



Accommodating Students with LDs in Postsecondary Studies

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Students with learning disabilities (LDs) form the majority of students seeking services from offices for students with disabilities at Ontario colleges and universities. There are increasing numbers of students with LDs who are graduating from high school and continuing on to postsecondary studies. In some cases they have been receiving accommodations in high school and expect to continue these accommodations at postsecondary. Others do not get assessed and diagnosed as having learning disabilities until the postsecondary level, when they encounter a level of complexity that challenges areas of weakness for which they have been able to compensate up to that point.

Accommodations for students with learning disabilities refer to those supports, resources and services, over and above that provided to all other students, which enable students with LDs to fully access and utilize the education system.

In elementary and secondary education, accommodations may be provided on the basis of a special education identification under the *Communication – Learning Disability* category and definition, or even informally on the basis of demonstrated special education needs. The primary legislative basis here is the Education Act and its Regulations. The Education Act does not apply to postsecondary studies, but the Ontario Human Rights Code applies to postsecondary institutions, as it does to all providers of goods and services in Ontario. Under Human Rights legislation, discrimination is prohibited on the basis of disability, and the definition of disability includes “a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language.”

Eligibility for accommodations at postsecondary institutions, under the Ontario Human Rights Code, is based on having a diagnosed disability, not on identification as exceptional in the elementary/secondary school system. The kinds of accommodations that are allowed in postsecondary studies may also be different from what is allowed in elementary/secondary education. Furthermore, the legislated entitlement to accommodations differs since students at the elementary and secondary level have a mandated right to an education under the Education Act, while there is no guaranteed right to an education at college/university.

Diagnosis

Postsecondary institutions require diagnosis of a learning disability or learning disabilities by a professional who is qualified in Ontario to diagnose (a member of the College of Psychologists or the College of Physicians and Surgeons). Learning disabilities are diagnosed on the basis of a series of tests called a psychoeducational or psychological assessment. Postsecondary institutions have requirements for the assessment content and report in order for accommodations to be granted.

Colleges and universities in Ontario use the LDAO definition of learning disabilities (see Appendix 1) and the diagnostic criteria developed with that definition:

- A. A non-random, clinically significant discrepancy* between one or more of the specific psychological processes related to learning (phonological processing; memory and attention; processing speed; language processing; perceptual-motor processing; visual-spatial processing; executive functions) and otherwise average abilities essential for thinking and reasoning.
- B. Academic achievement that is unexpectedly low relative to the individual's thinking and reasoning abilities OR academic achievement that is within expected levels, but is sustainable only by extremely high levels of effort and support.
- C. Evidence that learning difficulties are logically related to observed deficits in specific psychological processes.
- D. Evidence that learning difficulties cannot **primarily** be accounted for by: other conditions, such as global developmental delay, primary sensory deficits (e.g., visual or hearing impairments), or other physical difficulties; environmental factors, such as deprivation, abuse, inadequate or inappropriate instruction, socio-economic status, or lack of motivation; cultural or linguistic diversity; and/or any other co-existing condition.

Students entering postsecondary studies may find that they need to have a psychoeducational assessment completed that fits the above criteria, with a clear statement of a diagnosis. Formal or informal identification for special education services in elementary or secondary school are not sufficient without such an assessment report, and may only allow access to interim accommodations until there is an adequate assessment.

Assessment report

The psychoeducational assessment report should contain a list of recommendations from the professional, and any recommended accommodations should be clearly related to underlying deficits in psychological processes. The office for students with disabilities at the college or university receives the assessment report and determines what accommodations are appropriate for the particular setting. The report itself stays confidential, but a letter is prepared for the student to take to each instructor outlining which accommodations the student is entitled to.

Appropriate accommodations

In *Guidelines on Accessible Education, 2004* the Ontario Human Rights Commission (OHRC) states their position that “the duty to accommodate requires that the most appropriate accommodation be determined and then undertaken, short of undue hardship. The most appropriate accommodation is one that most respects the dignity of the student with a disability, meets individual needs, best promotes inclusion and full participation, and maximizes confidentiality. An accommodation will be considered appropriate if it will result in equal opportunity to attain the same level of performance, or to enjoy the same level of benefits and privileges enjoyed by others, or if it is proposed or adopted for the purpose of achieving equal opportunity, and meets the student's disability-related needs.”

The determination of an accommodation and its appropriateness must be based on the type, severity and complexity of the identified learning disabilities, as well as the essential requirements of the educational course or examination.

Essential requirements of an academic course are the components and outcomes which every student must achieve in order to pass the course or program.

According to a document developed by the Inter-University Disabilities Association (IDIA), “Essential requirements’ is a specific term used in human rights legislation, referring to the *bona fide* requirements of a task or program that cannot be altered without compromising the fundamental nature of the task or program. Determining what is an essential requirement and what is not is critical in distinguishing requirements that cannot be accommodated from what can and should be altered.”

The IDIA document goes on to describe two factors in determining ‘essential’ – the skill that must be mastered to meet the objectives of a course, and the way that the skill must be demonstrated (i.e. is there a prescribed method of demonstration?).

Students coming from high school may not be familiar with the concept that accommodations must respect the essential requirements of a course, although the concept exists in secondary education as well. In secondary curriculum the essential requirements are usually clearly outlined in the specific expectations for each subject, developed by the Ministry of Education.

In postsecondary education essential requirements are determined by the academic department or faculty, within guidelines approved by the Ministry of Training, Colleges and Universities. For most college programs, there is a Program Advisory Committee, comprised of specialists in industry who confirm the essential requirements. It is helpful if the instructor is very clear about what is being taught, what skills must be mastered, and if and why they must be demonstrated in a certain way. Determining what requirements are essential is at the crux of decisions about allowable accommodations for students with learning disabilities.

Decisions about what accommodations are appropriate for each course should be made in a collaborative manner between the instructor, the student and the office for students with disabilities. Sometimes there are disagreements. Students may find that some of the accommodations they were used to in high school, or even accommodations recommended in their assessment report, are disputed by the instructor or the academic department. The disagreements often centre on whether essential requirements are being compromised. Faculty may raise concerns about *academic freedom* and/or *academic integrity*.

Academic freedom

The OHRC, in their document *The Opportunity to Succeed*, has taken the position that “academic freedom is unrelated to the duty to accommodate and should not be a defence to accommodating persons with disabilities. The purpose of academic freedom is to protect the special role of institutions of higher education in the free search for truth, and its free exposition. As such, it relates mainly to freedom of research and of expression in instruction. It will be rare for a disability-related accommodation to impinge on academic freedom.”

Academic Integrity

Academic integrity refers to the maintenance of standards for curriculum, evaluation, and student achievement. Appropriate accommodations should not lead to lowered standards or outcomes. Accommodations are designed to ensure that the student can meaningfully access the curriculum content and successfully meet the essential requirements of the program,

although the manner in which the student demonstrates mastery, knowledge and skills may be altered.

In their discussion of academic integrity, in *The Opportunity to Succeed*, the OHRC says that “a consideration of the appropriateness of an educational accommodation begins with an analysis of the nature of the educational right at issue...The next step is to consider what the essential duties or requirements attending the exercise of the right are.” The OHRC further states that “a requirement should not lightly be considered to be essential, but should be carefully scrutinized. This includes course requirements and standards. For example, it may likely be an essential requirement that a student master core aspects of a course curriculum. It is much less likely that it will be an essential requirement to demonstrate that mastery in a particular format, unless mastery of that format (e.g., oral communication) is also a vital requirement of the program. Educators must provide accommodation, up to the point of undue hardship, to enable students to meet these essential requirements.”

Undue Hardship

Undue hardship is a term used in human rights legislation to describe a circumstance or grounds where an individual or an institution may deny accommodations to someone who has a disability. Under the *Ontario Human Rights Code*, every student with a disability is entitled to accommodation up to the point of undue hardship. The *Code* sets out only three elements that may be considered in assessing whether an accommodation would cause undue hardship:

- cost
- outside sources of funding, if any
- health and safety requirements, if any.

To claim the undue hardship defense, the education provider has the onus of proof. The student requesting accommodation does not have to prove that the accommodation can be accomplished without undue hardship. Determining undue hardship for cost involves proving that financial cost would alter the essential nature or substantially affect the viability of the educational institution. In postsecondary educational institutions this defense against granting accommodations to students with learning disabilities is unlikely.

Health and safety concerns can be raised by postsecondary institutions in regard to altering what are considered ‘essential requirements’ of courses or providing accommodations. This argument is used particularly in medically-related programs. In order to use this undue hardship defense educational institutions or faculty would need to demonstrate that altering ‘essential requirements’ or providing specific accommodations would potentially threaten the health and/or safety of the public.

Alternative Formats

One of the most common accommodations used by students with learning disabilities is getting printed materials in alternative formats.

The *Integrated Accessibility Standards* under the *Accessibility for Ontarians with Disabilities Act, 2005* states that:

15. (1) Every obligated organization that is an educational or training institution shall do the following, if notification of need is given:

1. Provide educational or training resources or materials in an accessible format that takes into account the accessibility needs due to a disability of the person with a disability to whom the material is to be provided by,
 - i. procuring through purchase or obtaining by other means an accessible or conversion ready electronic format of educational or training resources or materials, where available, or
 - ii. arranging for the provision of a comparable resource in an accessible or conversion ready electronic format, if educational or training resources or materials cannot be procured, obtained by other means or converted into an accessible format.

Under Human Rights legislation educational institutions were already required to provide printed materials in alternative formats if this is considered an appropriate accommodation for a student. Problems can arise due to timeliness of this provision. In its response to the draft *Integrated Accessibility Standards*, LDAO stated:

*“A statement should be added that every effort must be made by the educational or training institution to provide accessible versions of educational or training resources or materials to the student with a disability **at the same time as other students in the same program or course**. When this is not possible **alternative measures** must be taken to enable the person with a disability to fully participate in the program or course.”*

It is currently problematic for students to receive print materials in alternative formats in the same time frame as their peers. Promising practices include *Alternate Education Resources Ontario (AERO)*, a web-based digital repository operated by the Ministry of Education in partnership with the Ministry of Training, Colleges and Universities that provides electronic versions of books from six Canadian publishers to students with print disabilities in some colleges and universities, as part of a pilot project. Due to copyright rules, students must have a documented perceptual disability, and electronic versions of books must be deleted or returned at the end of the academic loan period.

AERO may in the future build up a repository of books that will speed up access to a range of textbooks in electronic formats. In the meanwhile, students may be faced with a confusing assortment of services at their educational institution. Sometimes offices for students with disabilities may approach publishers to ask for a conversion ready electronic format of their book, but this approach is not always successful. Books that cannot be obtained in electronic format, and other print materials such as journal articles or course packages, need to be converted with optical character recognition software, e.g. Kurzweil. This process is time-consuming and labour intensive.

The timeliness of any of these processes depends on the instructor making a list of required course materials available well before the course starts. Otherwise students are put at a disadvantage when they do not have their required course materials at the same time as other students.

Transition to Postsecondary

Offices for students with disabilities have long noted the importance of appropriate transition activities to help prepare students with LDs to maximize success in a new and often confusing environment. The Ministry of Training, Colleges & Universities offers postsecondary institutions support for conducting summer transition programs. While these have been demonstrated to be

helpful by students, staff and parents, they continue to be undersubscribed. A study of students in a college and a university who attended a summer transition program found that those students were more likely to access disability supports and therefore to be more successful in their academic pursuits.

Transition activities should be promoted by guidance counsellors and special educators at the secondary level, so that students have the correct information and understanding about the essential requirements of their chosen careers. Self advocacy development is also critical, since students are required to advocate for themselves at the postsecondary level. Parents should be involved in learning about expectations for their sons and daughters at college or university, and learn how to support them in advocating for themselves, especially as students leave home communities for education elsewhere.

References

Career Planning for Students with Disabilities:

www.tcu.gov.on.ca/eng/postsecondary/careerplanning/disabilities.html

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Evaluating Postsecondary Supports for Ontario Students with Learning Disabilities, Higher Education Quality Council of Ontario, 2012

Guidelines on Accessible Education, Ontario Human Rights Commission, 2004

Ontario Regulation 191/11, Integrated Accessibility Standards (made under the *Accessibility for Ontarians with Disabilities Act, 2005*)

Policy Statement on Educational Accommodations for Individuals with Learning Disabilities, LDA Canada, 2007

Recommended Practices for Assessment, Diagnosis and Documentation of Learning Disabilities, LDA Ontario, 2003

Response to the Proposed Integrated Accessibility Regulation, LDA Ontario, 2011

The Opportunity to Succeed: Achieving Barrier-free Access for Students with Disabilities, Ontario Human Rights Commission, 2003.

The Role of Disability Service Professionals in Determining Essential Requirements, Inter-University Disability Issues Association, 2004

Transitions Longitudinal Study: 7th Annual & Final Report to the Ministry of Training, Colleges and Universities, 2011

Appendix 1

Definition of LEARNING DISABILITIES

Learning Disabilities Association of Ontario, 2001

“Learning Disabilities” refers to a variety of disorders that affect the acquisition, retention, understanding, organization or use of verbal and/or non-verbal information. These disorders result from impairments in one or more psychological processes related to learning^a, in combination with otherwise average abilities essential for thinking and reasoning. Learning disabilities are specific not global impairments and as such are distinct from intellectual disabilities.

Learning disabilities range in severity and invariably interfere with the acquisition and use of one or more of the following important skills:

- oral language (e.g., listening, speaking, understanding)
- reading (e.g., decoding, comprehension)
- written language (e.g., spelling, written expression)
- mathematics (e.g., computation, problem solving)

Learning disabilities may also cause difficulties with organizational skills, social perception and social interaction.

The impairments are generally life-long. However, their effects may be expressed differently over time, depending on the match between the demands of the environment and the individual's characteristics. Some impairments may be noted during the pre-school years, while others may not become evident until much later. During the school years, learning disabilities are suggested by unexpectedly low academic achievement or achievement that is sustainable only by extremely high levels of effort and support.

Learning disabilities are due to genetic, other congenital and/or acquired neuro-biological factors. They are not caused by factors such as cultural or language differences, inadequate or inappropriate instruction, socio-economic status or lack of motivation, although any one of these and other factors may compound the impact of learning disabilities. Frequently learning disabilities co-exist with other conditions, including attentional, behavioural and emotional disorders, sensory impairments or other medical conditions.

For success, persons with learning disabilities require specialized interventions in home, school, community and workplace settings, appropriate to their individual strengths and needs, including:

- specific skill instruction;
- the development of compensatory strategies;
- the development of self-advocacy skills;
- appropriate accommodations.

^a The term “**psychological processes**” describes an evolving list of cognitive functions. To date, research has focused on functions such as:

- phonological processing;
- memory and attention;
- processing speed;
- language processing;
- perceptual-motor processing;
- visual-spatial processing;
- executive functions; (e.g., planning, monitoring and metacognitive abilities).