



# ARCH Alert

ARCH's Quarterly Newsletter on Disability and Law in Ontario

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## Back to School Tips – Education Advocacy

*By Luke Reid, Staff Lawyer*

For parents and students with disabilities, back to school often also means a return to education advocacy. There are still numerous barriers to ensuring that students with disabilities have meaningful access to education and potent advocacy can address many of these barriers.

Here are ARCH's top 5 tips for effective advocacy:

### 1. Know Your or Your Child's Rights

Having up to date and accurate information about your or your child's legal rights is a precondition to effective advocacy. It allows you to walk into a room confident that you know what you or your child is entitled to. To this end, there are a number of online resources available to educate yourself about these rights. These include:

**Education Advocacy for Students with a Disability** – This website offers informational videos, tools and resources to help keep you informed about the rights of students with disabilities in the school system. To access the website go to:

[www.advocacyforinclusion.com](http://www.advocacyforinclusion.com)

**The Ontario Human Rights Commission's Policy on accessible education for students with disabilities** – The Ontario Human Rights Commission recently released its updated and revised policy on accessible education. This resource is an invaluable tool for understanding how stakeholders in the education system are expected to live up to their legal obligations to students with disabilities. This policy can be particularly helpful when it comes to applying human rights obligations to concrete situations in the education system. Issues like the placement and discipline of students with disabilities within the school system are covered. To read the policy go to: <http://ohrc.on.ca/en/policy-accessible-education-students-disabilities#overlay-context=en/policy-employment-related-medical-information>

### 2. Help the School Understand What You Want and Why

It is extremely important to ensure that the requests you make of education providers are as specific and concrete as possible. General requests to simply "improve" the delivery of education services to students are likely to leave educators guessing about how to improve. It also helps to explicitly justify your request. Tell them why you want a particular accommodation. This will help them better understand your or your child's disability and why a particular accommodation is needed.

### 3. Use Meetings To Advocate Effectively

Staying informed about your or your child's education and academic progress is essential to fighting for your or your child's rights. This means attending meetings when they are held, even if you are encouraged not to. Furthermore, if you have questions about how your or your child's academic needs are being met, request a meeting.

**Prepare in advance for a meeting.** Review relevant [Ministry of Education policies, legislation](#) and/or [human rights law](#) on the issues you are dealing with.

**Ask for an agenda for the meeting.** The last thing you want is to be caught by surprise by any issues. If there is something you'd like to discuss that is not on the agenda, inform those holding the meeting that you would like to add it.

**Consult with supportive professionals or others who know your or your child's accommodation needs before going to the meeting.** These individuals might have valuable input on what you or your child needs or how these needs can be met. If you have a particular accommodation you are advocating for, the strength of your claim will be bolstered if you can demonstrate a broad professional consensus on what you or your child needs.

**Bring someone supportive along.** Friend, family members, or even a supportive professional can help in preparation, note taking, and making sure you don't forget any important points when stating your case.

### 4. Be Respectful

Being respectful can mean ensuring that you raise issues with people in the proper order. For instance, it is not typically productive to go over a principal's head and raise an issue with a Superintendent without discussing with it with the principal first.

Being respectful can also mean doing your best to remain calm throughout any interactions with school board staff. As soon as someone feels they're being attacked, you lose any possibility of compromise or winning them over. It also makes communication between you and school staff more difficult and could cause problems for you or your child.

### 5. Keep Good Records

Keep all documentation you receive from a school, such as Accommodation Plans, Individual Education Plans and Report Cards. Make accommodation requests in writing, so that you can prove that you made the request and how long it has taken to implement the accommodations. Keep all correspondence with a school about accommodation and disability-related issues. If a dispute arises over what was said, then it can be crucial evidence which can help support your case.

We hope these tips help you and your child to obtain an inclusive education and a successful school year.



## Updated Human Rights Commission Policy on Accessible Education

*By Luke Reid, Staff Lawyer*

Ontario law ensures that every student, regardless of disability, has a right to a meaningful education. However, as many know, barriers still abound in Ontario's education system for students with disabilities. ARCH continues to hear from parents and students about how the right to access a meaningful education has yet to be fully realized.

These issues were recently highlighted by ARCH and partners in a report entitled *If Inclusion Means Everyone, Why Not Me?*. The report surveyed parents of students with intellectual disabilities who collectively identified a number of significant barriers in education, including:

- students with disabilities being routinely denied access to school and/or classroom;
- limited access to appropriate accommodations;
- high levels of conflict between educational staff and families, with limited recourse to dispute resolution mechanisms; and
- limited data on disability-related barriers in the education system.

These are just some of the barriers that prevent students with disabilities from accessing a meaningful education.

On August 29, 2018 the Ontario Human Rights Commission (OHRC) released its updated policy on discrimination based on disability in the context of education. Entitled *Policy on accessible education for students with disabilities*, this policy provides much needed guidance to all stakeholders in the education system on how human rights are to be respected and promoted.

The policy contains a number of recommendations for both the provincial government and school boards on how they can take further steps to fully realize the rights of students with disabilities to equal access to education. These include recommendations designed to address many of the barriers that ARCH and its partners have long identified as significant problems in our education system. In particular, the OHRC recommends:

- bolstering data collection in the education system so that disability-related barriers can be proactively identified;

- implementing a more responsive dispute resolution mechanism for students and families;
- ending the practice of excluding students with disabilities from school; and
- addressing the persistent delays in the provision of accommodations to students with disabilities.

These recommendations, along with the others put forward by the OHRC, are desperately needed by students with disabilities. We should all urge the Government of Ontario and local school boards to take action on these immediately. Write to your MPP and your local school board trustee to advocate for them to take up these recommendations. To find your MPP you can go to: <https://www.ola.org/en/members>.

If all stakeholders engage with and implement these recommendations, they could make a significant difference for students with disabilities across the province, ensuring that our education system moves one step closer to providing a meaningful education for all students with disabilities.



## Library Corner

By *Mary Hanson, Librarian*

The following publications (in print or digital) on the topic of inclusive education are available for reading in our Resource Centre or online:

- Katz, Jennifer. ***Ensouling Our Schools: A Universally Designed Framework for Mental Health, Well-Being, and Reconciliation***. Winnipeg: Portage & Main Press, 2018. (on ARCH shelves at 371.7 CA Kat 2018)  
A guide to building a safe and positive learning community based on a Universal Design for Learning model that values inclusive education, social and emotional learning, and health-promoting schools. Written with Kevin Lamoureux, Education Lead for the National Centre for Truth and Reconciliation, the work incorporates Indigenous approaches to mental and spiritual health and healing.
- Stegemann, Kim Calder and Angela AuCoin. ***Inclusive Education: Stories of Success and Hope in a Canadian Context***. Toronto: Pearson Canada, 2017. (on ARCH shelves at 371.9 CA Ste 2017)  
Authors provide a brief overview of the history of inclusive education and two fundamental frameworks ('universal design for learning' and 'response to intervention'). Case studies and commentary on the experiences of real children and youth illustrate issues that arise in practice and successful strategies for the teacher.

- Somma, Monique. ***Special Educators' Experiences of Change Through Inclusive Education: The Development of the Inclusion Continuum of Change***. St Catharines: Brock University, Faculty of Education, 2017. (Thesis). Online: go to [http://dr.library.brocku.ca/bitstream/handle/10464/12675/Brock\\_Somma\\_Monique\\_2017.pdf?sequence=1](http://dr.library.brocku.ca/bitstream/handle/10464/12675/Brock_Somma_Monique_2017.pdf?sequence=1)

The researcher explores the lived experiences, challenges and successes of Ontario teachers whose role has changed from teaching self-contained special education classes to teaching inclusive classes. Understanding what impact this change has had on their attitudes and perceptions about students with exceptionalities and inclusive practices provides insight into the change process, with implications for both practice and policy.

- Portelli, John P. and Patricia Koneeny. ***Discussion Paper: Inclusive Education: Beyond Popular Discourses***. International Journal of Emotional Education v. 10(1) April 2018: 133-144. Online. Go to: <https://search.proquest.com/openview/a8dc16db61a53f6347f6a2fc92ab1f48/1?pq-origsite=gscholar&cbl=2031381>

While affirming that inclusion is a necessary part of any truly democratic educational practice, the authors raise concerns regarding prevalent myths and attitudes underlying the varying interpretations of “inclusion” by teachers and policy-makers. Rather than the “one size fits all” mentality of predetermined classroom programming, they propose that equity and inclusivity in education are best served in meeting the particular needs of the individual student through recognition of plurality and difference.

- Reid, Luke. ***If Inclusion Means Everyone, Why Not Me?*** Toronto: Community Living Ontario. May 2018. Online. Go to: <http://www.archdisabilitylaw.ca/node/1299>

Study, documenting the experiences of parents and guardians through a survey and interviews, reveals that students with an intellectual disability are being failed by Ontario’s public education system. Despite recent advances in human rights and education law and in the delivery of education, the students and their families continue to face academic and social barriers and other constraints within the school system that prevent full inclusion.

The report results from a year-long collaboration involving ARCH Disability Law Centre, Inclusive Education Canada, Community Living Ontario, Western University, Brock University, and Brockville and District Association for Community Involvement.

- People for Education. ***2017/2018 Annual Ontario School Survey***. Toronto: People for Education. 2018. Online. Go to: <https://peopleforeducation.ca/report/2018-annual-report-on-schools-the-new-basics-for-public-education/#chapter5>

This survey of Ontario school administrators, published annually since 1997, provides an additional perspective on whether the province's public education system is adequately addressing inclusion and the needs of students with disabilities.

- Broderick, Andrea. (2018). ***Equality of What? The Capability Approach and the Right to Education for Persons with Disabilities***. Social Inclusion 6(1) 2018: 29-39. Online. Go to:

<https://doi.org/10.17645/si.v6i1.1193>

<https://www.ssoar.info/ssoar/handle/document/56792>

A look at inclusive education through the lens of the capability approach which focuses on the potential of each individual ("what people are actually able to do and to be" when given real opportunity). More particularly the author explores this approach and its values in regard to the vision of educational equality contained in Article 24 of the United Nations Convention on the Rights of Persons with Disabilities Convention and its implementation.



## Accessible Canada Act Passes Second Reading, Now Before HUMA

*By Kerri Joffe, Staff Lawyer*

On June 20, 2018 the *Accessible Canada Act* was introduced in the House of Commons and passed first reading. The Act passed Second Reading on September 26, 2018, after just three sittings of the House. The Act has been referred to HUMA, the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, for further study.

When it becomes law, the *Accessible Canada Act*, also known by its full title as *An Act to ensure a barrier-free Canada*, will create new accessibility requirements for certain federally-regulated sectors. The purpose of the Act is to identify, remove and prevent barriers in:

- Federal buildings and public spaces
- Federally-regulated employment
- Information and communication technologies
- Federal procurement of goods and services
- Government of Canada programs and services;
- Federally regulated transportation, including air, rail, ferry and buses that travel across a provincial or international border; and

- Other areas that may be identified in the future.

In the July 2018 issue of ARCH Alert, we outlined some of the key elements of the Act, including how the Act proposes to fulfill its purpose, and how the new accessibility requirements will be enforced. To read the article in the July 2018 issue, go to: <http://www.archdisabilitylaw.ca/node/1325>

For a more detailed analysis, read ARCH's draft report, which describes what the Act proposes to do, key areas in which disability communities must consider how effective the Act will be, and areas in which the Act could be strengthened. Disability rights lawyers from across Canada contributed to this report, and we thank each of them for their time, invaluable contributions and dedication to this work. To read ARCH's draft report, go to: <http://www.archdisabilitylaw.ca/node/1334>

At Second Reading, the Honourable Carla Qualtrough, Minister of Public Services and Procurement and Accessibility, provided an overview of the Act and spoke about the many barriers experienced by persons with disabilities in Canada and the need to create a more inclusive and accessible society. Opposition Members of Parliament asked a number of questions, highlighting some of their concerns with the bill. These concerns included the omission of deadlines or timelines for achieving the purpose of the Act or for creating new accessibility requirements in the areas identified in the Act's purpose; the use of legislative language that would permit but not require the government to pass accessibility requirements into law; and questions about whether and how the Act will implement the rights set out in the *Convention on the Rights of Persons with Disabilities*, an international law which Canada ratified in 2010. To read the Debates at Second Reading, go to <https://www.ourcommons.ca/DocumentViewer/en/42-1/house/sitting-321/hansard#10245487>

After Second Reading, the Act was referred to HUMA, a standing committee of the House of Commons. This Committee is presently studying the Act and each of its clauses carefully. They are holding hearings to gather information from government, as well as organizations and individuals who are knowledgeable about barriers experienced by persons with disabilities, accessibility legislation, effective enforcement and monitoring of accessibility requirements, and other issues related to the Act. When the Committee has completed its study, it will report the Act back to the House of Commons and may make recommendations for amendments or changes to the Act.

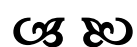
HUMA held its first meeting on the *Accessible Canada Act* on October 2, 2018. At that meeting, HUMA heard from Minister Qualtrough and senior officers in the Accessibility Secretariat of the Department of Employment and Social Development Canada, who have worked on the bill. HUMA will continue to hold additional meetings. For more information and to find out whether a meeting is open to the public to attend, go to: <https://www.ourcommons.ca/Committees/en/HUMA/StudyActivity?studyActivityId=1026865>



If you need accommodations to attend a meeting of the HUMA Committee, contact the Committee clerk by email at [HUMA@parl.gc.ca](mailto:HUMA@parl.gc.ca) or by telephone at 613-996-1542.

In addition to attending meetings of the HUMA Committee, another way to participate in the Committee's study of the bill is by sending a written submission or statement to the Committee. HUMA will accept written submissions of 2,000 words or less, and the deadline to send your submission is Thursday, October 25, 2018. Any written submissions will be posted on the Committee's website in English, French and accessible e-text format. You can obtain alternate formats by contacting the Committee clerk.

ARCH will continue to provide updates about the *Accessible Canada Act* on our website, Twitter and in future issues of the ARCH Alert.



## Provincial Schools for the Deaf Class Action – Important Update

*By Lila Refaie, Staff Lawyer*

### Claim Forms for Compensation Now Available.

The Provincial Schools for the Deaf class action was started on behalf of students who attended certain provincial schools for the Deaf in Ontario and who experienced emotional, physical, sexual, and/or psychological abuse. This class action is also known as *Welsh v. Ontario*. In May 2018, the Court approved the settlement agreement, which allows former students to make claims for compensation. However, compensation is limited to former students who experienced physical and/or sexual abuse. In July 2018 instructions and approved claim forms were made available.

If you are included in this class action, you can now submit a claim for compensation. **You may be able to get money from the settlement if you send a completed claim form to the Claims Administrator by October 24, 2018.**

### Who Can Make a Claim?

You are included in this class action if you were a student at one of the following provincial schools at any time within the indicated periods and you experienced physical and/or sexual abuse:

- Ernest C. Drury School for the Deaf (or its predecessor), in Milton – between September 1, 1963 and August 23, 2016;

- Sir James Whitney School for the Deaf (or its predecessor), in Belleville – between September 1, 1938 and August 23, 2016; or
- Robarts School for the Deaf (or its predecessor), in London – between September 1, 1973 and August 23, 2016.

If you are an estate trustee for someone who was a student at one of these schools during those periods, and that person was alive on or after August 10, 2013, you are also included in this class action.

### **Claim Forms**

You can phone the Claims Administrator at: 1-855-823-0656 to get a paper copy of the form. The form is also available online. To get the form online, go to:

<http://www.schoolsforthedeafclassaction.ca/make-a-claim.html>

Once it is completed, you must send it to the Claims Administrator by mail, email, or fax before the deadline. You should include any documents that you may have to support your claim. You can send your claim and supporting documents to:

Mail: Schools for the Deaf Settlement  
3-505, 133 Weber Street North  
Waterloo, Ontario, N2J 3G9

E-mail: [Schoolabuseclassaction@crowco.ca](mailto:Schoolabuseclassaction@crowco.ca)

Fax: 1-888-842-1332

If you need help to complete the form, you can contact the Claims Administrator at:

Phone: 1-855-823-0656

TTY: 1-877-627-7027

E-Mail: [Schoolabuseclassaction@crowco.ca](mailto:Schoolabuseclassaction@crowco.ca)

For more information about this class action, go to:

<http://www.schoolsforthedeafclassaction.ca/>

You might remember painful things when you fill in your Claim Form. You might become angry, sad, scared or upset. Take the time you need to write everything you want to say. Make sure you are in a safe place when you do this. It may help to ask someone you trust to stay with you.

You will not get in trouble for telling what happened. You did not do anything wrong. No one has the right to hurt or abuse you.

## International Day of Persons with Disabilities – Save the Date!

December 3<sup>rd</sup> is the International Day of Persons with Disabilities (IDPD). The IDPD was proclaimed in 1992 by the United Nations General Assembly<sup>1</sup>, and is an annual celebration of disability rights in all aspects of society. ARCH is planning to host an event in Toronto to recognize and celebrate this day. Further details will be shared as they become available. You can also check ARCH's website closer to this date for details of our event and other events happening in Ontario. To check ARCH's website, please go to

<http://archdisabilitylaw.ca/>

### How can you observe the IDPD 2018 in your local community?

Each year, events are organized worldwide on or around December 3<sup>rd</sup>. To find out what is happening in your community, go to:

<http://www.un.org/en/events/disabilitiesday/events.shtml>



## Review of Disability Tax Credit and Registered Disability Savings Plan

*By Lila Refaie, Staff Lawyer*

On June 27, 2018, the Standing Senate Committee on Social Affairs, Science and Technology (“Committee”) released a report about the Disability Tax Credit and the Registered Disability Savings Plan. The report is called *Breaking Down Barriers: A critical analysis of the Disability Tax Credit and the Registered Disability Savings Plan*.

In this report, the Committee analyzed the existing programs and concluded that a major reform is needed. The Committee put forward a list of 16 recommended changes for the federal government to consider in the hopes of improving both programs for persons with disabilities. The recommendations include a variety of changes, affecting everything from the administration of the programs to more permanent legislative amendments.

### What is the Standing Senate Committee on Social Affairs, Science and Technology?

This Committee is one of a number of permanent committees created by the Senate. Each committee has its own expertise in a particular area and is tasked with reviewing bills or

<sup>1</sup> UN Resolution A/RES/47/3

conducting studies in that area. There are similar committees of the House of Commons. Only members of the House of Commons or the Senate can be members of a committee. However, under certain conditions, anyone, including members of the public, can make oral or written submissions to the committee if they have a particular interest in a bill or a study. Anyone who appears before the committee to speak on an issue is called a witness.

Before a committee studies a particular bill or issue, the Senate (or the House of Commons) must refer the bill or issue to the committee. This is done by an Order of Reference. Usually the Order of Reference outlines the details of the work the committee has to do and the deadline to report back to Parliament.

The Standing Senate Committee on Social Affairs, Science and Technology reviews a broad range of bills and issues, including, for example, the legalization of cannabis, the development of artificial intelligence in Canada's health care system and forced adoptions in Canada.

### **What is the Disability Tax Credit?**

The Disability Tax Credit ("DTC") is a non-refundable tax credit for eligible persons with disabilities. Tax credits serve to lower the amount of income tax someone may have to pay to the Canada Revenue Agency ("CRA"). Once eligible, this tax credit can be claimed by the person with a disability or transferred to their caregiver, under some circumstances.

The DTC also serves an additional purpose. Those eligible for the DTC can further apply to other disability-related programs and benefits offered by the federal government, such as the RDSP, as well as some provincial and municipal government benefits.

A person is eligible for the DTC if they meet certain conditions, which must be certified by a medical practitioner in a form provided by the CRA. First, they must have a "severe and prolonged disability". The disability must be present "all or substantially all of the time". Second, the person must meet one of the following conditions:

- The person has a visual impairment;
- The person is markedly restricted in at least one of the basic activities of daily living;
- The person is significantly restricted in two or more of the basic activities of daily living; or
- The person needs life-sustaining therapy.

For more information about the DTC eligibility, go to: <https://www.canada.ca/en/revenue-agency/services/tax/individuals/segments/tax-credits-deductions-persons-disabilities/disability-tax-credit.html>

### **What is the Registered Disability Savings Plan?**

The Registered Disability Savings Plan ("RDSP") is a savings plan for eligible persons with disabilities. The RDSP is part of the Canadian Disability Savings Program, which helps

some persons with disabilities save money for the future. Its specific purpose is to ensure long-term financial security for that person.

To qualify for the RDSP, the person with a disability must first be eligible for the DTC. Generally, a person with a disability over the age of 18 can open an RDSP on their own. If the person is a minor, their legal guardian may open it on their behalf. Anyone can contribute to the RDSP on behalf of the person with a disability, with the written permission of the individual who opened the plan. But, the person with a disability is the sole beneficiary – only they can take money out of the RDSP.

For more information about the RDSP, go to: <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/registered-disability-savings-plan-rdsp.html>

### **Why did the Committee Review the DTC and RDSP?**

In early 2018, the Committee looked at whether the DTC and the RDSP need to be revised. This review was initiated following a series of concerns and complaints received last year about the administration of the DTC. The Committee extended their review to include the RDSP because both programs are closely linked. The Committee spoke to many individuals and organizations to gather information and concerns about both programs. It released its report in late June 2018, which outlined several major concerns with the DTC and the RDSP, and recommended changes to improve both programs.

The Committee identified major concerns with the administration of the DTC. The DTC is not being claimed by many potentially eligible persons with disabilities. In fact, the Committee noted that fewer than half of eligible people actually claim the tax credit. This may be due to the very nature of the DTC. Essentially, although many would qualify, low-income persons with disabilities do not receive any direct benefit from this non-refundable tax credit. The credit is only useful to those who may have to pay income tax. Other difficulties with claiming the DTC are related to the eligibility criteria. The Committee found that the DTC appears to be more focused on physical disabilities. This creates difficulty for those with neurodevelopmental disabilities, episodic disabilities, and others to qualify for the tax credit. This is evident in the arbitrary threshold used to evaluate daily activity limitations of applicants, including for mental functioning limitations. For example, daily activity limitations must be present 90% of the time or therapy must take 14 hours a week.

The Committee also identified the appeal process and the lack of appropriate data collection as problematic and in need of improvement. Finally, unnecessary barriers in the application process were identified. For example, persons with lifelong disabilities are required to reapply for the DTC periodically and persons with disabilities must pay for the completion of applications. While the Committee is pleased about the reinstatement of the Disability Advisory Committee at the CRA, the scope of its duties and proper representation of persons with disabilities still need to be revised.

Numerous issues and concerns related to the RDSP were also noted by the Committee. Because the purpose of the RDSP is to ensure financial security for persons with disabilities, more people should have access to it, especially those who are low-income and most vulnerable. The Committee noted that currently those who may lack legal capacity may be prevented from accessing the plan. Furthermore, the Committee identified the requirement to keep contributions in the RDSP for 10 years before withdrawing money without penalty as an added burden on persons with disabilities. Finally, limiting access to an RDSP to those eligible for the DTC poses an unnecessary restriction.

### **Recommendations to Improve the DTC and RDSP**

After studying both programs and hearing from many witnesses, the Committee recommended 16 changes to improve the DTC and the RDSP. While some may take longer to implement, others are prioritised as more urgent needs for immediate improvement.

Specifically, the Committee advised the government to promptly do the following:

1. Ensure that the Disability Advisory Committee better reflects the diversity of the disability community, has a broader mandate in advising the government, and is consulted before any substantive changes are made to the administration of the DTC and RDSP.
2. Limit how much disability service providers can charge applicants to complete their DTC application and increase funding to non-profit disability organizations so that they can assist with these applications.
3. Revise the DTC eligibility criteria to reflect less arbitrary requirements and better reflect the reality of the daily activities of persons with disabilities.
4. Eliminate the need for persons with lifelong disabilities to reapply for the DTC after being approved.
5. Review the appeal process with the goal of making it more transparent and simple. The process should ensure that applicants have access to all relevant information and documents to appeal a denial of their application.
6. Ensure that people can keep all contributions made to their RDSP for periods where they qualify for the DTC.
7. Work with provincial and territorial governments to reform legislation related to legal capacity so that all qualifying persons over the age of 18 can access the RDSP.
8. Reduce the period between the end of federal grants and bond contributions and the time at which a beneficiary of an RDSP can withdraw money from their plan without penalty, from 10 years to 5 years.
9. Expand eligibility for an RDSP beyond the DTC so that those eligible for provincial and territorial disability support programs can also access an RDSP.
10. Improve data collection, particularly to evaluate the effectiveness of these programs and to improve access to them for vulnerable groups.

For better administration of the programs in the long term, the Committee proposed the following changes:

11. Shift the responsibility for assessing eligibility of these programs from the Minister of Finance and Minister of Families, Children and Social Development to Employment and Social Development Canada.
12. Create a participation model similar to the “Registered Disability Savings Group” in British Columbia, with the purpose of having a process for individuals and relevant stakeholders to inform and improve federal programs.
13. Work with other levels of governments to harmonize application processes for different disability support programs.
14. Change the nature of the DTC to a refundable tax credit and ensure it will be treated as exempt income from provincial and territorial social assistance programs.
15. Implement a system for automatic enrolment in the RDSP once an individual is eligible for the DTC or for an equivalent disability welfare benefit from provincial or territorial level.
16. Develop a guaranteed annual basic income for persons with “severe” disabilities.

### What are the Next Steps?

The report was given to members of the Senate for their review on June 27, 2018. The government is not obligated to follow through with the Committee’s recommendations, but if the Senate adopts the report, it may be an indication that the government intends to make these changes to the DTC and the RDSP. At the same time, the Disability Advisory Committee is also looking into possible changes to the administration of the DTC, separate from the Committee. ARCH will continue to monitor developments regarding the DTC and RDSP.

If you wish to read the report in full, go to: <https://sencanada.ca/en/info-page/parl-42-1/soci-breaking-down-barriers/>



## ARCH on Social Media

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<https://twitter.com/ARCHDisability>



<https://www.facebook.com/ARCHDisabilityLawCentre>



[https://www.youtube.com/channel/UCZI\\_6YpK8XB7LJ\\_dQxdonlg](https://www.youtube.com/channel/UCZI_6YpK8XB7LJ_dQxdonlg)

Check ARCH’s website [www.archdisabilitylaw.ca](http://www.archdisabilitylaw.ca) for the Latest ARCH News, publications (including past issues of the ARCH Alert), submissions, fact sheets and more.

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If you would like to become an individual member of ARCH, please visit our website at [www.archdisabilitylaw.ca](http://www.archdisabilitylaw.ca) or contact our office to request an Application for Individual Membership form. Membership is free.

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While ARCH receives core funding from Legal Aid Ontario and grant funding from other sources, we also rely on the donations from individuals. We ask you to consider being a part of our work by contributing whatever you can. If you are able to assist please donate to ARCH through [www.canadahelps.org](http://www.canadahelps.org).

Or you can send your donation cheque to:

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We welcome your comments, questions and feedback. We will endeavour to include all information of general interest to the community of persons with disabilities and their organizations, but reserve the right to edit or reject material if necessary. Please address communications regarding **ARCH ALERT** to: Theresa Sciberras, Program and Litigation Assistant, ARCH Disability Law Centre, 55 University Avenue, 15<sup>th</sup> Floor Toronto, ON M5J 2H7, Fax: 416-482-2981 or 1-866-881-2723, TTY: 416-482-1254 or 1-866-482-2728, e-mail: [scibert@lao.on.ca](mailto:scibert@lao.on.ca) Website: <http://www.archdisabilitylaw.ca/>



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