

policy paper

Students with Disabilities

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introduction and environmental scan

The 2005 Rae Review on the Ontario post-secondary education system states that of the 13.5% of Ontario residents living with a disability only 12% of that group have university degrees. These Ontarians face an unemployment rate that is twice that of other adults and earn an average income that is only two thirds of what other adults earn.¹ During a time where it has been projected that, within the next ten years, two out of every three new jobs will require some form of post-secondary education² it is not only socially responsible but economically important that students with disabilities be encouraged and aided in the ability to attend post-secondary institutions. This includes making campuses physically accessible, providing learning supports and services associated with individual disabilities, as well as providing students the means to overcome any financial barrier that may be directly or indirectly associated with their individual disabilities.

Currently each Ontario university institution is required to consult with students, faculty, and staff with disabilities in order to create annual accessibility plans that work towards addressing the needs of persons with disabilities on their campus.³ These public plans monitor, measure and report on progress that the university has made in providing support services, accessible and alternative learning materials, and a physically accessible campus overall.⁴ By January 1st, 2025, all Ontario universities are expected to achieve full accessibility to persons with disabilities.⁵

For the purposes of this paper, OUSA will adhere to the definition of disability as defined by the Accessibility for Ontarians with Disabilities Act, 2005:

(a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, a brain injury, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device,

(b) a condition of mental impairment or a developmental disability,

(c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language,

(d) a mental disorder⁶

Funding Envelopes and Programs

In Ontario, there are three main vehicles of funding to support the education of students with disabilities: The "Accessibility Fund for Students with Disabilities", the "Interpreters, Intervenors, Real-Time Captioning and Computerized Notetakers", and the "Bursary for Students with Disabilities." In February 2007, the Ministry of Training,

¹ Bob Rae, "Ontario: a leader in learning," February 2005, pg. 75. Online.

<http://www.edu.gov.on.ca/eng/document/reports/postsec.pdf>

² Louise Brown, "What will bring students to university?" *Toronto Star*, February 8, 2006; accessed online at http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1139352619838&caII_pageid=968350130169&col=969483202845

³ Ontarians with Disabilities Act, 2001. http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/01o32_e.htm.

⁴ COU, "The Ontarians with Disabilities Act, 2001; Guidelines for the University Sector," October 2002. Online.

⁵ Accessibility for Ontarians With Disabilities Act, 2005. http://www.e-laws.gov.on.ca/DBLaws/Statutes/English/05a11_e.htm.

⁶ Ibid.

Colleges and Universities announced a 22 per cent increase in funding for post-secondary students with disabilities⁷ providing institutions with over \$30 million for supports and services and \$10.7 million going towards bursaries and other organizations.⁸ While this is a formidable amount of money it will not be effective in achieving accessibility goals unless it is accompanied by systematic changes in institutional policy and practice, needs assessments, and distribution of funding and student financial aid.

The Accessibility Fund for Students with Disabilities (AFSD)

The Accessibility Fund for Students with Disabilities was designed to aid Ontario colleges and universities in accommodating the needs of students with disabilities. On top of helping to finance "counseling, consulting and diagnostic services, technological support, including specially adapted computers and software, tutors, sign-language interpreters, note takers and readers"⁹ this fund also includes the once exclusive "Enhanced Services Fund" which provides funds for learning strategists, assistive technologists and related technologies.¹⁰ The AFSD is distributed to institutions based on full-time enrolment numbers with an additional top-up provided on the basis of registered students with disabilities.¹¹

Interpreters, Intervenors, Real-Time Captioning and Computerized Notetakes

The fund for Interpreters, Intervenors, Real-Time Captioning and Computerized Notetakers is provided to colleges and universities in order fund services to deaf, deafened and hard-of-hearing students. Universities and colleges apply for this funding based on the costs they incur throughout and receive a pro-rated share of the fund.¹²

Bursary for Students with Disabilities (BWS)

The Bursary for students with disabilities is provided to students to help cover the additional costs of equipment and services related to their participation in post-secondary education that they incur as a result of their disability. In order to receive this funding, students must be eligible for the Ontario Student Assistance Program (OSAP).¹³

principles

Principle One: All willing, and qualified students must be guaranteed equitable access to post-secondary institutions.

As a right of "full participation"¹⁴, all willing, and qualified students must be able to access post-secondary education. It has been projected that within the next ten years, two out of every three new jobs will require some form of post-secondary education.¹⁵ To this end, it is important that students with disabilities be able to attend post-secondary

⁷ Ontario Ministry of Training, Colleges, and Universities, "McGuinty Government helping postsecondary students with disabilities", February 1, 2007, accessed online at <http://www.cnw.ca/en/release/archive/February2007/01/c3708.html>.

⁸ Telephone discussion with MTCU personnel, February 26th, 2007.

⁹ Ibid.

¹⁰ Ibid.

¹¹ Ibid.

¹² Ontario Undergraduate Student Alliance, *open doors: university access for disabled students*, (Toronto, 2003), pg. 2.

¹³ Ibid.

¹⁴ Ontarians with Disabilities Act, "1.5 Million Ontarians with Disabilities are Counting on You"; accessed online at <http://www.odacommittee.net/factsheet.html>.

¹⁵ Louise Brown, "What will bring students to university?" *Toronto Star*, February 8, 2006; accessed online at http://www.thestar.com/NASApp/cs/ContentServer?pagename=thestar/Layout/Article_Type1&c=Article&cid=1139352619838&caII_pageid=968350130169&col=969483202845

institutions, including the ability to overcome any financial barriers that may be directly or indirectly associated with disabilities.

Principle Two: Students with disabilities have the right to access the staffing and resources necessary to meet their needs.

In order to assure program sustainability, the provincial government must ensure that funds are adequately distributed to post-secondary institutions for the direct funding of initiatives that create an equitable milieu for students with disabilities, including appropriate accommodations. For instance, funding strategies similar to the *Accessibility Fund for Students with Disabilities*¹⁶, which genuinely acknowledges and addresses additional financial burdens that students with disability encounter, should be expanded such that post-secondary institution departments and services can expand current programs in order to improve equity and accessibility. This should also allow for the renewal and update of resources and services that students with disabilities require.

Principle Three: Students with disabilities must not be burdened with the additional costs related to their participation in post-secondary education due to their disability.

In addition to the basic costs of post-secondary education such as tuition, books and basics living expenses, there are other additional costs that students with disabilities carry that other students do not incur. Some of these expenses include tutoring services, readers, note takers, interpreters (oral and sign), talking calculators, tape recorders, and other forms of technology, to name a few.

Principle Four: Faculty and staff at post-secondary institutions must be aware of the rights and responsibilities of students with disabilities and how to properly accommodate them.

Post-secondary institutions should encourage faculty and staff to be mindful of the different needs that students with disabilities possess, and as such, actively work to remove attitudinal barriers while creating an atmosphere conducive to an inclusive learning environment. The focus is on equitable treatment, not special treatment.

concerns

Concern One: Students with disabilities face systemic disadvantages in accessing post-secondary education.

A hallmark of any admirable institution is for its constituent members to genuinely see themselves as an integral and valued part of the community. Unfortunately, this is not yet the reality as the Rae Report identified that “underrepresented groups such as people with disabilities should be targeted to increase their opportunities for participation in post-secondary education in Ontario”.¹⁷ To this end, the institution’s leadership, values, mission statements, and even promotional materials should be accurately reflective of such inclusive goals.

Concern Two: Accommodations for students with disabilities may not be assessed accurately or at all under a one-size-fits all model.

The “one-size-fits-all” model is a standard accommodation package provided to students based on their primary disability. Unfortunately, this blanket approach to accommodation does not take into account compounding effects of multiple disabilities and cannot be relied upon if post-secondary institutions are to accurately and fully meet the unique and individual needs of these students. In the event of space restrictions, creative scheduling solutions and

¹⁶ Ministry of Training, Colleges and Universities, “*Assistance for Students with Disabilities*”: accessed online at http://osap.gov.on.ca/eng/not_secure/bswd.htm

¹⁷ Rae Review, February 2005; accessed online at <http://www.edu.gov.on.ca/eng/document/reports/postsec.pdf>.

space audits can be performed in order to fully maximize space. Administrative barriers should not prevent functional accommodations.

Concern Three: Students with disabilities may face barriers that hinder course and program selection due to temporal and geographical inaccessibility.

Given the age of some post-secondary institutions coupled with the reality that newer facilities have deferred maintenance costs, accessibility and mobility barriers exist rendering campuses as not fully accessible. As such, post-secondary institutions should conduct campus-wide audits, seeking the assistance of students with disabilities, in order to accurately identify barriers. In addition, beyond physical barriers, temporal barriers may exist in that certain courses for programs may only be offered at a particular time of day that is not conducive to retention and learning for students with disabilities. This is certainly a reality for students whose disability limit their level of mobility and impede their ability to attend classes scheduled in sequence but are offered in opposing campus locations.

Concern Four: Not all students with disabilities are able to access The Bursary for Students with Disabilities program because of its continued linkage with OSAP.

There are many students with disabilities that are in need of financial assistance that are not able to access the Bursary for Students with Disabilities because they do not qualify for OSAP. There are currently 36 per cent of student with disabilities that rely on the BSWD funding but there are an increasing number of students that are ineligible because of the OSAP linkage.¹⁸ If a student is ineligible for OSAP the maximum BSWD the student can receive is \$2000 as opposed to \$10,000. Some of the requirements to qualify for the full amount are that students with disabilities must be taking 40% that is defined as full time for students with disabilities, have a pre-diagnosed disability, have not defaulted on OSAP and are not overdrawn are eligible.¹⁹ Since the BSWD follows the OSAP criteria, this criterion were not designed to account for the specific needs of students with disabilities, and is not accurate in assessing the needs of students with disabilities. For example, students with health related disabilities or mental disabilities are at a much higher risk of withdrawing from classes or reducing course loads as a result of their individual needs, however there is nothing in the OSAP assessment that accounts for each student's varying situations. The OSAP program expects that students will contribute to the cost of their education, for example through part-time or summer work. Of the students involved in the Learning Opportunities Task Force (LOTF) pilot projects, 38 per cent held a paid job while studying.²⁰ Without taking into account both the student's physical and learning disabilities, it does not pose the ideal situation to take on an increased workload as it may take more time for the completion of the same course material as their peers. The LOTF Report notes that. "Concerns about money and lack of access to the BSWD were raised at every student focus group discussion at every institution."

Concern Five: The Enhanced Services Fund does not account for the changing costs of all salaries, and is limited to costs associated with staff who carry out assessments and support.

Funding from the ESF for learning strategists and assistive technologists but does not provide funding for the needed staff that carry out assessments, intervention, training and coaching. Although the main goal of the ESF is to provide funds for strategists and technologists, it does not account for regional differences or inflationary increases in salaries, thus reducing the benefit from the fund every year.

¹⁸ Ontario Undergraduate Student Alliance, *Open Doors: University Access for Disabled Students* (Toronto: OUSA, 2004).

¹⁹ The Ministry of Training Colleges and Universities, *Learning Opportunities Task Force: Final Report Summary*, 1997 to 2002. pg. 12.

²⁰ The Ministry of Training Colleges and Universities, *Learning Opportunities Task Force: Final Report Summary*, 1997 to 2002. pg. 12.

Concern Six: The Accessibility Fund is inappropriately distributed and is not meeting the needs of students with disabilities in Ontario's post-secondary education system.

With recent funding announcements in May of 2006, increases to help colleges and universities provide services for students with disabilities, some of the services that were included note taking to providing access to adaptive computer and software learning technology to assist students with different learning needs and providing more access an additional 75,000 more students that are qualified and willing to enter the post secondary system. Still one of the most important issues that are associated with the Accessibility Fund is that the increase of students with disabilities in Ontario's post secondary system has not necessarily been matched by an increase in the amount of funding received. Reports from the United States (Henderson 1995) note significant increases in the percentage of first –years that have identified as disabled students. In 1978, only 2.6 per cent of this group identified themselves as having a disability; by 1994 the number had climbed to 9.2 per cent. Students needs have exceeded the resources that universities have at their disposals.²¹

Additional issues within the Accessibility Fund include the manner through which the funds are distributed. As it currently stands, the majority of money is allocated based on the number of full-time enrollment (FTEs) of each institution and not based on the percentage of students with disabilities attending that institution. This tends to create some problems when the proportion of schools with smaller populations, have a larger percentage of students with disabilities.

Concern Seven: Both private and public scholarships and awards may require applicants to be enrolled in full- time studies, thus excluding some students with disabilities from consideration.

Due to the restrictions placed on some scholarships and awards they tend to exclude students with disabilities as they are modeled are usually created for students that are currently enrolled in full time studies;however this excludes some students with disabilities from qualifying for them. Some students with disabilities may have to reduce course load as a result from their disabilities.²²

Recommendations

Recommendation One: The provincial government must require post-secondary institutions to engage in continuous consultation with academic departments, services, and students with disabilities in order to ensure that reasonable accommodations are established and maintained.

In view of the requirements of Bill 118 by the *Ontarians with Disability Act* (ODA), consultative bodies should be established with appropriate membership in order to "ensure that persons with disabilities play a central role in the mechanisms established to achieve the goal desired".²³ In turn, permanent governmental committees should partake in annual reviews of its stakeholders in order to ensure that adequate representation is offered to students with disabilities and that the appropriate departments are present. It should be expected that the conclusions and recommendations drawn from inclusive consultation be substantiated and post-secondary institution departments be made accountable by the creation of annual accessibility plans. These plans should be made public and address the "identification, removal, and prevention of barriers to people with disabilities"²⁴ as per the legal requirements of the ODA. In addition, individual institutions should conduct the review of existing and new academic programs with attention given to eliminating any potential barriers to students with disabilities.

²¹ COU Document.

²² Ontario Human Rights Commission, *The Opportunity to Succeed*.

²³ Ontarians with Disabilities Act, ODA Committee Update – March 19, 2005

²⁴ Ibid

These consultations should double as a tool for awareness of students with disabilities and their unique needs in order to increase the understanding and cooperation from administrators, staff, faculty, and other students. In a recent report, the College Committee on Disability Issues raised concerns that “poor awareness and knowledge of disabilities and disability issues on the part of faculty can lead to discrimination in the academic evaluation of students as well as negatively affect faculty’s willingness to provide accommodations”. To this end, these committees could promote inclusive design strategies and provide guidance towards the development of appropriate accommodation to the point of eliminating undue hardship.²⁵

Recommendation Two: The provincial government must collaborate with post-secondary institutions to establish benchmarks, through multi-year agreements, for programming, supports, and capital improvements that enhance the accessibility and quality of education for students with disabilities.

Post-secondary institutions are renowned and celebrated for particular strengths and foci. However, one variable where there should not be disparity amongst post-secondary institutions lies within the services offered for students with disabilities. To this end, standards should be established by the province that creates a baseline of quality service for students with disabilities. Writing these standards into multi-year agreements will ensure the province is holding institutions accountable for making improvements, and will allow stakeholders and the public to hold the government accountable for funding them.

The Ontarians with Disability Act (ODA) provides general guidelines and recommendations that enable and promote practices at post-secondary institutions that are both accessible and inclusive. However, it is essential that a process be established to develop and ensure the implementation of said practices to fully realize the goals of the ODA. This should include clear paths of recourse for those post-secondary institutions that do not comply. Ultimately, legislation must be upheld and institutions be made accountable with effective, fair and timely enforcement.

Recommendation Three: The provincial government must require post-secondary institutions to treat students with disabilities equitably in regards to services, policies, and access.

Students with disabilities should be treated equitably, and to this end, should be eligible for reasonable opportunities that are made available to students without disabilities. For instance, in often cases, students with disabilities receive formal recommendations by counselling and/or medical services within post-secondary institutions to limit their course load. This renders them as “part-time students”, despite the fact that their reduced course load *is* an equitable equivalent of full-time. Therefore, where eligibility standards or thresholds exist for students, such as with a full-time course load, students with disabilities (who are categorized as part-time) fail to meet the criteria and are unfairly dismissed as being ineligible. An example of this at many post-secondary institutions is the requirement of a full-time course load to be eligible for the Dean’s Honours List (DHL).

Currently, the provincial government provides examples for the equitable treatment of students with disabilities when a standard or threshold is involved. The Ontario Student Assistance Program (OSAP) is a provincial loan program only available to students with a course load of 60 per cent or greater. However, the Ministry of Training Colleges and Universities correctly acknowledges an equitable equivalent for students with disabilities: students with disabilities are required to have a course load of 40 per cent (not 60 per cent) to be deemed eligible for OSAP.²⁶ Post-secondary institutions would be wise to emulate this mindfulness.

²⁵ The Ontario Human Rights Commission, *“The Opportunity to Succeed: Achieving Barrier-free Education for Students with Disabilities”*, 2003.

²⁶ The Ministry of Training Colleges and Universities, *“Learning Opportunities Task Force: Final Report Summary,”* 1997 to 2002. pg. 12.

Recommendation Four: The Bursary for Students with Disabilities must be separated from OSAP and have its own independent assessment criteria.

A student's OSAP eligibility should not affect their eligibility for the BSWD. The funding for the BSWD should be granted based on the individual disabling condition, not tied to the requirement for OSAP. The OSAP system must account for the unique needs of students with disabilities and how it is currently not able to provide accommodations for such students. The requirement alone should not be a basis for the bursary as in many cases, disability service providers have confirmed students in financial need and in need of disability related services that have not qualified for OSAP.²⁷ The Disability service providers at each institution should liaise with Financial Aid Offices to develop an appropriate financial needs test that can be tailored to the disability needs test. There should be a form of communication with the Canada Student Grant to ensure consistency from provincial and federal forms of assistance.

Recommendation Five: The distribution formula of the Accessibility Fund must place a greater weight on the number of registered students with disabilities at each institution.

OUSA believes that the amount of base funding should still continue to be distributed to the universities based on the numbers of full-time enrollment, however, there should be a greater proportion of funds distributed to institutions based on actual numbers of registered students with disabilities. Recommended by the Rae Report, "Ontario: A Leader in Learning," this method would allow for institutions to adequately meet the needs of currently enrolled students with disabilities, while still having the capacity to plan and prepare for future students.²⁸

Recommendation Six: The Accessibility Fund must be increased to adequately meet the needs of students with disabilities at post-secondary institutions.

Marybeth Phillips, Coordinator of the Accessibility Office of the Wilfrid Laurier University, and Tim Nolan, Manager of Disability Services and University Advisor on Disability Issues of the Centre of Student Development of McMaster University, assert the fact that even with recent funding increases, their offices are unable to meet the needs of students with disabilities without taking on undue financial hardship.^{29,30} This sentiment is echoed within the University of Toronto Accessibility Plan, where the institution states that the new funding will barely assist in meeting the needs of their current commitments and will therefore stall any new initiatives.³¹ As with Wilfrid Laurier University and McMaster University, the University of Toronto is having to absorb these costs within existing budgets—stretching financial resources.³²

Recommendation Seven: Full-time enrollment requirements for scholarships, bursaries, and awards must be flexible to the individual circumstances faced by students with disabilities.

For many disabled students 'full-time' means a 'part-time' course load. Thus, eligibility requirements must take into account the challenges facing individuals living with disabilities, and not disqualify a student with a disability because they don't fit into a neat bureaucratic category. Other criteria such as merit, personal financial need, course specialization, or recognition of special contributions to academic or extracurricular life should be considered.

²⁷ CCDI submission to the Postsecondary Review – November 15, 2004

²⁸ Rae Review, February 2005; accessed online at <http://www.edu.gov.on.ca/eng/document/reports/postsec.pdf>.

²⁹ Telephone discussion with Marybeth Phillips of Wilfrid Laurier University, February 26th, 2007.

³⁰ Telephone discussion with Tim Nolan of McMaster University, March 22nd, 2007.

³¹ The University of Toronto, *Accessibility Plan*, 2006-2007. Online.

³² Ibid.

While the province does not have the ability to regulate most private scholarships and awards they do have the ability to require that future scholarships, bursaries and awards that are established using provincial money through matching programs such as the Ontario Student Opportunities Trust Fund (OSOTF) or the Ontario Trusts for Student Support (OTSS). The province also has the ability to project significant moral suasion on universities and colleges to make changes to other awards not established with support from provincial coffers.

Recommendation Eight: The Provincial government must support the development of transitional programs that foster the highest level of independence.

The philosophy of providing access and opportunity should be based on the premise that all students be provided with the strategies and tools necessary to empower and foster the highest level of independence possible.

Recommendation Nine: The Enhanced Services Fund must be increased to cover the costs of staff who carry out assessments or provide support.

The Enhanced Services Fund was set up to cover the staffing costs for learning strategists and assistive technologists and does not cover the cost of other equally essential staff that carry out assessments, intervention, training, and coaching. Therefore, OUSA believes additional funds should be allocated within this envelope to cover the cost of these necessary staff to ensure institutions do not suffer undue financial hardship.