Mapping out Canadian disability, education, and accessibility policies: Are we ready for UDL?

Djenana Jalovcic and Dr. Susan Moisey, Athabasca University

Impact UDL conference, Edmonton, January 29, 2016
Objectives

▪ To present results of a scoping review of relevant Canadian policies
▪ To introduce a disability policy lens
▪ To initiate discussion on the current policy environment, including facilitators and barriers to implement UDL
What is policy?
Policy is

A course of *action* or *inaction* chosen by public authorities to address a given problem or an interrelated set of problems.

Before we move on...

How big is this issue?

How many students with disabilities do study at Canadian Universities?
Number of graduating students self-identifying as having a disability

Source: Canadian University Consortium Survey
Students seeking support from ODS at Alberta Universities

% of students seeking support

Source: 2014 Campus Alberta Planning Resource, p. 118
What we know...

• No aggregated data for Canada, differences in reporting between provinces
• No easily available data
• Range of estimates
• Steady increase
• More students self-identifying as having a disability than registered with disability services
Mapping out policies

The purpose is:

• To describe federal, provincial, and territorial policies related to participation of persons with disabilities in higher education

• To analyze the intersection of disability, education, and accessibility policies

• To identify if universal design for learning (UDL) is explicitly mentioned

• To explore how the existing policy environment affects students with disabilities in postsecondary institutions across Canada
What are the main policies at different jurisdictional levels related to participation of persons with disabilities in higher education in general, and online education specifically?
Methodology for policy mapping

Adapted scoping review methodology
1. Identifying the research question
2. Identifying relevant documents
3. Document selection
4. Charting the data
5. Collating, summarising and reporting the results
Using a disability lens

Disability lens – analytical framework based on a set of sub-questions

<table>
<thead>
<tr>
<th>Question</th>
<th>Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. What is the main purpose of the policy?</td>
<td>Equity, accessibility, support, regulation, policy framework</td>
</tr>
<tr>
<td>2. Is disability/education/online education specifically mentioned?</td>
<td>Disability, education (online education)</td>
</tr>
<tr>
<td>3. How is disability defined?</td>
<td>Impairment based/diagnosis categories, in relation to participation, in relation to rights</td>
</tr>
<tr>
<td>4. What is the guiding philosophy of the policy?</td>
<td>Social justice, anti-discrimination, removal of socially-created disabilities</td>
</tr>
<tr>
<td>5. What is the framework of the policy?</td>
<td>Based on evidence, UNCRPD, WHO ICF, population based data, stakeholder involvement, human rights</td>
</tr>
</tbody>
</table>
Steps 1 - 3

Question

• What are the main policies at different jurisdictional levels related to participation of persons with disabilities in higher education in general, and online education specifically?

Identify documents

• Google, Google Scholar Search
• 5 policy reviews identified (selection of relevant policies within these reviews)
• Key word search of government websites
• Key word search of identified documents
• Key word search in identified documents

67 documents selected

• 8 federal
• 59 provincial and territorial
# Step 4. Charting the data

<table>
<thead>
<tr>
<th>Regulation, Policy or Program</th>
<th>Purpose</th>
<th>Explicitly mentioned</th>
<th>Definition of disability used</th>
<th>Philosophy</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Canadian Charter of Rights and Freedoms (1982)</td>
<td>Equity</td>
<td>Disability (2)</td>
<td>Impairment based; “disability” means any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug.</td>
<td>Anti-discrimination</td>
</tr>
<tr>
<td>Canadian Human Rights Act (1985)</td>
<td>Equity</td>
<td>Disability (13)</td>
<td>Impairment based; “disability” means any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug.</td>
<td>Anti-discrimination</td>
</tr>
<tr>
<td>Canada Student Financial Assistance Regulations (1995)</td>
<td>Support</td>
<td>Disability (8)</td>
<td>Impairment based “severe permanent disability” means a functional limitation caused by a physical or mental impairment that prevents a borrower from performing the daily activities necessary to participate in studies at a post-secondary school level and in the labour force and is expected to remain with the person for their expected life;</td>
<td>Removal of financial barriers</td>
</tr>
<tr>
<td>Canada Student Grant for Students with Permanent Disabilities</td>
<td>Support</td>
<td>Disability</td>
<td>Impairment based</td>
<td>Removal of financial barriers</td>
</tr>
<tr>
<td>Canada Student Grant for Services and Equipment for Students with disabilities</td>
<td>Support</td>
<td>Disability</td>
<td>Impairment based</td>
<td>Removal of financial barriers</td>
</tr>
<tr>
<td>In Unison: A Canadian Approach to Disability Issues, A Vision Paper (2000)</td>
<td>Equity</td>
<td>Disability</td>
<td>“any restriction or inability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being”. Disabilities are disturbances of in function at the level of the persons. (Definition taken from WHO ICIDH 1980)</td>
<td>Removal of barriers</td>
</tr>
</tbody>
</table>
Step 5. Results: Federal documents (8)

Purpose
- Framework, 1
- Support, 4
- Equity, 3

Philosophy
- Anti-discrimination, 2
- Removal of financial barriers to education, 5
- N/A, 1
Federal level: Human rights and financial support for education

Education including online education, disability, accessibility are not regulated at the federal level.
Step 5. Results: Provincial/territorial documents (59)

**Purpose**
- Support, 20
- Equity, 17
- Framework, 7
- Regulation, 10
- Accessibility, 5

**Philosophy**
- Removal of financial barriers to education, 30
- Anti-discrimination, 16
- N/A, 13
Provincial/territorial level: Human rights, education, disability, accessibility

No provincial legislation regulating online learning, only guidelines and policy frameworks.

Ontario and Manitoba have disability acts
Discussion

Strengths

Weaknesses
Strength and weaknesses

**Strengths**

- Good human rights and anti-discrimination legislation
- Cross Canada applicability
- Broad applicability to education, online education, accessibility
- Federally mandated provincially implemented financial assistance programs function well

**Weaknesses**

- Lack of federal legislation on higher/online education, disability,
- Variations across Canada
- Lack of enforcement mechanisms, left to individual court cases
• Various definitions of disability
• Mostly impairment based
• Definitions are broad or restrictive depending on the purpose
Canada Human Rights Act, 1985

“disability” means any previous or existing mental or physical disability and includes disfigurement and previous or existing dependence on alcohol or a drug;
“disability” means a previous or existing disability, infirmity, malformation or disfigurement, whether of a physical, mental or intellectual nature, that is caused by injury, birth defect or illness, and includes but is not limited to epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on an assist animal, wheelchair or other remedial device;”

“severe permanent disability” means a functional limitation caused by a physical or mental impairment that prevents a borrower from performing the daily activities necessary to participate in studies at a post-secondary school level and in the labour force and is expected to remain with the person for their expected life;”
Financial Assistance for Nunavut Students

“You must provide a medical or learning ability assessment by a certified medical professional describing the manner in which your disability impacts on your ability to participate in post-secondary studies.”
Philosophical underpinning and frameworks

• Anti-discrimination: disability a prohibited ground for discrimination
• Human rights framework
Making sense of or muddling through the policy landscape?
Policy Paradoxes

1. Purpose paradox
2. Definitional paradox
3. Philosophical paradox
4. Labelling paradox
5. Decision making paradox
6. Evidence paradox
Purpose paradox

Different and the same
Definitional paradox

With and without a disability
Philosophical paradox

A human rights issue defined as a medical one

Conceptual Models of Disability

<table>
<thead>
<tr>
<th>Medical Model (OLD)</th>
<th>Interactional/Socio-Political Model (NEW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disability is a deficiency or abnormality</td>
<td>Disability is a difference</td>
</tr>
<tr>
<td>Being disabled is negative</td>
<td>Having a disability, in itself, is neutral</td>
</tr>
<tr>
<td>Disability resides in the individual</td>
<td>Disability derives from the interaction between the individual and society</td>
</tr>
<tr>
<td>The remedy for disability-related problems is cure or normalization of the individual</td>
<td>The remedy for disability-related problems is a change in the interaction between the individual and society</td>
</tr>
<tr>
<td>The agent of remedy is the professional</td>
<td>The agent of remedy is the individual, an advocate, or anyone who affects the arrangements between the individual and society</td>
</tr>
</tbody>
</table>

Adapted from Carol J. Gill, Chicago Institute of Disability Research

http://www.dec3rdtribute.org/DisabilitiesisaPriority.html
Labelling paradox

Labelling as stigmatizing and empowering
Decision making paradox

Medical decision about the distribution of non-medical resources including education
Evidence paradox

Evidence based policy making based on...
Implications
How does UDL fit in this picture?
Searching for UDL on U15 websites
Emerging post-secondary UDL story in Canada
Adding UDL to the Canadian patchwork!

Photo from Pixabay by Candice Hunter
Are we ready for UDL?
Limitations

• The review did not include financial/resource allocation documents and case law
• It was possible that in the selection process some documents are overseen
• For UDL at U15, internal web-site search engines might be different
Thank you for your attention!

Acknowledgements

This research and this presentation were supported by Wayne Perry Ed.D. Student Research Award, the Social Sciences and Humanities Research Council Doctoral Fellowship Program and the Athabasca University Graduate Student Travel Award.