

LEARNING DISABILITIES ASSOCIATION OF ONTARIO

Response to AODA Public Review October 2009

The Learning Disabilities Association of Ontario (LDAO) and its 20 community based chapters represent the interests of persons with learning disabilities (LDs) throughout Ontario. LDAO has been around for more than 40 years, and has expanded its activities and services to include youth and adults who have learning disabilities, in postsecondary and employment sectors, in addition to serving parents of children in elementary and secondary schools.

People with learning disabilities, of all ages, represent the largest disability group in Ontario. For example, in the publically funded school system, students with LDs make up about 40% of students receiving special education in elementary or high school, and about 40% of students served by the offices for students with disabilities at Ontario community colleges. Individuals with learning disabilities that affect reading are included in the group that is considered to have print disabilities and who are entitled to access print materials in alternative formats.

Learning disabilities influence all areas of a person's life and the effects of LDs impact education, transitions to postsecondary education, sustainable employment, poverty and social assistance, mental health, the justice system and corrections. There are statistics from several sources showing an over-representation of persons with learning disabilities among the unemployed and under-employed, as well as among persons with mental health issues and in the correctional system.

However, people with learning disabilities can be among the most creative, and productive members of society as long as they receive early identification and academic intervention, and the proper accommodations in education, training, and employment.

Over the years the Learning Disabilities Association of Ontario has regularly provided consultation and constructive recommendations on all government initiatives that affect persons with disabilities, including learning disabilities, in Ontario. In our response to the *Ontarians with Disabilities Act*, LDAO indicated that this legislation did not go far enough in promoting accessibility for persons with disabilities. We recommended that:

- the ODA be strengthened by defining accessibility in such a way to include non-visible disabilities and eliminate attitudinal and other non-physical barriers.
- an accountability framework be set up for Accessibility Plans which included mandatory components, incentives for implementation, e.g. publicizing best practices, and penalties, such as fines, for non-compliance.

AODA Standards Development

LDAO was pleased to be involved in ongoing consultations about improving the *Ontarians with Disabilities Act* and we supported the announcement of the *Accessibility for Ontarians with Disabilities Act*. In our response the AODA legislation, LDAO recommended that the legislation:

- spell out a recruitment process for the Accessibility Standards Advisory Council and the standards development committees that ensures representation from a full range of disabilities
- outline clear priorities for the staged implementation of standards
- contain an accountability framework which includes publicly accessible information on both the development of the standards and the progress of implementing the standards
- establish an accessible process whereby a person or organization can launch a complaint about non-compliance with a standard. The complaint mechanism should include a mediation process for dispute resolution and an appeal process where the complaint is not resolved.

LDAO also recommended that there be a clear transition process for the continued application of accessibility plans developed by sectors covered under ODA.

From LDAO's perspective, the recruitment process for the standards development committees under the AODA has been inclusive of a range of disabilities, including some of the invisible disabilities. LDAO was pleased to have representation on committees for two standards that are vitally important for persons with learning disabilities: Information & Communication, and Employment Accessibility.

The accountability framework for the development of the standards seems to have been fairly transparent, at least in the two standard development committees where LDAO had representation. However, at this point in time the public has not seen clear priorities for the staged implementation of standards. In addition, there does not seem to be an accountability process that allows the public to assess progress on implementing the standards.

Despite recommendations from disability groups, there was no complaint mechanism set up for the public to use when an organization is not in compliance with a standard. It is unrealistic to expect individuals with disabilities to have to make applications to the Ontario Human Rights Tribunal when organizations are not meeting the AODA standard.

These are all areas that still need to be addressed if the standards are to be successful and to be perceived as successful.

Role of the Accessibility Directorate

The Accessibility Directorate has an important role to play public education about the standards, and in developing materials to help obligated organizations understand what the standards require of them. Sharing examples of effective practices can be useful as long as these are not seen as blueprints.

As part of its implementation plan for the standards, the Accessibility Directorate should be making use of the expertise that exists in the various associations that represent persons with disabilities. People with disabilities are not all alike, and even within disability groups one size doesn't fit all. Disability associations can provide much useful information to help organizations not only meet their obligations but meet the spirit of the standards.

ODA transition to AODA

In its response to the AODA legislation, LDAO recommended that there be a clear transition process for the continued application of accessibility plans developed under ODA. We understand that one of the purposes of this Public Review is to make recommendations on whether (and what) elements from the ODA should be incorporated into the AODA.

Feedback from LDAO chapters suggests that municipal accessibility advisory committees have been primarily concerned with built environment and transportation issues, and have not necessarily seen learning disabilities associations as key stakeholders. LDAO chapter personnel were more likely to be involved with accessibility planning committees for school boards and/or postsecondary institutions in their communities. However, since all these committees are only advisory, their recommendations are not necessarily heeded by the public sector agency they advise.

That being said, there could be merit in continuing the requirement for public sector annual accessibility plans, which must be posted on their websites in accessible formats. These accessibility plans could outline the steps being taken to meet the criteria of the various AODA standards, even before the date of compliance, and the progress in meeting the standards once compliance is required. A complaints process for the public could be outlined in the accessibility plan.

Additional Accessibility Standards

If new standards were to be developed in the health and education areas LDAO would have much to contribute. Learning disabilities overlap a great deal with mental health issues, as outlined in the attached LDAO submission to the provincial consultation on Mental Health and Addictions.

LDAO and its chapters have serious concerns about accessible education for students with learning disabilities, both at the elementary/secondary and the postsecondary level. In the LDAO response to the Auditor General's 2008 Report on Special Education, we wrote:

LDAO strongly urges the Ministry of Education to establish and enforce an accountability mechanism, so that students have rights to a range of special education placements, programs and services based on identified student needs rather than school board philosophy. The services a student receives should not depend on where they live in the province or which school board they attend.

It may be that an accessible education standard would be one way to hold educational institutions accountable for providing students with the special education programs and services they need in order to meet their educational potential. It would be important that any standard did not reflect a particular philosophy of any association, e.g. the belief that educational inclusion means that no student should be educated outside the regular class. Every student with a disability is different, and one size does not fit all.

Access to accommodations in postsecondary education has been improving over the last several years for students with learning disabilities. However there is an inequity in the funding of disability-related expenses through the Bursary for Students with

Disabilities (BSWD). Since eligibility for the BSWD is tied to income levels for OSAP, there are many students who are not able to access funding for the accommodations they need, or even for assessment. Issues like this one could be considered in the development of an accessible education standard.

It is very important that the requirements for the educational sector in the Information and Communications Standard not be deferred until a possible accessible education standard, as the issue of access to educational materials in alternative formats is a longstanding one that must be addressed right away.

Thank you for the opportunity to make a contribution to this review of the AODA.