

Bill #3
The Students with Disabilities Act
Moved by: Minister of Labour

WHEREAS Students with disabilities cease to be eligible for a wide range of necessary services that were provided to them as children after graduation;¹ and

WHEREAS For many people with disabilities receiving a post-secondary education is impossible without the services that were provided to them as children;² and

WHEREAS Applying for disability services through post-secondary institutions can be a long and strenuous process that includes multiple meetings, paperwork and appointments with medical professionals to even receive basic services.³

THEREFORE HER MAJESTY, BY AND WITH THE CONSENT OF THE YOUTH PARLIAMENT OF MANITOBA, ENACTS AS FOLLOWS:

Purpose

1. The purpose of this Act is to:
 - a. Establish the Disability Education and Accessibility Resources and Services agency [DEARS].
 - b. Expand services and remove barriers affecting students with disabilities.
 - c. Raise awareness about the educational facilities and resources available to disabled post-secondary students to enhance their potential success
 - d. Establish set guidelines for Canadian post-secondary institutions regarding how a person is eligible for disability services
 - e. Work in collaboration with schools to ensure the needs of students are being adequately met

Definitions

2. The following terms shall be defined for the purposes of this Act:
 - a. **Disability:** A physical or mental condition that limits a person's movements, senses, or activities.
 - b. **School:** Both private and public including post-secondary institutions.
 - c. **Accommodation:** Allowance made for a person with a disability, depending on their individual needs. This may include, but is not limited to, extended time for tests/exams, note sharing, braille or large-print textbooks.

Agency established

3. The Disability Education and Accessibility Resources and Services agency [DEARS] is hereby established.

¹ Alberta Human Rights Commission, "Duty to Accommodate Students with Disabilities in Post-secondary Institutions", September 2010 <<https://www.albertahumanrights.ab.ca>>.

² National Educational Association of Disabled Students, "Enhancing Accessibility in Post-Secondary Education Institutions A Guide for Disability Service Providers" <https://www.neads.ca/en/norc/eag/eag_en.pdf>.

³ University of Manitoba, "Accessibility", September 2019 <<http://umanitoba.ca/student-supports/accessibility>>.

Agency mandate and powers

4. The mandate of **DEARS** is to provide resources and advocate for students with disabilities in connection to Canadian schools

DEARS to create guidelines

5. **DEARS** will publish guidelines to establish which needs qualify for disability services.
6. These guidelines will consider:
 - a. urgency of need for services
 - b. history of past use of services; and
 - c. type of disability

Approval process for services

7. Any individual applying for disability services must provide **DEARS** with the following documents and information:
 - a. recommendation of accommodations needed;
 - b. duration of disability, including whether they are temporary or permanent;
 - c. length of time in which accommodations and services will be needed; and
 - d. description of how the condition(s) affect the daily functioning, operation, task fulfillment, and success of the student.

Continuing or changing access to services

8. Students who did not require any accessibility services prior to turning 18 years old are required to apply to **DEAR** for services.
9. Students already registered with **DEARS** requiring a higher level of accessibility services are required to reapply to **DEARS** for services.
10. Any student registered with **DEARS** who has previously had services provided to them will receive the same level of services as they received prior to turning 18 years old without having to reapply.
11. Students who no longer require accessibility supports may opt out of **DEARS** services.

Responsibilities of Canadian post-secondary institutions

12. Canadian post-secondary institutions must make reasonable accommodations for enrolled students with disabilities.
13. Canadian post-secondary institutions must have a minimum of 3% of the student population be students with disabilities.
14. Canadian post-secondary institutions will report annually to **DEARS**, including:
 - a. what services students with disabilities accessed at their institution in the last academic year;
 - b. estimations of which services will be needed by students with disabilities at their institution in the upcoming academic year; and
 - c. needs of students that they were unable to accommodate.