

# LDAO Public Policy Manual 2002

## Section P: Post-secondary Education

The policies in this section relate to the provision of services, supports and accommodations for students with learning disabilities in Ontario's colleges and universities.

### Policies

- P1 Access to Post-secondary education I
- P2 Access to post-secondary education II: compliance with the Human Rights Code
- P3 Appropriate Disability Policies within the Post-secondary Educational Sector
- P4 Funding of Services to Students with Disabilities within the Post-secondary Educational Sector I
- P5 Funding of Services to Students with Disabilities within the Post-secondary Educational Sector II
- P6 Programming within the Post-secondary Educational Sector
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- P8 OSAP and the Bursary for Students with Disabilities (BSWD)
- P9 Testing and Licensing Accommodations

### Policy P1 – Access to post-secondary education I

LDAO advocates that all approved and licensed post-secondary educational institutions within the Province of Ontario, whether publicly or privately funded, guarantee the right of access to their programs for appropriately qualified students with learning disabilities.

#### Rationale

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. Denial of access to “services”, the definition of which includes education among other things, to appropriately qualified individuals with disabilities is a form of discrimination under the legislation. Currently all post-secondary educational institutions are publicly funded. None of these can legally deny admission to an appropriately qualified applicant with a learning disability. As a result of recent legislation, the Province will allow the establishment of private universities and other degree granting institutions. Since institutions will be licensed by the province, they should also be expected to comply fully with Ontario's human rights legislation.

#### References

- Canadian Charter of Rights and Freedoms, 1982
- Ontario Human Rights Code, 1981
- Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

### Policy P2 – Access to Post-secondary Education II: compliance with the Human Rights Code

LDAO advocates that the Ministry of Training, Colleges and Universities mandate full compliance with the Ontario Human Rights Code for all approved and licensed post-secondary educational institutions in the Province of Ontario.

#### Rationale

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. Denial of access to “services”, the definition of which includes education among other things, to appropriately qualified individuals with disabilities is a form

of discrimination under the legislation. Currently all post-secondary educational institutions are publicly funded. None of these can legally deny admission to an appropriately qualified applicant with a learning disability. As a result of recent legislation, the Province will allow the establishment of private universities and other degree granting institutions. Since institutions will be licensed by the province, they should also have to comply fully with Ontario's human rights legislation.

#### **References**

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

### **Policy P3 – Appropriate Disability Policies within the Post-secondary Educational Sector**

LDAO advocates that the Ministry of Training, Colleges and Universities mandate full compliance with all appropriate disability related special needs policies for all licensed post-secondary educational institutions in Ontario. Such policies must be approved, regularly reviewed and amended from time to time by the Senate or Board of Governors of the institution. Such policies must include the requisite processes for:

- access to the institution for students with disabilities including the right to eal a denial of access, if the denial may be due to the student's documented and closed disability,
- admission to and the right to participate fully in the course or program of student's choice, provided that the student satisfies the admission requirements,
- the provision of disability-specific services, supports and ommodations, including access to and training in the use of adaptive hnologies, unless any of these represent undue hardship for the institution,
- the right to graduate, provided that all graduation requirements have been sfied, with or without accommodation.

#### **Rationale**

The Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code guarantee freedom from discrimination to persons with disabilities. In spite of this legislation and the stated expectation of the Ministry of Training, Colleges and Universities regarding the obligation of colleges and universities to comply with the Human Rights Code and to provide the requisite services, supports and accommodations to students with disabilities, many students, especially those who disclose the presence of a learning disability, may find that they are not accepted into the institution of their choice or into the courses or program for which they have applied. In addition, students with disabilities and in particular students with learning disabilities are often denied accommodations, with the faculty claiming that the accommodation expected contravenes their "academic freedom". If the Ministry were to mandate and regularly review the existence and compliance with these policies, such that there were penalties for contravention or non-compliance, students with disabilities would benefit considerably.

Since 50% of all students with disabilities within the post-secondary sector are students with learning disabilities and since the refusal of accommodation is much more likely to happen to a student with an invisible disability, students with learning disabilities would be the greatest beneficiaries of this initiative.

## **References**

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

## **Policy P4 – Funding of Services to Students with Disabilities within the Postsecondary Educational Sector I**

LDAO advocates that the Accessibility Fund allocation provided by the Ministry of Colleges and Universities to supplement the expenditures that colleges and universities make to meet their legal obligations under the Human Rights Code to provide services, supports and accommodations for students with disabilities, be maintained, tracked and reported upon as a separate funding envelope and not be rolled into the general transfer funds made to institutions for post-secondary education.

### **Rationale**

Under the Ontario Human Rights Code, colleges and universities, as direct providers of post-secondary educational services, have a legal obligation to serve, support and accommodate students with disabilities. The Ministry of Training, Colleges and Universities provides supplementary funds in addition to the general funding for post-secondary education to ensure that all post-secondary educational institutions can meet these legal obligations and have in place an Office for Students with Disabilities (Special Needs Office). While these are meant to be supplementary funds, at some institutions these are the only funds that are allocated to services for students with disabilities. At other institutions this amount is further reduced by charging rent or other administrative costs to the Office for Students with Disabilities. Over the past few years, senior administrators within the post-secondary sector have suggested that these funds would be more effective if they were included in the general transfer funds for the institution. To date this has been resisted. The provision of appropriate special needs services depends on the availability of appropriate and visible funding allocations.

### **References**

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001

## **Policy P5 – Funding of Services to Students with Disabilities within the Postsecondary Educational Sector II**

LDAO advocates that the Accessibility Fund allocation provided by the Ministry of Colleges and Universities to supplement the expenditures that colleges and universities make to meet their legal obligations under the Human Rights Code to provide services, supports and accommodations for students with disabilities, be modified such that while the allocation primarily reflects the total enrolment of the institution on a Full Time Equivalent (FTE) basis as is the case currently, it be supplemented by an allocation reflecting the actual number of students registered with the Office for Students with Disabilities, who are utilizing and benefiting from the available services.

### **Rationale**

The current Accessibility Fund allocation is census based. Large institutions receive more money than smaller ones. However, very often students with disabilities, especially learning disabilities, prefer to go to a smaller institution for a variety of reasons. Since the total allocation of the Accessibility Fund is a predetermined amount, small institutions which may have a much higher percentage of their students registered with the Office for Students with Disabilities than the larger ones, receive a smaller amount of funding, especially if the total enrolment of the institution is declining. Statistics obtained

through the work of the Learning Opportunities Task Force confirm these data for students with learning disabilities. Therefore, in order to achieve greater equity, the funding formula needs to be modified.

#### **References**

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001

### **Policy P6 – Programming within the Post-secondary Educational Sector**

LDAO advocates that all post-secondary educational institutions receiving funding through the Accessibility Fund of the Ministry of Training, Colleges and Universities be held accountable for providing appropriate programming, services, supports and accommodations for their students with learning disabilities, with the programming being based on the findings of the research carried out by the Learning Opportunities Task Force and reflecting the identified strengths and needs of the individual students.

#### **Rationale**

The services and programming available to students with learning disabilities in Ontario's colleges and universities are quite diverse and often reflect the interests and skills of the staff in the special needs office rather than the strengths and needs of individual students and the results of research linking specific learning disabilities to programming and appropriate accommodations. The research findings of the Learning Opportunities Task Force should inform the work of all special needs offices and assure greater educational success for students with learning disabilities. Even though the work of the LOTF has not been fully completed, its vision statement on what are the success indicators for students with learning disabilities within the post-secondary sector and its interim reported findings have been distributed to all post-secondary institutions.

#### **References**

Canadian Charter of Rights and Freedoms, 1982

Ontario Human Rights Code, 1981

Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001

Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001

Reports from the Learning Opportunities Task Force, 1998-2001

### **Policy P7 – Ontario Student Assistance Programme (OSAP)**

LDAO advocates that in determining OSAP eligibility for students with disabilities who wish to participate in post-secondary education, the amount of the loan and/or grant available to a student, the length of the loan period, the repayment arrangements and other factors should take into account the documented needs of the student and any relevant recommended accommodations reflecting the impact of the specific disability, such as the need for a reduced course load, part time studies, their inability to study and hold a part time job at the same time, and related living expenses, etc.

#### **Rationale**

OSAP eligibility is usually determined on the basis of the student's age, the number of years he or she has been out of secondary school and the family's financial circumstances. Many students with learning disabilities proceeding from directly from secondary school to post-secondary education are denied access to OSAP. There are numerous costs related to post-secondary education which are disability-specific, including an up to date assessment, access to adaptive technology, tutoring, the need to live

away from home to attend a college or university, which offers certain specialized services to meet the disability related needs, etc. Many families that are deemed financially able to pay for their child's post-secondary education tuition cannot find the funds for these additional components. As a result, students with disabilities are often unable to attend post-secondary education at all or are not able to go to the most appropriate post-secondary educational institution.

#### **References**

Canadian Charter of Rights and Freedoms, 1982  
Ontario Human Rights Code, 1981  
Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001  
Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001  
Reports from the Learning Opportunities Task Force, 1998-2001  
Canada Study Grant Guidelines, 2001  
OSAP and BSWD eligibility guidelines

### **Policy P8 – OSAP and the Bursary for Students with Disabilities (BSWD)**

LDAO advocates that all students with disabilities be provided with access to the BSWD, regardless of whether they are eligible to receive OSAP or not, which is the current criterion for eligibility.

#### **Rationale**

The Bursary for Students with Disabilities is provided jointly by the Federal and Provincial Governments to assist students with disabilities within the post-secondary sector to cover the additional costs arising from being a student with a disability. The BSWD can be used to pay for learning disability assessments (a newly decreed Federal direction for the use of these funds), adaptive technology, tutoring and other costs related to the student's disability and education. The Ontario Government has made eligibility for the BSWD fully dependent on OSAP eligibility. As a result, a significant percentage of students are unable to access much needed resources to be successful in their post-secondary education, because they are not deemed OSAP eligible. This discrimination also disadvantages students who are pursuing their post-secondary studies on a part time basis and work to support their families and themselves on a full time basis. The amount of the bursary, up to \$7,000 per annum, acknowledges the high costs of paying for the disability related extra costs of post-secondary education. The province of Ontario does not allocate the full amount of the Federal funding that it receives for the purposes of the BSWD, in spite of the fact that many currently ineligible students would benefit from its use. Since the BSWD is a taxable benefit, students and their families whose income exceeds the pre-determined base line would pay back quite a bit of this amount. But in the meantime other ineligible students would be helped through the bursary program. There is precedent for an alternative allocation of student loans and grants, since students who are deaf and who are attending college or university in the USA are able to access additional funding that is not means tested. Students with learning disabilities require a similar exemption from the current rules.

#### **References**

Canadian Charter of Rights and Freedoms, 1982  
Ontario Human Rights Code, 1981  
Guidelines for Assessing the Accommodation Requirements of Persons with Disabilities, 2001  
Reporting Guidelines for the Accessibility Fund, Ministry of Training, Colleges and Universities, 2001  
Reports from the Learning Opportunities Task Force, 1998-2001  
Canada Study Grant Guidelines, 2001  
OSAP and BSWD eligibility guidelines

## **Policy P9 – Testing and Licensing Accommodations**

LDAO advocates that individuals who have been identified as having learning disabilities be afforded all necessary accommodations when undergoing all testing (including tests and exams administered in elementary and secondary school, in post-secondary education, in training programs and in licensing examinations for professions where a licence is required) such that they can meet the same passing standards as their non-disabled peers.

### **Rationale**

Students with learning disabilities can learn if they are taught appropriately. They can demonstrate their competencies and their mastery of skills and/or content, provided that the evaluation process is appropriate and all accommodations set out in their IEP have been provided. Provision of accommodations does not affect in any way the integrity of the course of study or the institution administering the test.

Lowered expectations and reduced pass marks are not accommodations and are not appropriate. Although students in the post-secondary sector do not have written IEPs, their accommodation needs should be recorded by the institution that they attend.

### **References**

Ontario Human Rights Code, 1981

Guidelines for Assessing Accommodation Requirements for Persons with Disabilities, Ministry of Citizenship, 1989

Statements on accommodations in post-secondary education and licensing examinations, LDAO, 1995