colors, reading instructions or navigating new surroundings.
- The [American Foundation for the Blind](#), which provides an overview of some of the apps that are available to assist consumers with reading items such as product labels and menus.



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