

## RECOMMENDATIONS

# Improving education outcomes for students with disabilities



Ontario  
Human Rights Commission  
Commission ontarienne des  
droits de la personne

## Recommendations to improve education outcomes for students with disabilities

### Principles

For the education system to function effectively it must be inclusive and allow students with disabilities to thrive. In particular, key players in the education system must take all necessary steps to:

- remove barriers in the disability accommodation process
- ensure transparent oversight and accountability for the timely and effective accommodation of students with disabilities
- implement Universal Design for Learning (UDL) across all education system, while continuing to provide accommodation based on individual needs
- provide effective training and education for education providers on human rights, disability rights and accommodation
- put students with disabilities at the centre of all decision-making processes.

To accomplish these goals, the Ontario Human Rights Commission (OHRC) recommends the following specific actions that should be implemented in consultation with education partners possessing pertinent expertise and communities with lived experience.

### Recommendations to the government of Ontario

1. Communicate effectively to students, parents, guardians, support persons, etc. through multiple platforms and forums about the right to disability-related accommodation, the right of students and parents to participate in the accommodation process, the primacy of the Ontario *Human Rights Code*, the applicable legislation and requirements, and the dispute resolution options.
2. Address and resolve persistent delays in the provision of accommodation to students with disabilities, including barriers caused by long waiting lists for professional assessments.
3. Monitor and support education providers to respond appropriately to new or changing demands in the provision of educational services (e.g. an increase in the number of accommodation requests related to mental health disabilities).
4. As an alternative to existing formal adjudicative processes, establish a timely and effective dispute resolution mechanism at the local level to resolve conflict that may arise at any stage of the accommodation process (e.g. disputes about particular forms of accommodations, delays in the provision of accommodation, disciplinary actions taken against students with disabilities, etc.).
5. Require school boards, colleges and universities to collect and provide to the government intersectional, demographic data on students with disabilities and accommodations provided. This data should also identify the nature of the disability

\* These Recommendations are meant to be read in conjunction with the OHRC's *Policy on accessible education for students with disabilities*.

## **Recommendations to improve education outcomes for students with disabilities**

(e.g. physical, developmental/intellectual, mental health, etc.), and be disaggregated to determine whether the student identifies with any other *Code* ground (e.g. sex, race, Indigenous ancestry, etc.). Data collected should include:

- i. number of students with disabilities in mainstream classrooms versus self-contained classrooms (primary and secondary levels only)
  - ii. number of students with disabilities who are disciplined or excluded from school
  - iii. length of time taken to provide interim and final accommodations from the date of the accommodation request (or when the need is known)
  - iv. length of time taken to resolve accommodation-related disputes
  - v. length of time taken for students with disabilities to complete their programs
  - vi. number of students with a disability who leave their programs before graduating
  - vii. information that would allow for an analysis of disparities in availability of special education supports for students in urban, wealthy school districts versus students from rural, Northern, remote, Indigenous, and/or impoverished school districts (primary and secondary levels only).
6. Analyze demographic data received from school boards, colleges and universities to identify barriers and address concerns that may lead to systemic discrimination. Data should be made available to the public.
  7. Require school boards, and colleges and universities respectively to implement Universal Design for Learning (UDL) across all of their education systems.

### ***Primary and secondary education***

8. Ensure that communications to students and parents make it clear that education providers have a legal obligation to accommodate all students with disabilities, not just those students whose disabilities are listed in the Ministry's "special education" or "exceptionality" categories.
9. Identify and end the practice of exclusion wherein principals ask parents to keep primary and secondary students with disabilities home from school for part or all of the school day (and the role that an improper use of section 265(1)(m) of the Education Act may be playing in this practice).
10. Work with First Nations partners to implement the recommendations in the May 2017 Ontario First Nations Special Education Review Report.

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11. Evaluate existing funding structures and levels to ensure adequate resources are provided to school boards to meet the identified needs of all primary and secondary students with disabilities, provide timely and appropriate accommodation, and provide effective and current training for teachers and staff.
12. Develop an effective public accountability mechanism to track and audit how school boards spend special education funding.
13. Work with the Ontario College of Teachers to review all aspects of the curriculum for teachers' colleges to ensure that prospective teachers and administrators have sufficient and practical instruction on disability issues (including specific training on common disabilities such as autism, ADHD, learning disabilities including dyslexia, mental health disabilities, etc.), the requirements of the *Code*, and UDL.
14. Work with the Ontario College of Teachers to provide regular and ongoing mandatory professional development opportunities for all teachers and administrators on how to fulfil their human rights obligations.

### ***University and Colleges***

15. Work with post-secondary institutions to ensure that all students, staff and faculty understand the rights and responsibilities set under the *Code*, the principles of UDL, and are properly trained to respond to disability issues that arise in the post-secondary educational experience.

## **Recommendations to school boards and private educational providers**

16. Communicate effectively to students, parents, guardians, support persons, etc. through multiple platforms and forums about the right to disability-related accommodation, the right of students and parents to participate in the accommodation process, the primacy of the Ontario *Human Rights Code*, the applicable legislation and requirements, and the dispute resolution options.
17. Provide timely and effective accommodation (e.g. by providing early assessment, early intervention or interim accommodation while waiting for a professional assessment), and refrain from obstructing or delaying the accommodation process by rigidly insisting on formalities, unnecessary professional assessments, or diagnosis information.
18. Monitor and support education providers to respond appropriately to new or changing demands in the provision of educational services (e.g. an increase in the number of accommodation requests related to mental health disabilities).

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19. Ensure that all staff and faculty understand the rights and responsibilities set under the *Code*, the principles of UDL, and are properly trained to respond to disability issues that arise in the primary and secondary educational experience.
20. Identify and end the improper use of exclusions wherein principals ask parents to keep primary and secondary students with disabilities home from school for part or all of the school day (and the role that an improper use of section 265(1)(m) of the Education Act may be playing in this practice).
21. Ensure that money currently geared toward the accommodation of students with disabilities is used to remove barriers to inclusive participation and provide supports to all students with disabilities and their teachers.
22. Implement Universal Design for Learning (UDL) across all education systems, while continuing to provide accommodation based on individual needs.
23. Collect, analyze and make publicly available intersectional, demographic data on students with disabilities and accommodations provided. This data should also identify the nature of the disability (e.g. physical, developmental/intellectual, mental health, etc.), and be disaggregated to determine whether the student identifies with any other *Code* ground (e.g. sex, race, Indigenous ancestry, etc.). Data collected should include:
  - i. number of students with disabilities in mainstream classrooms versus self-contained classrooms (primary and secondary levels only)
  - ii. number of students with disabilities who are disciplined or excluded from school
  - iii. length of time taken to provide interim and final accommodations from the date of the accommodation request (or when the need is known)
  - iv. length of time taken to resolve accommodation-related disputes
  - v. length of time taken for students with disabilities to complete their programs
  - vi. number of students with a disability who leave their programs before graduating
  - vii. information that would allow for an analysis of disparities in availability of special education supports for students in urban, wealthy school districts versus students from rural, Northern, remote, Indigenous, and/or impoverished school districts.

## Recommendations to colleges and universities

24. Communicate effectively to students, parents, guardians, support persons, etc. through multiple platforms and forums about the right to disability-related accommodation, the right of students and parents to participate in the accommodation process, the primacy of the Ontario *Human Rights Code*, the applicable legislation and requirements, and the dispute resolution options.
25. Ensure that all staff and faculty understand the rights and responsibilities set under the *Code*, the principles of UDL, and are properly trained to respond to disability issues that arise in the post-secondary educational experience.
26. Provide timely and effective accommodation, and refrain from obstructing or delaying the accommodation process by rigidly insisting on formalities, unnecessary professional assessments, or diagnosis information.
27. Support education providers so they can respond appropriately to new or changing demands in the provision of educational services (e.g. an increase in the number of accommodation requests related to mental health disabilities).
28. Implement Universal Design for Learning (UDL) across all education systems, while continuing to provide accommodation based on individual needs.
29. Collect, analyze and make publicly available intersectional, demographic data on students with disabilities and accommodations provided. This data should also identify the nature of the disability (e.g. physical, developmental/intellectual, mental health, etc.), and be disaggregated to determine whether the student identifies with any other *Code* ground (e.g. sex, race, Indigenous ancestry, etc.). Data collected should include:
  - i. number of students with disabilities who are disciplined or excluded from school
  - ii. length of time taken to provide interim and final accommodations from the date of the accommodation request (or when the need is known)
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