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August 21, 2018

Hon. Lisa Thompson
Minister of Education
Mowat Block 22nd Floor
900 Bay St, Toronto, ON M7A 1L2

Hon. Merrilee Fullerton
Minister of Training, Colleges and Universities
Mowat Block 3rd Floor
900 Bay St, Toronto, ON M7A 1L2

Hon. Raymond Cho
Minister for Seniors and Accessibility
Frost Building South, 6th Floor
7 Queen's Park Cres, Toronto, ON M7A 1Y7

Dear Ministers Thompson, Fullerton and Cho:

RE: Accessible education for students with disabilities

OHRC policy and recommendations

I hope this finds you well. I am writing today to provide you with an advance copy of the Ontario Human Rights Commission's (OHRC) *Policy on accessible education for students with disabilities*. The new policy reflects case law developments, international human rights standards and evolving social science research, and also includes recommendations to key actors in the sector. The policy will be publicly released within the next two weeks. We will email you a press release and links to the report and other materials 24 hours in advance of the public launch.

I would also like to thank the government for providing us with important input as we updated our 2004 *Guidelines on accessible education*. The new policy sets out how education providers can comply with their responsibilities under the *Human Rights Code*, including preventing and addressing discrimination and harassment and taking all required steps to accommodate students with disabilities to the point of undue hardship. It will also be a

useful tool for students who believe they have experienced discrimination or harassment based on disability, as well as for their families.

Despite a highly regulated and complex education framework designed to address “special needs,” students with disabilities continue to face obstacles in terms of accessing educational services in Ontario. Ontarians with disabilities continue to have lower educational achievement levels, a higher unemployment rate, and are more likely to have low income than people without disabilities. Appendix A includes specific recommendations to government and education providers to remove barriers and make education accessible for students with disabilities. For ease of reference, these recommendations are set out below.

We encourage the government to review the OHRC’s recommendations, make a public commitment to implement them, and take immediate steps to ensure that students with disabilities are able to access education with dignity and without impediment.

AODA Standards

We further encourage the government to continue to develop new accessibility standards for education pursuant to the *Accessibility for Ontarians with Disabilities Act*. Regulatory standards are an effective way to address specific accessibility barriers and compliment the aim of the *Code*. Standards need to align with human rights obligations and with the OHRC’s interpretive policies.

The process to develop the standards should canvas the full scope of barriers and involve students with disabilities. The OHRC continues to be available to meet with the K-12 and Postsecondary Standards Development Committees to provide assistance.

The OHRC has a long tradition of working with government to protect and advance the human rights of all Ontarians and I would welcome the opportunity to speak with the government further about our policy and recommendations, and the process for development of a new AODA standard. As you may know, the OHRC identified education as an area of focus in our [Strategic Plan 2017-2022](#), and we would be happy to speak to you or your staff more generally about our work in this area.

Sincerely,

Renu Mandhane, B.A., J.D., LL.M.
Chief Commissioner
Ontario Human Rights Commission

cc: Hon. Caroline Mulroney, Attorney General
Irwin Elman, Provincial Advocate for Children and Youth
OHRC Commissioners