



ATEND

Australian Tertiary Education Network on Disability

2020 review of the Disability Standards for Education 2005

The Australian Tertiary Education Network on Disability (ATEND) is the peak professional organisation for Disability Practitioners and National Disability Coordination Officers (NDCO) in the Higher Education and Vocational Training sectors in Australia. The key role of Disability Practitioners is to enhance tertiary education opportunities and access for people with disability. The role of the NDCO is to drive change so that people with disability have equitable opportunity to access, participate in and reach their goals in tertiary education and graduate employment.

ATEND is pleased to submit to the 2020 review of the Disability Standards for Education 2005 and will make comment on whether, and to what extent, the Standards are making a positive difference towards students with disability being able to access education and training opportunities on the same basis as students without disability. Overall, ATEND believes the Standards do make a positive difference in tertiary education, are widely implemented by tertiary providers and generally contribute to positive outcomes for students living with disability. ATEND would like to draw attention to specific aspects of the Standards which we feel could be improved to contribute to even better outcomes.

1. ATEND members spend most of our time organising and retrofitting accessibility to existing content and curriculum that has not been prepared in an accessible manner consistent with the principles of Universal Design for Learning (UDL). For example, videos that are used in teaching that do not have captions or transcripts available, and where copyright requirements prevent these from being easily obtained, and published material that is not in an accessible format for students who use screen readers or require audio format.

ATEND therefore recommends that additional attention is paid within the Standards to reinforce the need for Universal Design for Learning principles to be applied to the selection and development of content prior to it becoming available to students. The Standards could require tertiary educational institutions and third-party providers to ensure that staff involved in learning design must develop content that is accessible and for this to be confirmed prior to deployment. This could be achieved by:

- a. Producing a compulsory training module for all learning designers, academic and teaching staff, completion of which is an embedded requirement either in the Standards or in registration with TEQSA or ASQA.
- b. Producing a clear and easy to follow set of principles on the preparation of accessible learning material, for learning designers.
- c. Including procurement and sourcing of learning content within the scope of the Standards and thus extend the Standards to cover the production of learning content for tertiary providers by third parties.

2. Anecdotal evidence gathered from ATEND members indicates that the Standards are inconsistently applied in secondary education. ATEND members hear frequent stories from parents and tertiary students in both vocational and higher education about their poor experience in secondary school, particularly where reasonable adjustments are not provided or extremely difficult to obtain. ATEND has noted this is especially the case in final year exams, with Curriculum Assessment Authorities acting as gatekeepers rather than enablers.

ATEND would like to see the seamless integration of the Standards across all education sectors and greater awareness of the Standards. This could be achieved by:

- a. Promoting greater awareness of the Standards to secondary students and parents/caregivers through the development of a plain language statement of the Standards. This statement must be provided to all students with disability and parents/caregivers as part of the rigorous assessment process enacted in primary and secondary schools. This plain language statement should be multi-modal and available in multiple community languages and include information as to Australia's approach to disability to address cross-cultural concerns and encourage collaboration in assessment and response to disability.
 - b. Including information about the complaints process in the plain language statement, and making the complaints process easier to access to ensure there are direct consequences for education providers and authorities that fail to implement the standards satisfactorily.
 - c. Establishing a public register of complaints made within institutions and to external bodies to generate a culture of accountability and continuous improvement.
 - d. Including guidelines on the nature and appropriateness of health practitioner reports to ensure that due credibility be afforded to professional reports outlining reasonable adjustments required to enable participation on an equal basis.
3. ATEND would like to see the Standards address transition between education sectors, and enable a greater flow of information, especially between secondary and tertiary providers. ATEND members would like to see vocational providers considered as an essential and welcome participant in the school Student Support Group multidisciplinary team meetings relating to secondary students who are considering an early departure from secondary school, a transition to vocational education, or who are undertaking vocational programs within a secondary school setting. This could be achieved by:
 - a. The Standards specifically addressing transition provisions, including the importance of vocational providers as one of parties involved in the Student Support Group or equivalent convened for pathways planning meetings for secondary students. Presence would generate awareness of reasonable adjustments that may be implemented in vocational education and inform expectations of the school, students and parents/carers, creating a more seamless transition. This is particularly important both where dual enrolment is being considered with a secondary and

vocational provider at the same time, and when a student remains enrolled in a secondary school to undertake a vocational program.

- b. Including information about 'informed consent' in the Standards to enable secondary providers, with the student and parents/caregivers' consent, to share information to vocational providers. This would further enable improvements in transitions for students.
4. ATEND notes that higher education providers were recently required to comply with TEQSA Admissions Transparency guidelines, however, notes that this does not go as far as to require statements of 'Inherent Requirements', 'Informed Choice' or equivalent for all courses. ATEND members note that students living with disability are sometimes disadvantaged by higher education providers referencing professional body course Accreditation Standards, unknown to students, as reason to refuse the making of reasonable adjustment. ATEND members recommend that:
- a. The Standards clarify the relationship between professional body accreditation standards, academic integrity and reasonable adjustment.
 - b. Professional body Accreditation Standards for tertiary programs be required to reference and consider application of and compliance with the Disability Standards for Education within the Accreditation Standards.
 - c. The Standards encourage providers to go beyond TEQSA requirements to develop statements of Inherent Requirement/Informed Choice made freely available to prospective students as part of admissions transparency.
5. ATEND notes that attitudes towards disability vary significantly across both cultural and socio-economic groups, and that these factors play a significant role in the observance, detection, assessment, diagnosis and educational response to disability in its various forms. For these reasons, many students do not have documentation relating to the disability that impacts them. ATEND notes that under the current Standards there is no specific requirement for a student to produce documentary evidence or reports of formal diagnosis to receive adjustments. This would seemingly enable flexibility in decisions to provide service and afford due credit to the professional judgement of disability practitioners. There is one only mention of provision of information in the *Disability Standards for Education 2005*, in relation to the failure of an education provider to make adjustments in a timely way:

3.7 Adjustments to be provided in reasonable time

- (1) The education provider must take reasonable steps to ensure that any adjustment required to be made is made within a reasonable time.
- (2) Whether the time is reasonable depends, in particular, on whether and when the student, or his or her associate, has provided:
 - (a) in a timely way, any relevant information in the possession of the student or associate about how the disability affects the student in relation to education or training; and
 - (b) the student's or the associate's opinion about the matters mentioned in paragraphs 3.5 (a), (b) and (c).

(Disability Standards for Education 2005)

However, this flexibility is revoked and overridden by funding legislation and policy that requires the submission of full diagnostic reports prior to receipt of any service. In secondary schools the process of obtaining adjustments is onerous and fully dependent on evidence. Vocational education is governed by State laws that include various eligibility criteria based on evidence. In Higher Education, the provision of service is governed by the *Other Grants Guidelines (Education) Amendment (No. 1) 2019* that states:

1.135.5 For the purposes of 1.130.1(2) above, to provide educational support and equipment to a student, a provider must:

- (1) obtain evidence of the student's disability and support needs;
- (2) undertake a needs assessment of that student's need for a reasonable adjustment in accordance with the Disability Standards for Education 2005, and the provider's published procedure(s); and
- (3) ensure any educational support service or equipment provided or adjusted using DSF funds reasonably meets the student's needs for successfully engaging in a course or program.

(Other Grants Guidelines (Education) Amendment (No. 1) 2019)

In short, the flexibility afforded by the Standards is nullified by funding eligibility requirements. In many circumstances, children from low SES backgrounds, from Aboriginal and Torres Strait Islander backgrounds, and from other culturally and linguistically diverse or refugee backgrounds, may not be formally assessed and diagnosed as needing intervention and support, or be unable to engage in the often complex and costly process of assessment and diagnosis due to fear, shame and embarrassment or significant financial constraints. ATEND further notes that people living in rural and remote areas may be disadvantaged in terms of access to professionals. Such students simply miss out on service and support to participate in education on the same basis as other students. To address these issues ATEND would like the Standards:

- a. To be accompanied by the plain language statement referenced above, available in multi-modal format, and prepared for students and parents/caregivers to encourage assessment and declaration of disability where this is feasible.
- b. To state and reinforce that compliance with the Standards is a whole of institution responsibility, and thus encourage collaboration between various departments within tertiary providers including Indigenous teams, welfare/counselling teams, learning support teams, library, information technology and facilities.
- c. To confirm in the Standards and Guidance Notes that full diagnosis and health professional reports are not a prerequisite for provision of service, and that under appropriate circumstances, disability practitioners may use their discretion to make a recommendation based on their professional judgement as to the reasonable adjustments to be implemented without diagnostic evidence.
- d. To establish their primacy over funding requirements and to remove or nullify the inherent legislative and policy contradictions that exist.

6. ATEND notes that the Standards use the adjective 'Reasonable' when referring to adjustments and costs, which we have often found to be a polarising term when contrasted against its opposite, 'Unreasonable'. The word 'unreasonable' generally refers to behaviour and invokes a 19th Century model of welfare for the deserving. It's a charity model of disability that has no place in the 21st Century. We recommend replacement of the concept of 'reasonable adjustment' with the more positive concept of 'equitable adjustment'. The term 'equitable adjustment' is more relevant to the modern world, and the policies that govern educational institutions and equal opportunity. The term 'equitable adjustment' is also more accurate in terms of describing adjustments that are made to enable a student living with disability to participate on an equal basis.
7. ATEND recognises that although it is outside the scope of this review, it is essential that a paralleled set of Disability Standards for Publishing be developed and actioned by the Federal Government to ensure that the principles of Universal Design for Learning can be fully implemented in the education setting, especially with the increasing utilisation of third-party produced content. The current non-compliance of the publishing industry causes significant and expensive barriers in equitable access to education.
8. ATEND acknowledges that whilst this may also be outside the scope of the review, we believe the introduction of a Unique Student Identifier across all levels of education is critical both to enable seamless transition and to track the outcomes for students living with disability. This will enable better data to be collected across the lifespan, aiding the development of more nuanced and targeted responses within the education sector.

ATEND members thank you for the opportunity to contribute to this conversation. Should there be any questions please feel free to contact Anthony Gartner, President, Australian Tertiary Education Network on Disability.

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