

Right to Read

Ontario Human Rights Commission Inquiry into human rights issues that affect students with reading disabilities in Ontario's public education system

Terms of referenceⁱ

October 3, 2019

Reading is a fundamental skill that students must have to navigate their school experience and their later lives. Our public schools should be able to teach students to read. Yet, this may not be the reality for students with reading disabilities.

The Ontario Human Rights Commission (OHRC) is concerned that Ontario's public education system may be failing to meet the needs of students with reading disabilities (dyslexia and other learning disabilities that affect reading). The OHRC is conducting a public inquiry to find out if these students have meaningful access to education as required by the Ontario *Human Rights Code* (*Code*). The United Nations *Convention on the Rights of Persons with Disabilities* also recognizes the right to an inclusive education system directed to the full development of human potential and sense of dignity and self-worth.

A reading disability, formally known as a specific learning disorder with impairment in reading, affects a person's language-based processing skills. Depending on the person, it can be more or less severe and can affect reading fluency, decoding, reading comprehension, recall, writing, spelling, and sometimes speech. Dyslexia is the most common reading disability. It involves difficulties with accurate and/or fluent word recognition, and poor spelling and decoding abilities.

Reading disabilities can exist along with other related disabilities and affect approximately 10% of the population. Reading disabilities are the most prevalent disability among students with special education needs. There are students with reading disabilities in every classroom.

Dyslexia and other reading disabilities are due to brain differences and are not related to a person's intelligence. There is no cure, but with scientific evidence-based and systematic instruction in reading, early identification, effective interventions and accommodations, reading disabilities can be resolved or greatly diminished. Failing to do so has serious academic and life-long consequences for students and their families. Students can lose their sense of dignity and self-worth, develop depression and anxiety, and leave school. They may even be more likely to become involved in the criminal justice system, become homeless, or die by suicide. Parents may struggle to get assessments, interventions and accommodations for their children, and in many cases may be forced to pay for services privately, assuming they can.

The OHRC's work on disability and education

The OHRC is the provincial statutory agency responsible for advancing human rights and preventing systemic discrimination in Ontario. The OHRC has broad powers under the *Code* to:

- Initiate inquiries in the public interest
- Monitor and report on human rights issues
- Engage in litigation, including by filing applications with the Human Rights Tribunal of Ontario (HRTO) and intervening in other legal proceedings.

The OHRC's [2017–2022 Strategic Plan](#) identifies addressing systemic discrimination in our education system as one of its four strategic priorities. The OHRC recognizes the vital importance of education to an individual's personal, social and economic development, and ability to contribute to the well-being of the community and province.

The OHRC is working to remove systemic barriers that students with disabilities face in accessing educational services, and to increase human rights accountability in Ontario's public education system.

For over two decades, the OHRC has used its mandate to address human rights issues affecting students with disabilities, as well as students with other intersecting *Code*-protected identities such as race, ancestry and sex (see "OHRC initiatives related to education and disability"). Most recently, in 2018, the OHRC released a [Policy on accessible education for students with disabilities](#) along with [Recommendations to improve educational outcomes for students with disabilities](#).

Responsibility for public education in Ontario

Ontario's *Education Act* states: "A strong public education system is the foundation of a prosperous, caring and civil society," and that the "purpose of education is to provide students with the opportunity to realize their potential and develop into highly skilled, knowledgeable, caring citizens who contribute to their society."

The *Education Act* goes on to state: "All partners in the education sector, including the Minister, the Ministry and the boards, have a role to play in enhancing student achievement and well-being, closing gaps in student achievement and maintaining confidence in the province's publicly funded education systems."

Under the *Education Act*, the Ministry of Education (MOE) has overall responsibility for developing legislation, regulations and policies for special education. The province's 72 publicly funded school boards are responsible for delivering special education programs and services in accordance with MOE requirements. The MOE is also responsible for funding, setting curriculum, setting requirements for diplomas and certificates, and issuing policy directives and guidelines for school boards. School boards are responsible for most aspects of delivering education to pupils and for providing education programs that meet the needs of the school community, including needs for special education.

Principals are responsible for organizing and managing individual schools, including any budget the school board assigns to the school. Principals are also responsible for the quality of instruction at their school and for student discipline.

Teachers are responsible for preparing lesson plans and teaching classes. They are responsible for supporting their students and evaluating their progress.

The OHRC's inquiry powers

The OHRC is carrying out this public interest inquiry pursuant to its powers under [section 31 of the Code](#). These powers include, but are not limited, to:

- The power to request the production of documents, things or information
- The power to question a person on matters that may be relevant to the inquiry; subject only to the person's right to counsel
- The power to enter any premises where there may be relevant documents, things or information
- The ability to use expert assistance to carry out the inquiry.

The *Code* places a legal obligation on persons to comply with the OHRC's inquiry requests. The information obtained on an inquiry under section 31 may be received into evidence in a proceeding before the HRTO.

Scope of the inquiry

The OHRC will inquire into potential human rights issues affecting students with reading disabilities in Ontario's public schools, including:

1. **Universal Design for Learning (UDL):** Whether Universal Design for Learning, an approach to education that meets the diverse needs of every student, is being applied within Ontario's reading curriculum and in classroom teaching methods
2. **Mandatory early screening:** Whether all students are being screened for reading difficulties in kindergarten (or in Grade 1, where a child does not attend public school for kindergarten) using scientific evidence-based early screening tools
3. **Evidence-based reading intervention programs:** Whether students who have been identified as having reading difficulties through mandatory early screening or psycho-educational assessment have access to timely, scientific evidence-based reading intervention programs
4. **Accommodation:** Whether students who have been identified as having reading difficulties through mandatory early screening or psycho-educational assessment have access to timely and effective accommodation and assistive technology.
5. **Psycho-educational assessments:** The role of psycho-educational assessments and whether students have access to timely and appropriate psycho-educational assessments where needed (in addition to mandatory early screening for reading difficulties)

The OHRC will consider perspectives on definitions of learning disabilities and dyslexia, including whether these terms are appropriately used and understood.

The OHRC will also examine the unique challenges for students with reading disabilities who face other barriers such as living in poverty or being members of intersecting *Code*-protected groups [e.g. newcomer students, English-language learners (students who are learning English at the same time as they are learning the curriculum and developing a full range of literacy skills), racialized students, and students with Indigenous ancestry].

The OHRC has selected eight public school boards from across the province to assess their compliance with their obligation to provide equal treatment to students with reading disabilities. This representative sample will allow the OHRC to assess whether systemic issues exist across Ontario's English public elementary and secondary schools.*

The OHRC will request documents, data and information from the following eight school boards:

1. Hamilton-Wentworth District School Board
2. Keewatin-Patricia District School Board
3. Lakehead District School Board
4. London District Catholic School Board
5. Ottawa-Carleton District School Board
6. Peel District School Board
7. Simcoe Muskoka Catholic District School Board
8. Thames Valley District School Board.

To select this representative sample of school boards from across Ontario, working with an expert, the OHRC considered a combination of the following: lived experience accounts; population density; different geographic regions; demographic information; data from the Education Quality and Accountability Office including reading test results; boards' Special Education Plans; the proportion of students from different *Code*-protected identities; and public reports.

The inquiry will also recognize systemic and structural issues that may be contributing to human rights issues, including in the areas of teacher training; funding; oversight; monitoring and accountability, including appropriate assessment of student progress; data collection; and curriculum design. In addition to school boards, the OHRC may review the roles of various partners in the education sector, including but not limited to the MOE, faculties of education at Ontario universities, and the Ontario College of Teachers.

The OHRC may examine and report on any other issues relevant to meeting the needs of students with reading disabilities in the delivery of public education in Ontario.

Inquiry process

To carry out the inquiry, the OHRC will:

1. Seek production of documents, data and information
2. Conduct research
3. Retain expert(s)
4. Consult with key stakeholders
5. Receive information from affected individuals, groups, experts, organizations, and other stakeholders through a variety of means.

The OHRC will report publicly on the inquiry process and its findings and will make recommendations based on its findings.

Before making its report public, the OHRC will provide an opportunity for the selected school boards, the MOE, and other education sector partners affected by the inquiry's recommendations to respond.

The OHRC may take further steps available to it under the *Code* to address any issues identified in the inquiry process.

Any revisions to these Terms of Reference will be posted publicly.

Privacy

The OHRC recognizes the potential vulnerability of affected individuals and the sensitivity of information it will receive during the inquiry.

The OHRC will take all reasonable steps to conduct any surveys and interviews in a way that protects the security of the person and respects their confidentiality. The OHRC will not disclose personal information of affected individuals without informed consent.

The OHRC will take all reasonable steps to ensure that personal information that it obtains is treated confidentially and in accordance with statutory safeguards including the *Freedom of Information and Protection of Privacy Act (FIPPA)*.

The OHRC will be governed by its Protection of Personal Information and Privacy Safeguards Policy, and will take all reasonable steps to prevent unauthorized access, use or disclosure of personal information as directed by *FIPPA*.

The OHRC will destroy any personal information as soon as reasonably possible after it is no longer required.

*The OHRC is aware that issues may exist within French-language school boards, private schools, and in colleges and universities. As the unique issues in each of these contexts require separate consideration, they are outside the scope of the current inquiry.

ⁱ Source: <http://www.ohrc.on.ca/en/right-read-terms-reference>