



## SENATE EMPLOYMENT, WORKPLACE RELATIONS AND EDUCATION REFERENCES COMMITTEE INQUIRY INTO THE EDUCATION OF STUDENTS WITH DISABILITIES

### *Introduction*

The Tasmanian Tertiary Education Disability Advisory Committee (TTEDAC Inc.) is a statewide body comprising representation from a broad range of organisations including post secondary education and training institutions, student, government, advocacy and disability support agencies. We exist to promote and monitor access and equity within tertiary education and training for people with disabilities in Tasmania.

### STATEMENTS IN RESPONSE TO THE TERMS OF REFERENCE OF THIS INQUIRY

**a) Whether current policies and programs for students with disabilities are adequate to meet their education needs.**

#### **1. The criteria used to define disability and to differentiate between levels of handicap:**

There is no consistency in the criteria used to define disability by institutions across sectors and between states and territories. Whilst the Commonwealth Disability Discrimination Act (DDA) identifies the range of disabilities considered under the Act, the specific criteria defining disability are not clarified and therefore remain open to considerable variation in interpretation. Common criteria would greatly assist all levels of service providers in determining who is eligible for accommodations which aim to provide equal opportunity on the grounds of impairment or chronic medical conditions.

For the education and training sector it is not just a case of defining disability but importantly focussing on the identification of the student's individual learning support needs. It is not appropriate to consider the differentiation between "levels of handicap" when discussing criteria as this implies that the handicap belongs to the individual when in fact the handicap is the product of the person's interaction with the environment, be it physical, learning or social. If institutions adopted more inclusive practices then handicaps could in many cases be removed thereby enabling many students to access their learning without the need of additional support.

A further issue relates to documentation of disability. In most cases, University's and some training institutions require students to submit documentation to prove that they have a disability and are therefore eligible for services. Acceptable documentation is usually seen as being "medical" however this is not always appropriate and particularly not so for identifying Learning Disability. There have been instances in this state where students with Learning Disability have not been deemed eligible to receive assistance through the Commonwealth Governments Disabled Apprentice Wage Scheme because the scheme would only accept medical documentation as proof of disability and not a report from an educational psychologist's assessment. It is clearly evident that medical personnel are not the appropriate specialists to identify and diagnose Learning Disability.

Not having clear, uniformly understood and implemented guidelines relating to definition of disability has a particularly detrimental impact on students with suspected Learning Disability. We currently have a situation in this country where the needs of these students are, in many instances, not identified or met in the compulsory education sector yet their condition is recognised in the post school sector where they are eligible to receive support.

## **2. The accuracy with which students' disability related needs are being assessed;**

The area of Learning Disability (LD) is particularly problematic for a number of reasons:

- a lack of awareness and understanding of LD within education and training environments and the community in general
- the high costs of assessments
- inconsistent approaches in the assessment of students with suspected LD
- a lack of formal recognition and acceptance of LD in the compulsory school sector
- no national guidelines on assessment
- confusion surrounding who should pay for the assessment.

There is a critical need for a national approach and collaborative effort to ensure that students are identified at an earlier age and appropriate supports put in place to assist individuals.

Disability Liaison Officers (DLOs) and Advisers are responsible for assessing students' disability related needs. Whilst some specialist documentation may assist this process in some cases it is generally left to the judgement of the DLO to determine appropriate recommendations for accommodations. This raises the issue of training for DLOs. There is no standardised training course or qualification available in Australia. Subsequently there is a lack of uniform assessment tools and processes being used across sectors and throughout Australia which results in inconsistency in support practices.

## **3. The particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds and from rural and remote areas;**

People from these backgrounds are usually doubly disadvantaged in accessing education and training. This is evidenced by the under representation of these groups in higher education and vocational education and training. Even for those students who don't have a disability, traditionally university and TAFE study haven't been seen as an option. For people with a disability, this is even more the case. Many people haven't had the cultural encouragement within their home or community to enable them to go on to further education or training.

Students from low socio-economic backgrounds have got minimal free resources. If they have a disability they not likely to even have their own personal needs for equipment, computers, wheelchairs, personal care etc met. If you add the additional costs of going to university or TAFE then so it is clear to see why they are further disadvantaged and less able to participate.

Students from these groups also have difficulties in navigating "the system" to have their needs met. Disadvantaged educational backgrounds are also likely to be a bigger issue for students from low socio-economic backgrounds and those living in rural and isolated regions.

Poor or no access to required specialist support services, be they personal care, transport, Interpreters or technology support in rural and remote areas is also a factor which inhibits student participation. Students often have to leave their homes and their associated support and social networks to relocate to larger centres or cities incurring additional costs in the process. For many potential students it is evident that this is considered too big an obstacle.

Access to transport and the cost are key limiting factors for students with disabilities living in rural and isolated areas and those from low socio-economic backgrounds.

Many students experience problems trying to study by distance. For students from these backgrounds, particularly those from rural and remote areas, the lack of social contact and isolated learning environment may be more acutely felt. Students from these groups are also disadvantaged in their ability to access the technology they require to study by distance. The cost of specialist assistive technology and access to technological support which may be needed by some students with disabilities studying by distance adds further to their difficulties and, more often than not, inhibits their participation.

For students with disabilities from non-English speaking and Indigenous backgrounds, language barriers and cultural beliefs may present a disadvantage in their attempt to seek and access support services. They may not know that they are eligible to receive support or may not deem the support processes offered as being culturally appropriate.

#### **4. The effectiveness and availability of early intervention programs;**

Our committee is aware of some good early intervention programs being implemented to assist Tasmanians with disabilities but many are under resourced and unable to keep pace with demand. There appears to be no early intervention programs which cater for young people with suspected learning disability. Hearing the traumatic stories of students with Learning Disability's schooling experiences and then witnessing their struggles and eventual academic successes in the tertiary environment leads us to conclude that we are only seeing a few "survivors" of the system. We are aware that many others do not finish their schooling. Early intervention assessment and support processes are urgently required.

In the post school sector, our focus in terms of early intervention is on the preparedness of students with disabilities to attend and participate fully in education and training. There are difficulties for students who don't have the skills to utilise the supports provided. For example, some students haven't had access to the assistive software they will need to master in order to succeed in the tertiary study environment. This is particularly the case for mature aged students not coming into the sector directly through the school system. Many need to learn both this specialist technology and basic computer skills before they can commence learning their classes. Also for Deaf students, some may not be familiar with Auslan (Signing language) or an alternative system which will enable them to utilise the provided support to participate successfully. The same sort of issues may arise for people with Learning Disability.

Effective early intervention programs are essential to assist, not only the individual, but also the educational institutions to plan ahead to organise the support services required by students, particularly those who have high support needs (ie. those requiring learning materials transcribed, Deaf Interpreter services etc.), in a timely manner. The Regional Disability Liaison Officer Initiative, funded by the Dept of Education, Science and Training, has proved helpful in assisting the early identification of students who have high support needs and in helping individuals to determine how their impairment or chronic medical condition may most appropriately be accommodated in their chosen course of study. In this state, improvements are required to current transition planning processes. Resources are not available within the compulsory schooling sector to implement a coordinated and effective program. Transition planning on the whole is currently poorly coordinated, occurring too late in a persons schooling, or not taking place at all.

#### **5. Access to adequacy of funding and support in both the public and private sectors, and funding of programs that provide for full or partial learning opportunities with mainstream students;**

Funding is inadequate. Support for students with disabilities is about equal opportunity. It's something that isn't an optional extra, institutions are obliged by law to provide support but, even with the best will in the world, they don't possess the funding base to do that. Without adequate funding to provide the required support services, students would be indirectly

excluded from educational pathways, especially those to post school options such as university and TAFE.

The following examples highlight just some of the difficulties currently facing the sector:

- There is a desperate need for Attendant Care/Personal Support Services to be addressed, at least in Tasmania. For many students with high support requirements the maximum number of hours that they can receive on a weekly basis is 34 according to the Home & Community Care, HACC guidelines. In real terms this equates to 4.5 hours daily. Broken down this is; 1.5 hours in the morning to get out of bed & the related needs. 1 hour for lunch, 1 hour in the evening, & 1 hour for assistance to go to bed, plus related need. This means that the cost of any extra hours of support required to meet the educational needs of students with disability in Tasmania is either being met by the student, their families and/or the educational institution. At between \$15.00 & \$26.00 per hour, this is simply prohibitive.
- Other factors that need to be considered are the cost of transport. If you are a student with a physical disability who cannot use a “normal” cab, but require a special purpose cab, eg hoist, the cost could be up to \$100.00 per week. That’s even with the Concession Card and residing within a 12 kilometre radius of educational facilities.
- For large numbers of students with hearing impairments, or who are Deaf, there is a need to access interpreting services, eg Auslan which cost approx. \$40 per hour. In some instances, in order to ensure safe working practices for the Interpreters, two are required to attend to the needs of one individual student. In Tasmania, despite the best efforts of support services such as the Tasmanian Deaf Society, there is a chronic shortage of Interpreters within the education system and within in the state generally.
- The availability, cost and timeliness of transcription services necessary to provide learning materials in a range of accessible formats for students who have a vision impairment or those who are unable to access information via the print medium. The demand for transcribed materials is increasing rapidly as more students enter the system. There has also been a rapid rise in the cost of producing materials and this is causing difficulties for many tertiary institutions throughout Australia. Such is the extent of the current problems in this area that the Human Rights & Equal Opportunity Commission have initiated a national forum on the issue to be held in May this year.
- For students with an intellectual disability, there are only limited options and few pathways currently available for students to pursue further training. Competitive training environments and the introduction of Training Packages with the associated move toward “on the job” training, further disadvantage these students and impede their access. More funds are needed to provide the learning support required to assist individuals to participate and to help teaching staff cater for their needs within an inclusive teaching environment.
- The high cost of assessments for students with suspected Learning Disability.

## **6. Teacher training and professional development;**

Professional Development is a key priority. Schools and institutions are doing their best within their limited resources to address this issue but there is the capacity for national initiatives in this area. There is a need for national strategies directed toward improving the quality of teaching. Such a strategy shouldn’t be focussed on disabilities but rather inclusive teaching practices which will meet the needs of all students. Such a strategy would then leave each institution better placed to provide any necessary disability specific information.

## **7. The legal implications and resource demands of current Commonwealth and state and territory legislation;**

Students and parents are aware and informed of the legislation and their right to expect equivalent levels of access to education. There is little doubt that there will be more complaints and litigation as Schools and institutions within the post school sector are currently unable to sufficiently resource the inclusion of students with a disability.

Research confirms that the number of students with a disability and the complexity of their support requirements is increasing each year. The subsequent increasing costs are borne by institutions and not offset in any significant way by financial support from government. This places pressure on budgets within institutions which are already being squeezed by tighter fiscal policies. We fear that instances of indirect and direct discrimination, which are not easily detected, will rise as a result.

We fully support the legislation and applaud students who undertake to pursue their cases of legitimate discrimination, however, we are aware that institutions are experiencing an increase in the number of complaints which are vexatious in nature and not directly related to issues of discrimination. The impost on the system of responding to such complaints is detracting from their ability to actually meet the support needs of students in the first place.

It seems variable across the nation as to whether people use the Commonwealth or the state based legislation. What is evident is that there are a lack of resources going into the state based legislation which is obviously limiting their capacity to respond to complaints and therefore delaying resolution of issues to the disadvantage of students.

### **b) What the proper role of the Commonwealth and states and territories should be in supporting the education of students with disabilities.**

Commonwealth & State Governments should acknowledge their respective legislation by providing funds for these services. Students with disabilities in the UK and NZ have access to a range of financial support programs to assist them to study and purchase the assistive technology they require.

We challenge the notion that the Commonwealth Department of Education, Science and Training isn't responsible for recurrently funding important initiatives which assist the sector. The National Clearing House on Education and Training for people with disabilities is one such example of a project which we consider should be supported by the Commonwealth on an ongoing basis.

Funding to assist institutions to meet the costs of students with high support needs. The current Commonwealth proposal is reasonable but the funds being allocated are totally inadequate to meet the need.

Government should make available programs which support innovative teaching proposals which could be used to develop the capacity of teaching staff within the sector to meet the needs of students with disabilities.

In the training sector, the gaps in pathways and service provision have been clearly identified in the national "Bridging Pathways Blueprint" developed by the Australian National Training Authority and signed off by all relevant Ministers. Tasmania and all other states have developed a corresponding plan of action in response to this national approach which aims increase the participation and success of students with disabilities in vocational education and

training. Whilst ANTA has provided some funding to assist states to implement strategies, more is required from both the states and Commonwealth governments.

The Commonwealth should have a role in funding peak bodies, in particular the Australian Learning Disability Association (ALDA) and the Tertiary Education Disability Advisory Council of Australia (TEDCA).

Thank you for the opportunity to provide this information which has been on behalf of members of the Tasmania Tertiary Education Disability Advisory Committee (TTEDAC Inc.) by:

David Pearce  
Vice-President

Phone Number  
Postal Address

## Appendix 1 TTEDAC Membership

The TTEDAC Committee comprises representation from:

- TAFE Tasmania Students
- University of Tasmania Students (SEAL Society)
- Speak Out Association of Tasmania
- Tasmanian Deaf Society
- Royal Guide Dogs for the Blind Assoc. of Tasmania
- Tasmanians with Disabilities
- CRS Australia
- Tasmanian Department of Education
- Office of Vocational Education and Training
- University of Tasmania
- TAFE Tasmania
- Community Representative
- State Disability Liaison Officer