



**ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION
AND
ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION**

**JOINT RESPONSE TO
PROPOSED AODA STANDARD FOR ACCESSIBLE BUILT ENVIRONMENT**

The Ontario Public School Boards' Association and the Ontario Catholic School Trustees Association together represent 60 district school boards in Ontario and collectively provide services to close to two million students. Our Associations commend the Standards Development Committee responsible for the Proposed Accessible Built Environment Standard for the very comprehensive scope and depth of their work. Clearly, implementation of the measures proposed is directed at vastly improved levels of accessibility for persons with disabilities and significant improvements in accessibility options for the Ontario population as a whole.

We appreciate the opportunity to comment on the proposed Standards from a school board sector perspective.

Standards for School Boards

The scope of the project undertaken by the Standards Development Committee aims to capture Ontario society as a whole. This means that requirements that apply to a specific sector could not be grouped together. While we understand the decisions the Committee had to make in organizing such a large body of work, we would have liked to see requirements related to the world of schools in a self-contained section. Many provisions relate to commercial and industrial settings and these are relatively easy to identify and to determine their relevance. Others are more complex in that they seem reasonable for many environments; however, in schools they may not be at all reasonable and in fact conflict with security measures needed in an environment responsible for the care and safety of children. An obvious example is a requirement for a certain number of doors to a building and/or for the main entrance to a building to have automatic door-openers. There are many schools that, for security reasons, keep all doors save one locked while school is in session; in certain cases, also related to security, this door is not necessarily the "main entrance" of the school.

As the Standards are further refined, we would recommend sections for specific occupancies.

New Construction and Change of Use/Major Renovations

We would like to see clarity around the definition of “*New Construction*” so that it conveys the meaning of construction of a structure or of an element of the built environment that either did not previously exist or constitutes a complete replacement of the entire structure or element that previously existed on the site.

We note that the Proposed Standard defines “*Change of Use/Major Renovations*” as follows:

For interior parts of the built environment:

- a) *Where existing interior walls or ceilings or floor assemblies or roof assemblies are substantially removed in an existing building and new interior walls, ceilings, or floor assemblies are installed in the building;*
- b) *Where there is a change in use of the building; and*
- c) *The performance level of a building after material alteration or repair is less than the performance level that existed prior to renovation or repair.*

For exterior parts of the built environment:

- a) *A change to the built environment where an element is wholly or partly replaced, removed or re-furbished or where any change to the component could potentially affect its usability. Examples of changes include, renovations, alterations, remodelling, rehabilitation, historic restoration, resurfacing, rearrangement, reconstruction, change of use of the component or new additions to an existing element (e.g., a new wing on an existing building, an expanded parking lot area attached to an existing building or parking area); and*
- b) *When changes occur to a particular area, where feasible or allowed the route to the changed area is also included in the change.*

We find that Item (c) under “Interior parts of the built environment” is unclear and even counter-intuitive.

With regard to Item (b), we draw attention to the fact that while the route to the changed area is part of “renovation”, there may still be aspects of the older, existing building that will not meet the provisions of the Standard. This is sometimes the experience, in projects where additions have been made to older school buildings that include, for example, a new elevator in the design to improve accessibility, yet there are aspects of the interface with the older part of the building that cannot be modified to fully meet the proposed standards. Some existing buildings are well in excess of one hundred years old.

In terms of effective application of the Proposed Standard when it becomes Regulation, consideration needs to be given to the impact on projects that have been approved and are underway at the time of enactment of the Regulation. Will these projects be deemed to be pre-existing and, therefore, subject to “catching up” with aspects of the Standards through subsequent retrofit projects?

Retrofit

We note that, in releasing the Proposed Accessible Built Environment Standard for Public Review, the Minister of Community and Social Services announced that it would not address either Retrofit or Housing in this first 5-year cycle. With regard to Retrofit, this raises a number of issues.

In the development of Accessibility Plans as required by the parallel legislation, the *Ontario Disability Act*, school boards tackle each year a certain amount of retrofit projects to improve accessibility in older school buildings. It is assumed that until the ODA is repealed this activity will be expected to continue. It is, however, not unreasonable to assume that with the higher costs associated with meeting the proposed standards for major renovations and new builds, there will be an impact on the scope to maintain retrofit projects at their current level if the funding available to school boards is not increased.

School Boards are committed to making their buildings fully accessible not just for students but for their families and the general public who use the facilities. It has to be acknowledged, however, that a significant percentage of Ontario schools are early twentieth century buildings or even older. In the parlance of Ministry of Education *Good Places to Learn*, many of these buildings are deemed “prohibitive to repair” and many are so constructed that it would be impossible to make all, or even most, parts of the buildings fully accessible. We raise this to flag the fact that there will have to be some creative approaches to achieving accessibility in these kinds of buildings during the years ahead while they continue to be used.

We would suggest that when the Standards Development Committee resumes its work following the period of Public Review that consideration be given to recommending alternative practices to promote accessibility in situations where technical and mechanical alterations are not feasible.

In situations where it is feasible to make building modifications so as to retrofit for accessibility, we would suggest that the government, perhaps in partnership with government at the federal level, look at making special funding available to assist organizations to continue with retrofit projects at the same time as they are dealing with new builds and major renovations under the Accessible Built Environment Standard when it becomes regulation. By not dealing with retrofit at all in the first five years, there will be increased pressure to achieve an Accessible Ontario in the remaining ten years leading up to 2025. It is fully noted that the Standards Development Committee were unable to acquire information on the impact of the costs and benefits of retrofit; given the complexity of this area, this is not surprising.

Heritage Buildings

It is not clear at this point how compliance with the standards for built environment will “mesh” with requirements that school boards have with respect to buildings which have heritage status. As the committee moves forward it would be of benefit to examine the

requirements of current legislation with respect to heritage buildings and the impact of the new standard.

Playgrounds and Play Structures

Playgrounds and play structures are integral to the operation of a school and an important asset to the community. It would appear that the proposed standard goes beyond the current national standard for play structure accessibility.

Portables

We note that Section 9.7.2. addresses requirements for portable classrooms. These facilities are in place because of existing constriction of space in the permanent school facility. We support the practical provision of the Building Code that exempts portable classrooms from having to meet accessibility requirements if the main school building complies.

Training

It is noted that the proposed Standard calls for a review of programs intended to train or provide supplementary training to those engaged in the design, construction or operation of the Built Environment to ensure the content of the courses supports implementation of the recommended Standards. Given that the intent is to get this underway within 36 months of the enactment in law of the Standard, what “forgiveness” is contemplated for organizations that implemented projects where the design professionals may not have been fully cognizant of all aspects of the Standard? The proposed timelines for implementation for “new builds” would require school boards to comply with the standards within 12 months of enactment of regulation. We would suggest that training be ready and carried out before organizations are required to be in compliance.

Alignment with Other Relevant Legislation

It is not clear how aspects of the proposed Standard intersect with other pieces of legislation that include standards affecting the built environment. One particular law, *The Day Nurseries Act*, for example, includes provisions relevant to the safety of small children that would be at odds with some of the technical provisions in the proposed Standard. A very large number of schools have Child Care centres on site and clarity in this regard will be important.

We would like to see clearer evidence of alignment with other relevant legislation that impacts on school boards in terms of their built environment, such as the *Education Act*, the *Day Nurseries Act*, *Ontario Building Code* and provisions of the *Canadian Standards Association*.

Level of Prescriptiveness of Technical Standards

We have some concerns with how prescriptive aspects of the proposed Standards are. We are not confident that some of the proposed technical solutions are currently available on the market. We are concerned that the trend towards mechanical and electronic devices,

for example those used in washrooms, will make reliable maintenance of the devices more challenging and costly, particularly in a school environment.

With regard to play areas, we note that the requirements are highly prescriptive and we understand that they far exceed acceptable accessibility standards in other jurisdictions. Aside from the issue of ready availability of components to meet these standards, the costs will be proportionately and significantly higher.

We would also suggest that prior to finalization of the standard that technical experts review the standard to ensure that current innovations in technology are incorporated in the standard, e.g. motorized wheelchairs with smaller turning radius.

Funding

As emphasized earlier, the school board sector fully supports the goals of an Accessible Ontario and, as a sector that has responsibilities with regard to the future citizens of the province, we want to be in a position to model the principles, and the reality, of accessibility in our schools and other buildings.

We commend the Ontario government for taking leadership in setting standards for accessibility. While there are many aspects of achieving accessibility that have minor or no costs associated with them, this cannot be said of the Standards for Built Environment. The cost analysis for the school board sector indicates that new construction will cost 3% to 4% more to implement the standards than to comply with the existing high standards of the Building Code. Costs for renovations and retrofit would be proportionately more significant.

We would like reassurance that the government as a whole, including all its ministries, are considering the ways in which they will need to support roll-out of these Standards. Public sector organizations are largely, and in the case of school boards fully dependent, on government funding for fulfilling their mandates. Private sector organizations will, no doubt, want to see funding support and incentives to help them in their compliance efforts. It is vital, therefore, that the leadership the government has shown in making Accessible Ontario a priority be supported by leadership in the practical ways, including adequate funding, that will be needed to implement Accessible Built Environment Standards in accordance with the proposed timelines.

Conclusion

We have focussed on the broad themes that the proposed Accessible Built Environment Standard raises for us rather than on the technical details. Individual school boards may have additional comments on these. Again, we applaud the outstanding work that has been done by the Standards Development Committee in putting all the implications of an Accessible Ontario before us.

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