



Briefing Note: Determining disabled learners' eligibility for support in tertiary education

To:	Hon Chris Hipkins, Minister of Education		
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Drafter:	Lauren Bell	DDI:	s 9(2)(a)
Key Contact:	Kieran Forde	DDI:	
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Purpose

This paper provides you with information on the process and the costs associated with determining disabled learners' eligibility for support in tertiary education.

We have also provided you with information on a range of work currently underway to help improve outcomes for disabled learners in tertiary education.

Summary

To access support, disabled learners typically need to provide some form of evidence of their disability (e.g. via a diagnostic assessment). The rationale for requiring evidence of learners' disabilities is to ensure fair and reasonable access to support (which includes, for example, note-takers, NZSL interpreters, support staff, video captioning, etc.) across learners.

There are variations in terms of who covers the cost of acquiring the evidence (sometimes TEOs can choose to cover the full cost, but sometimes learners must either partially or fully cover the cost) as well as the level of evidence required (some TEOs are strict and require official assessments only, whereas others are more lenient). Our understanding is that these variations occur across the sector, even within sub-sectors (so they are not necessarily tied to the size of the TEO).

Despite the rationale, we have some evidence that disabled learners across the sector do not always receive the support they may be entitled to due to the cost of assessment to verify their disability. This is likely to especially impact learners who are not in a financial position to front-foot the cost of assessment, should their provider not be able to cover it. The Government does not currently regulate non-compulsory fees, such as fees charged for an assessment for determining eligibility for disability supports.

A key caveat of this advice is that because we have minimal quantitative data about support for disabled learners in tertiary education, this advice has been primarily informed by qualitative data and conversations with the sector.

We would need to do further work and gather more information to better understand this inequity in the system, in terms of disabled learners' access to assessments and how it plays out in different TEOs. This information could also help inform future work on fee regulation. We can provide you with further advice once we have this information.

Amongst the wider Ministry and Tertiary Education Commission work programmes, there are opportunities to create greater consistency of practice across the sector regarding how TEOs support their disabled learners. In particular, this work includes Disability Action Plans, Kia Ōrite (New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments), and the work that Te Pūkenga is progressing on its operating model.

Proactive release

- a. **proactively release** this briefing note, once decisions have been made, with any redactions in line with the provisions of the Official Information Act 1982.

Release / Not release


Kieran Forde
Senior Policy Manager
Tertiary Education
Te Ara Kaimanawa

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Hon Chris Hipkins
Minister of Education

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Background

1. At the New Zealand Union of Students' Associations 2020 Congress and Annual General Meeting, a learner asked you about support for disabled learners in tertiary education. The specific question was, '*What can be done about assessments for determining eligibility for disability supports, particularly when these can have costs between \$600-\$1,000+, which some students may not be able to afford?*'
2. In response, you noted the responsibilities and obligations on Tertiary Education Organisations (TEOs) to support and care for their learners, and referenced Te Pūkenga's charter, which outlines the expectation to support all learners' needs, including disabled learners. You also indicated you would follow up on the question, and that you are seeking advice on the matter, which we have provided below.
3. A key caveat of this advice, however, is that we do not have the necessary quantitative data regarding disabled learners in tertiary education to inform the answers to your questions. Given this, our advice is primarily informed by qualitative data and recent conversations with disabled learners, and the education and disability sectors.

Determining disabled learners' eligibility for support in tertiary education: the rationale for the approach, how the eligibility is determined, and whether it is fit-for-purpose

The rationale for the current approach is to ensure equitable access to support across learners

4. The rationale behind requiring diagnostic evidence of disability to access support (which includes, for example, note-takers, NZSL interpreters, support staff, video captioning, etc.) helps to ensure that only learners who truly need support and accommodations get them. If there was no targeted allocation of support and accommodations, then some students would be unfairly advantaged over others.
5. For example, if providers were lax about offering up reader-writer services to learners (i.e. did not require evidence of a disability that could need reader-writer support), this would mean that some learners could unnecessarily and unfairly benefit from the reader-writer service, while learners with a genuine need could miss out.

The approach to determining disabled learners' eligibility for support varies across the sector

6. To access supports, learners typically need to provide evidence of their disability. For some learners, this may be straightforward and only require a short conversation (i.e. the learner talks about their wheel-chair usage and needs regarding campus accessibility). However, for other learners (e.g. those with 'invisible disabilities' like specific learning difficulties, mental health conditions, and some intellectual disabilities), a conversation on its own likely won't be sufficient, and the TEO may request evidence in the form of a diagnostic assessment (which is typically performed by an educational psychologist), screening tool output, and/or medical certificate.
7. In some instances, disabled learners entering tertiary education will have already have assessments/certificates that are up-to-date (i.e. dated within roughly 3-4 years). Most TEOs will accept these as evidence and provide the appropriate support or accommodation for the disabled learner. However, for learners who either have out-of-date assessments/certificates or have never been assessed, they will need to be re-assessed or assessed, respectively, before TEOs can determine their eligibility for supports.

8. Based on conversations with the sector and from initial qualitative data sent to the Tertiary Education Commission (TEC), some TEOs are stricter than others regarding the level of evidence they require from their disabled learners to access supports (i.e. some allow exceptions, but others don't).
9. From these conversations, we also understand there is variation across TEOs in terms of who fronts the cost of the assessment (i.e. TEOs, students, or a mix). For instance, some TEOs can support students to get formal assessments of their disability, others find workarounds via alternative funding streams (e.g. use Hardship funding, or funding available from other government agencies), and some cannot or do not find means to financially support the students to get official assessments, so rely on the students to self-fund such assessments or use cheaper or free screening tools (where they exist) to determine disability, rather than official diagnostic assessments.

Whether this approach is fit-for-purpose

10. Currently, some disabled learners are able to acquire adequate evidence of their disability to be deemed eligible for support from their provider. However, we know that some disabled learners are unable to acquire adequate evidence and therefore do not get the support they need to succeed in tertiary education.
11. Our understanding, based on the limited data and anecdotal evidence we have, is that this inequity across the sector is largely driven by different practices and thresholds for evidence across providers (i.e. strict versus allowing exceptions), as well as the TEOs and/or learners ability to front the cost of any such assessment.
12. While the Government regulates the compulsory fees charged by tertiary providers (e.g. tuition fees are regulated through the Annual Maximum Fee Movement and compulsory student services fees are regulated through a ministerial direction), the Government does not currently regulate non-compulsory fees, such as fees charged for an assessment for determining eligibility for disability supports.
13. However, tertiary providers can, and often do, fund the costs associated with providing disability support through the 'Health Services' category permitted through the CSSF framework. This means that all students contribute towards the costs of providing disability support. Students are supported to meet CSSF payments through student loans and through fees-free.

Wider work that could help address learners' access to disability assessments

14. Ministry and TEC officials are progressing a range of work to help improve outcomes for disabled learners in tertiary education. This includes work on the Unified Funding System, Disability Action Plans, Kia Ōrite (i.e. *the New Zealand Code of Practice for an Inclusive Tertiary Education Environment for Students with Impairments*), and the Code of Pastoral Care for Tertiary Students. Te Pūkenga is also progressing work (informed by MoE and disabled learners) to ensure inclusivity is a core part of its operating model. ✓
15. Of this work, we see that the Disability Action Plans, Kia Ōrite, and the work that Te Pūkenga is progressing could particularly help to improve consistency across the tertiary sector regarding how TEOs determine whether disabled learners are eligible for support. ✓

Disability Action Plans (DAPs)

16. DAPs are a new and upcoming requirement on TEOs. For 2023 funding, all TEOs who receive over \$5 million in TEC funding will need to develop DAPs as part of their Investment Plans.¹
17. These DAPs will be a strategy for changing practices of TEOs which might result in discrimination (intentional or unintentional) against disabled people. DAPs will also help TEOs identify their practices, assign responsibility and offer a blueprint for change.
18. The information TEOs provide in their DAPs will provide valuable information around their current practice and could help drive the sector towards more consistent and best practice.

Kia Ōrite

19. Kia Ōrite is designed to assist TEOs to achieve a fully inclusive environment through the ongoing identification and removal of barriers in all areas of campus life. It is a tool to assist all staff within an institution in meeting their responsibilities and is not just for those working in disability support services.
20. Kia Ōrite is currently under extensive re-development and expansion. TEC are planning to launch the base version in April this year. TEC, with sector support, will continue to develop resources and content for Kia Ōrite as it is intended to be a living resource.
21. Kia Ōrite will be a keyway to steer all TEOs towards best practice and to ultimately enhance consistency across the sector. Kia Ōrite will be closely linked to, and inform the content, of TEOs DAPs.

Te Pūkenga

22. Your answer referenced the Charter of Te Pūkenga in part and in particular the obligations on Te Pūkenga to promote inclusivity as a core part of its practice.
23. Te Pūkenga is currently developing its operating model. As part of this process, it is conducting an extensive wānanga to ensure that its operating model is fully equitable and inclusive. As part of this process, five members of the co-design group (four learners and a senior official from the Ministry of Education) who identify as disabled are bringing the perspective of disabled people to ensure the operating model is as inclusive as possible and does not just focus on replication of current practice.
24. As a large organisation with statutory expectations, there will be opportunities to improve and standardise practices across Te Pūkenga so that learners at the institution have equitable access to disability assessments.

Next steps

25. We need more information to better understand the issue before we formulate advice on how best to address this inequity. The TEC currently request data from tertiary education institutes regarding their use of equity funding for disabled learners. As PTEs and TITOs do not get this funding, we do not have any data regarding how they support their disabled learners. The next step in this process could be getting a more comprehensive understanding of how TEOs are supporting disabled learners across the wider sector and the costs they are facing.
26. This information will be an important first step to better understanding the impact of the current approach and the gaps in support for disabled learners. In the meantime, officials will continue to progress work to improve support for disabled learners.

¹ Further requirements for TEOs receiving less than \$5m funding will be introduced from 2024.