B Education

The *Disability Discrimination Act 1992* (DDA) makes disability discrimination unlawful in all types and levels of education, from pre-schools to post-graduate university courses. This appendix presents data on participation by students with disabilities in schools (section B.1), vocational education and training (section B.2) and universities (section B.3) and overall educational attainment (section B.4). It then examines evidence of disability discrimination (section B.5) and the benefits and costs that have arisen in applying the DDA in education (section B.6).

B.1 Participation in schools

Over the past decade, there have been three noticeable trends in participation in schools education by students with disabilities. Firstly, the total number of full-time equivalent (FTE) Australian school students identified as having a disability (for government program purposes) almost doubled between 1995 and 2002, rising from 62 802 to 117 808 across all Australian schools. In percentage terms, this represented an increase from 2 per cent of all FTE Australian school students in 1995 to 3.5 per cent in 2002 (PC estimates based on unpublished Department of Education, Science and Technology [DEST] data).

The reasons for this increase in school students with disabilities are not clear, but may include earlier diagnoses of conditions that lead to disability, and changes in the range of conditions that are recognised as a disability for government program purposes—for example, attention deficit disorders, Aspergers syndrome and autism spectrum disorders. As an added complication, the criteria for identifying school students who have a disability varies across States and Territories (box B.1).

Second, more FTE school students with disabilities are attending mainstream schools in both the government and non-government sectors. By contrast, the number enrolled in special schools (mainly located in the government sector) appeared to remain steady in the late 1990s.

Third, the majority of school students with disabilities attend mainstream government schools (as do the majority of all school students), but a growing number are attending non-government mainstream schools. FTE school students

with disabilities appear to be moving into non-government schools at a slower rate than FTE school students without an identified disability.

No national data are available to indicate participation by children with disabilities in kindergartens, pre-schools or other types of pre-school education and care. This lack of data is partly due to the fragmented nature of the pre-school sector and partly because many very young children with disabilities are not yet diagnosed.

Box B.1 **Identifying students with disabilities in Australian schools**

The Department of Education, Science and Technology (DEST) compiles national data of full-time equivalent (FTE) school students with disabilities for funding purposes. However, there is no national, uniform definition of disability in Australian schools. Instead, each State and Territory has its own definition and eligibility criteria for the programs and services it offers for students with disabilities.

In all cases, the definition of disability for education program purposes is narrower than 'disability' in the DDA. For example, none includes all students with learning difficulties or remedial education needs (who would be covered by the DDA if their difficulty results from a disability). These data are therefore likely to under-estimate the total number of Australian school students who could be defined as having a disability for the purposes of the DDA (and to whom the DDA would apply).

The Senate inquiry into education for students with disabilities in 2002 recommended that 'MCEETYA develop nationally agreed definitions' for identifying school students with disabilities. The Australian Government agreed with this recommendation.

Sources: DEST 2002a; Senate 2002; DEST 2003.

Geographic location of school students with disabilities

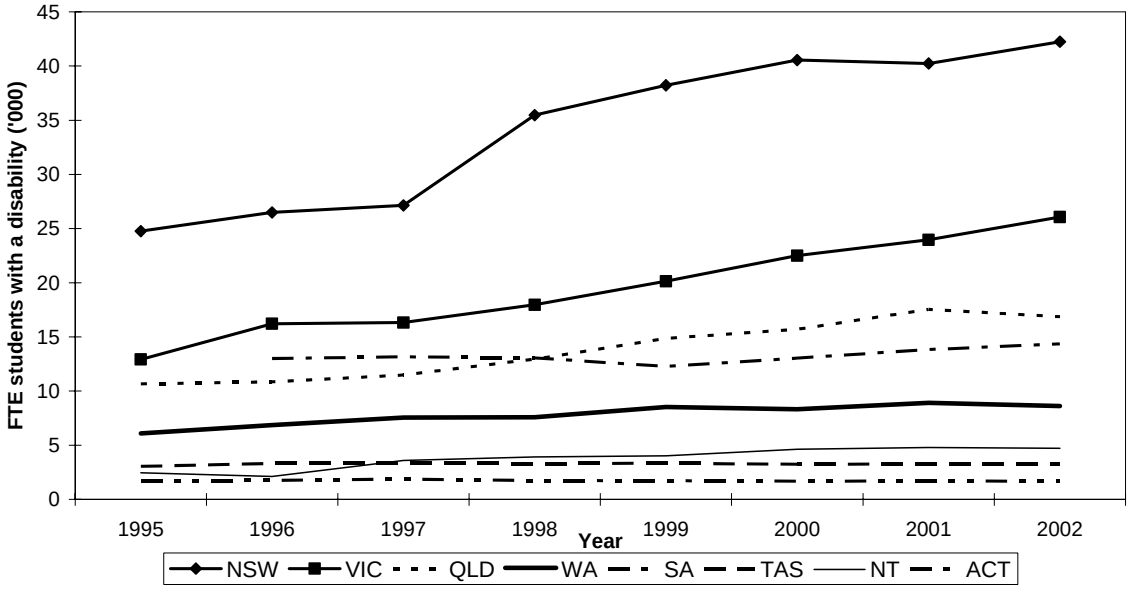
Between 1995 and 2002, the number of FTE students identified as having a disability increased in all States and Territories except the ACT (figure B.1). South Australia and especially the Northern Territory had significantly greater proportions of FTE students with a disability than other States and Territories. In 1995, 7 per cent of FTE school students in the Northern Territory were identified as having a disability, compared with 3.6 per cent in South Australia, 2.3 per cent in New South Wales and less than 2 per cent in Victoria, Queensland and Western Australia (Productivity Commission estimates based on unpublished DEST data).

By 2002, 12.7 per cent of FTE school students in the Northern Territory were identified as having a disability, compared with 5.7 per cent in South Australia, 3.8 per cent in New South Wales and 2.6 per cent in Queensland and Western Australia. The ACT had the lowest—and most stable—proportion of FTE school

students with disabilities from 1995 to 2002 (Productivity Commission estimates based on unpublished DEST data). The number and proportion of FTE school students with disabilities in metropolitan, regional and remote locations is not known.

This variation reflects in part the different definitions of disability that apply across States and Territories (box B.1). It might also reflect differences in health, socio-economic status and other factors that can affect the rates of disability in a community. Curiously, the relatively high rate of identified disability among school students in the Northern Territory is not matched by a higher rate in the Territory's general population. Indeed, ABS data indicate that the disability rate was lower in the Northern Territory than in other States and Territories except Victoria in 1998 (see chapter 3).

Figure B.1 **Full-time equivalent school students with a disability, by State and Territory, 1995 to 2002[a]**



a Full-time equivalent students identified as having a disability in all schools. Includes government, non-government, mainstream and special schools. To be an eligible student with a disability, the student must satisfy (among other things) the criteria for enrolment in special education services or special education programs provided by the government of the State or Territory in which the student resides. Eligibility criteria vary across States and Territories. 1995 data for South Australia are not available.

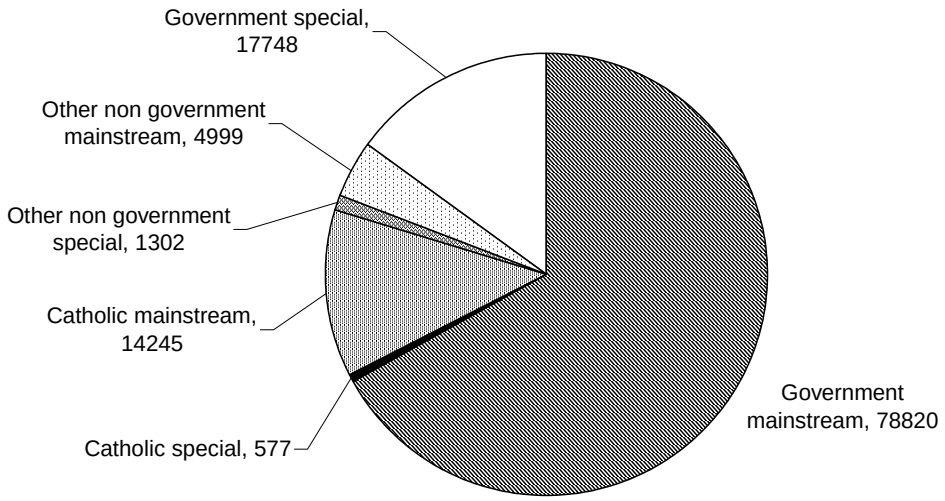
Data source: Productivity Commission estimates based on unpublished DEST data.

Types of schools attended by students with disabilities

In 2002, 117 808 FTE school students were identified as having a disability by their State or Territory government and qualified for special education programs or

assistance. The majority of these students—68 per cent—attended a government mainstream school. Another 15 per cent attended a government special school. 12.6 per cent attended a Catholic mainstream or special school and 5.4 per cent attended an independent non-government mainstream or special school (figure B.2).

Figure B.2 **Full-time equivalent school students with a disability, by type of school, 2002** [a]



a To be an eligible student with disability, the student must satisfy (among other things) the criteria for enrolment in special education services or special education programs provided by the government of the State or Territory in which the student resides. Eligibility criteria vary across States and Territories.

Data source: Productivity Commission estimates based on unpublished DEST data.

Enrolment trends in government schools

Government schools enrol the greatest number and the greatest proportion of FTE school students with a disability. Their number and proportion almost doubled between 1995 and 2002—from 50 280 (or 2.2 per cent of all FTE students in government schools) in 1995, to 96 567 (or 4.2 per cent of all FTE students in government schools) in 2002 (Productivity Commission estimates based on unpublished DEST data).

A significant minority of students with disabilities still attended special schools (figure B.2). The majority of special schools in Australia are government schools (313 of the 369 special schools in 2001) (ABS 2002, cited in SCRCSSP 2003,

p. 3.6). The number of students attending government special schools increased slightly from 2000 to 2002 (from 16 881 to 17 748) (Productivity Commission estimates based on unpublished DEST data). Special schools have high numbers of students with severe disabilities, such as 'significant and complex disabilities and challenging behaviours' (Australian Association of Special Education, South Australia Chapter, sub. 38, p. 3).

Some inquiry participants claimed that even students with severe disabilities and high assistance needs are increasingly attending mainstream rather than special government schools for at least some of their education (Australian Association of Special Education, South Australia Chapter, sub. 38, pp. 3–5). However, there are no national data that can confirm this trend.

Inquiry participants also said that many government mainstream schools include special education units for students with particular types of disabilities. For example, Queensland Parents for People with a Disability (sub. DR325, p. 2) said there were 219 special units in mainstream government schools in Queensland alone in 2001. Students in special education units appear to have varying degrees of integration with their 'mainstream' schoolmates. Their inclusion in national data as mainstream school students confuses the traditional distinction between 'mainstream' and 'special' schools. For students with moderate to severe disabilities in particular, the extent to which they are participating in mainstream classes, instead of separate 'special education' classes located within a mainstream school, is not clear (Queensland Parents for People with a Disability, sub. DR325, p. 2; People with Disability Australia, trans., p. 2477 and sub. DR359, pp. 11-12).

Enrolment trends in non-government schools

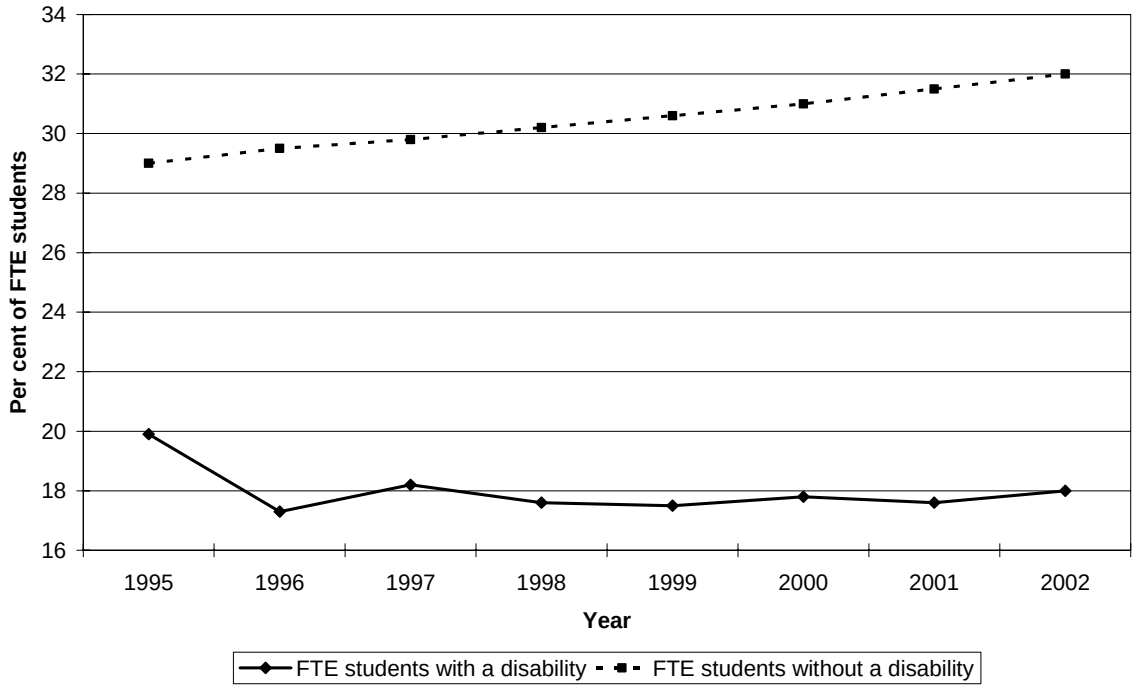
Between 1991 and 2002, the number of FTE students with a disability increased from 6214 to 14 874 FTE students in Catholic schools and from 2 548 to 6 367 FTE students in other non-government schools. However, the total number of students identified as having a disability in non-government schools remained small relative to the number of students with disabilities in government schools (figure B.2), and relative to the total number of students in the non-government schools sector (figure B.3). In Catholic schools, the proportion of students with an identified disability increased from 1 per cent in 1991, to 2.2 per cent in 2002. In other non-government schools, the proportion of students who had an identified disability rose from under 1 per cent in 1991 to 1.6 per cent in 2002 (Productivity Commission estimates based on unpublished DEST data).

The National Council of Independent Schools' Associations (NCISA) noted that increase for non-Catholic independent schools to have been even greater, claiming

that 'since 1992 enrolments of students with disabilities at independent schools had increased six fold … from 1056 in 1992 to 6443 students in 2002' (sub. 126, p. 2).[1] The NCISA and the Association of Independent Schools of South Australia (AISSA) added that among the students with disabilities in non-government schools, an increasing proportion have moderate to severe disabilities and high-level support needs (sub. 126, attachment 2; sub. 135).

The National Catholic Education Commission said DEST's national data under-estimate the true number of students with disabilities or 'learning difficulties' attending Australian Catholic schools by 'an additional 12 per cent of enrolments' (sub. 86, p. 4). Similarly, AISSA (sub. 135, p. 8) estimated a further 10-15 per cent of students have 'medically related or learning disabilities' and are covered by the DDA, but do not fit government education definition categories of 'disability'.

Figure B.3 **Full-time equivalent school students enrolled in non-government schools, by disability status, 1995 to 2002[a]**



a Includes government, non-government (Catholic and independent), mainstream and special schools. To be an eligible student with a disability, the student must satisfy (among other things) the criteria for enrolment in special education services or special education programs provided by the government of the State or Territory in which the student resides. Eligibility criteria vary across States and Territories.

Data source: Productivity Commission estimates based on unpublished DEST data.

[1] These data may have been collected by the NCISA on a different basis from the DEST data cited above and elsewhere in this report.

Although the number of FTE students identified as having a disability in Catholic and other non-government schools increased markedly between 1995 and 2002, there was no growth in the proportion of students with a disability enrolling in non-government instead of government schools over this period. It remained steady at around 18 per cent of FTE students with a disability (and might even have fallen slightly compared with previous years). By contrast, the proportion of FTE students without a disability who enrolled in non-government instead of government schools increased from 29 to 32 per cent between 1995 and 2002 (figure B.3).

B.2 Participation in vocational education and training

A large number of Australians participate in vocational education and training (VET)—around 1.7 million each year from 2000 to 2002. VET includes technical and further education (TAFE) institutions (which accounts for the majority of VET students), the New Apprenticeships program, traineeships and related programs.[2]

VET students have been asked to (voluntarily) identify their disabilities on their enrolment forms since 1994. The data derived from these responses are not overly reliable, since a high number of students do not report their disability status (National Centre for Vocational Education Research [NVCER] 2002a, p. 2). From 1994 to 2002, the number of VET students with self-identified disabilities grew at a faster average rate per annum (11.2 per cent) than the number of all VET students (5.2 per cent per annum), albeit from a relatively small base (table B.1). Around 5 per cent of VET students identified themselves as having a disability each year (NVCER 2002a, p. 3).

Within the VET sector, the number of trainees in the New Apprenticeship program who reported a disability grew more than five-fold between 1995 and 2000 (from around 1000 to 5600). As a proportion of all New Apprenticeship trainees, those with disabilities more than doubled over the same period (from 0.8 per cent of New Apprenticeship trainees to 2.0 per cent) (NCVER 2001b, table 41).

[2] The VET sector is related to, and overlaps with, the Adult and Community Education (ACE) sector, some of which is vocational and some of which is recreational. Participation data that identifies students with disabilities are not available for the ACE sector. VET participation data do not generally include ACE enrolments.

Table B.1 **People with a disability in Vocational Education and Training, 1994 to 2002[a]**

Year	*VET students with a disability*		*Disability status not known*	*All VET students*
	'000	% [a]	'000	'000
1994	35.8	na	na	1131.5
1995	37.6	na	na	1272.7
1996	47.3	5.1	419.7	1347.4
1997	48.2	na	na	1458.6
1998	53.9	na	na	1535.2
1999	63.2	4.6	282.7	1647.2
2000	62.1	4.5	355.3	1749.4
2001	69.2	4.5	230.9	1756.8
2002	81.9	5.8	274.1	1690.1

a VET students with a disability as a percentage of VET students whose disability status is known. Excludes students who did not report their disability status. **na** not available.

Sources: NCVER 2000a, p. 6; NCVER 2000b, p. 8; NCVER 2001a, p.15; NCVER 2002a, p. 3; NCVER 2002b, p. 15; NCVER 2002c, p. 21; NCVER 2003, p. 4.

Characteristics of VET students with disabilities

The most common disabilities reported by VET students in 1996, 1999 and 2000 were physical, visual or intellectual disabilities. Over 30 per cent of VET students who identified themselves as having a disability did not specify their disability or listed it as 'other' (table B.2).

Table B.2 **VET students by type of disability, 1996, 1999 and 2000[a]**

Type of disability	1996		1999		2000	
	'000	%	'000	%	'000	%
Visual	8.8	17.5	11.5	18.2	11.0	15.5
Hearing	5.4	10.9	7.4	11.7	7.9	11.5
Physical	9.4	18.8	13.6	21.5	14.3	20.7
Intellectual	7.8	15.7	8.9	14.2	8.6	12.5
Chronic illness	3.1	6.2	5.0	7.9	5.6	8.1
Other	7.2	14.3	14.8	23.4	15.7	22.8
Unspecified	8.3	16.6	8.6	13.6	6.2	9.0
Total disabilities reported [b]	50.0	100.00	63.2	100.0	69.0	100.00
Total students with a disability	47.3		63.2		62.1	

a Disabilities reported by students on their enrolment forms. **b** Total disabilities reported is greater than the number of students reporting a disability each year because some students reported more than one disability.

Sources: NCVER 2000a, p. 6; NCVER 2000b, p. 8; NCVER 2001a, p.15; NCVER 2002a, p. 4; NCVER 2002b, p. 15; NCVER 2002c, p. 21; NCVER 2003, p. 4.

As a group, VET students with disabilities have slightly different characteristics to other VET students (table B.3). Compared with all VET students, in 2000 VET students with disabilities were:

- much more likely to be aged 40 or over
- slightly less likely to have been born in a non-English speaking country
- more likely to be from an Indigenous background
- slightly more likely to live in a rural or regional area
- less likely to have completed year 12 before enrolling in VET (30 per cent of VET students with disabilities compared with 43 per cent of all VET students, NCVER 2002a, pp. 6-10)
- less likely to be working while studying (40 per cent of students with disabilities compared with 66 per cent of all VET students, NCVER 2002a, pp. 6-10).

Table B.3 **Characteristics of VET students, by disability status, 1995 to 2000**

Characteristic	*1995*	*1996*	*1997*	*1998*	*1999*	*2000*
VET students with a disability	%	%	%	%	%	%
Aged 40 or over	na	na	na	na	na	38.0
Non-English speaking birth country	12.5	12.8	10.7	10.5	10.2	10.1
Indigenous background	3.9	4.0	4.8	5.7	5.3	5.3
Rural or remote area residence	34.0	35.4	34.5	34.7	34.2	35.7
All VET students						
Aged 40 or over	na	na	na	26.9	26.7	28.7
Non-English speaking birth country	11.5	13.0	12.2	12.0	11.8	11.6
Indigenous background	2.1	2.4	2.6	2.9	3.1	3.0
Rural or remote area residence	na	na	na	33.4	32.2	32.0

Sources: NCVER data cited in DEST 2002a, p. 17; NCVER 2000b, pp.3–21; NCVER 2002a, pp. 3–6.
na not available.

Field and level of study for VET students with disabilities

In 1996 and 2000, VET students with disabilities were more likely than other VET students to be studying generic 'multi-field' modules (including study skills, interpersonal and job-seeking skills) rather than defined fields, such as para-legal, engineering or business studies. However, this trend weakened, with 47 per cent of VET students with disabilities enrolled in generic studies in 1996 but only 27 per cent in 2000. In both 1996 and 2000, VET students with disabilities were less likely than other VET students to be studying at higher certificate levels (NCVER 2002a).

Given the large proportion of VET students in regional areas, variations in fields of study may reflect the decentralised nature of the VET system and the large variety

of courses provided. On this issue, the Australian Association of Special Education (South Australia Chapter) said individual TAFE institutes vary in their ability to support and accommodate students with disabilities according to their 'geographical location, the site itself, personnel and historical practices' (sub. 38, p. 2).

Completion rates for VET students with disabilities

VET students with disabilities were less likely than other students to successfully complete their subject units in 1996 and 2000. Success rates for all VET students, including those with disabilities, improved from 1996 to 2000 (table B.4).

For the years 1994–96, Buys, Kendall and Ramsden (1999, pp. 10–11) noted that completion rates were 'between 2 per cent and 8 per cent lower among students with disabilities than among the general student body … but was most noticeable at higher levels' of study. They also noted that students with disabilities took longer to complete their courses of study, mainly because they were more likely than other students to be studying part-time.

Table B.4 **Outcomes of VET subject enrolments, 1996 and 2000**[a]

	1996		*2000*	
Outcome	*Students with a disability*	*All students*	*Students with a disability*	*All students*
	%	%	%	%
Successful	71.2	76.8	74.3	80.1
Unsuccessful	14.8	12.4	12.4	11.2
Withdrawn	14.0	10.8	13.3	8.7
Total subjects (n)	*313 376*	*8 464 051*	*455 169*	*12 292 717*

[a] Subjects for which results were reported. Excludes withheld results.

Source: NCVER 2002a, p. 8, table 6.

Looking at completion rates for courses as a whole, 6.3 per cent of TAFE graduates in 1996 and 4.5 per cent of TAFE graduates in 2000 reported a disability.[3] However, a very high proportion of graduating TAFE students did not report their disability status (NCVER 2002a, p. 8).

B.3 Participation in universities

Students with disabilities were identified as one of six targeted 'equity groups' in the Australian Government's Higher Education Equity Program (HEEP) in 1990.

[3] As a percentage of TAFE graduates whose disability status was known.

This program aimed 'to double enrolments' of students with disabilities in universities by 1995, and to eventually reach a 'reference point' target of 4 per cent of enrolled students (Devlin 2000, p. 10; James et al. 2004, p. 29).

Australian universities have collected nationally consistent enrolment data on students with disabilities since 1996 only, so it is not possible to determine whether the 1995 target for HEEP was met.[4] As in the VET sector, disability is currently voluntarily self-reported by university students on their enrolment forms. These data are likely to under-estimate the true numbers of students with disabilities in Australia's universities, particularly among some groups for whom disability may be a sensitive or cultural issue (Devlin 2000; Senate 2002; James et al. 2004).

Nevertheless, since 1996, the proportion of commencing students and all students in Australian universities (not including overseas students) identifying themselves as having a disability has increased steadily. Indeed, the 'reference point' target of 4 per cent of students with disabilities had almost been reached by 2003 (table B.5).

Table B.5 **University students with a disability, 1996 to 2003**[a]

Year	*Commencing students*		*All enrolled students*	
	'000	%	'000	%
1996	4.6	1.9	11.6	1.9
1997	5.8	2.4	14.9	2.4
1998	6.1	2.6	17.4	2.8
1999	6.1	2.6	17.9	2.9
2000	6.4	2.7	18.8	3.0
2001	6.5	2.6	20.1	3.1
2002	7.6	3.0	22.6	3.4
2003	7.5	2.9	23.9	3.6

[a] Australian domestic students only. Excludes overseas students.

Sources: DEST 2002b, p. 22; DEST 2004, Appendix 4.1.

Characteristics of university students with disabilities

University students who reported a disability in 1999 and 2000 listed a different mix of disabilities from that of VET students with disabilities. They were more likely than VET students with disabilities to report medical, visual or mobility disabilities and less likely to report 'other' or unspecified disabilities. No university students reported having an intellectual disability (table B.6).

4 A review of HEEP by the National Board of Employment, Education and Training in 1996 noted that, based on anecdotal evidence, 'the doubling of enrolments in universities might have occurred' (Devlin 2000, p. 10).

For the period 1996 to 2000, Devlin (2000, pp. 9 and 19) reported a 'greater complexity of students' support needs' and a growing number of 'students with learning disabilities, particularly dyslexia' in Australian universities. This trend was confirmed anecdotally by Maureen Mastellone, who noted a growing demand for reading therapy from university students with dyslexia in New South Wales (trans., p. 2270).

Table B.6 **University students with disabilities, by type of disability, 1999 and 2000[a]**

Type of disability	*1999*		*2000*	
	'000	%	'000	%
Hearing	1.9	9.9	1.9	9.3
Learning	1.5	7.7	1.7	7.9
Mobility	2.5	12.8	2.5	12.2
Visual	3.3	17.0	3.5	16.7
Medical	6.5	33.3	7.0	33.6
Other	3.8	19.4	4.2	20.3
Total [b]	19.6	100.0	20.9	100.0

a Australian students only. Excludes overseas students. Excludes diploma and non-award courses. **b** Total disabilities reported is not equal to the number of students reporting a disability because some students reported more than one type of disability.

Source: DEST 2002b, p. 22.

In 2002, the demographic profile of students with disabilities was not markedly different to other university students, except that they were:

- less likely to report a non-English speaking background (1.6 per cent of students with disabilities compared with 3.5 per cent of other students)
- older than other students (60 per cent were 25 years or older and 23 per cent were 40 years or older, compared with 40 per cent and 12 per cent of all enrolled Australian students respectively)
- almost twice as likely as other students to report also being from in Indigenous background (based on self-reported data) (James et al. 2004, pp. 31–2).

Students with disabilities were slightly more likely than all enrolled Australian students to be studying part-time, but were not more likely to be studying externally (around 15 per cent of students with and without disabilities studied externally) (DEST 2002b, pp. 22–3).

Field and level of study for university students with disabilities

Like VET students, university students who reported having a disability on their enrolment forms in 2000 were less likely than other Australian university students

to be studying at higher (postgraduate) levels. In terms of subject areas, university students with disabilities were more likely to study arts and humanities, and less likely to study business and economics or engineering, than all Australian university students. About the same proportions of students with and without disabilities studied education, health, law and sciences (table B.7). Analysis of enrolment data for 2002 showed a similar spread of preferences among students with disabilities (James et al. 2004, p. 30).

Table B.7 **University students with a disability, by field and level of study, 2000[a]**

Field and level of study	*Students with a disability*	*All enrolled students*
Field	%	%
Arts, humanities, social sciences	38.2	24.5
Business, administration, economics	16.4	26.0
Education	11.1	10.6
Engineering, surveying	5.1	7.3
Health	10.0	11.5
Law, legal studies	6.1	5.2
Sciences	16.3	16.6
Level		
Bachelor and associate degree	81.4	76.1
Postgraduate	15.7	20.5

[a] Australian students only. Excludes overseas students. Excludes diploma and non-award courses.

Source: DEST 2002b, p. 23.

Completion rates for university students with disabilities

The pass rates for university students with disabilities in 2000 were lower than those for other students—81 per cent of students with disabilities passed their year's studies compared with 87 per cent of other students (DEST 2002b, p. 23). Looking at average pass rates for the period 1996 to 2002, James et al. (2004, p. 30) found that students with disabilities had 'consistently lower success rates than other students', of around 3 per cent on average. While these differences are not large (and are based on limited data), they indicate that students with disabilities might be slightly less likely to pass their subjects and slightly more likely to withdraw from their course before completion, or to delay re-enrolment.

Despite (marginally) lower pass rates, James et al. (2004, p. 30) found that on average, retention rates were higher for students with disabilities than for others from 1996 to 2002. James et al. interpreted these outcomes to 'suggest greater determination to continue' on the part of students with disabilities and/or to indicate 'the benefits of institutional support and special consideration' for them.

B.4 Educational attainment

Given the significant impact of education on subsequent employment, social and other opportunities, educational attainment—that is, the highest level of education successfully completed by each person—is arguably the most important education indicator of all. Unfortunately, national data on educational attainment by disability status are limited to the ABS surveys of people with disabilities in 1993 and 1998, and the Household, Income and Labour Dynamics in Australia (HILDA) survey of 2001. These data sources are not strictly comparable, but are presented concurrently here, with appropriate caveats (see chapter 3). ABS data indicate that, on average, educational attainment for people with disabilities (as a single group) improved between 1993 and 1998, but remained lower than for people without disabilities (table B.8).

Table B.8 **Highest qualification completed, 1993 and 1998[a, b]**

	People with a disability		*People without a disability*	
Highest qualification	*1993*	*1998*	*1993*	*1998*
	%	%	%	%
Postgraduate degree	2.0	2.3	2.7	3.5
Bachelor degree	3.6	5.6	8.4	11.3
Undergraduate, associate or other diploma	3.5	7.1	5.2	7.9
Trade or other certificate (level I–IV)	29.4	25.7	27.4	22.8
Year 12 or Higher School Certificate	na	8.5	na	16.4
Still at school	1.5	1.6	5.1	5.6
Year 11 or less/unknown[c]	59.3	49.3	50.6	32.4

a Educational attainment data do not indicate whether a person had a disability while studying for a qualification. **b** Data are for persons aged 15 years and over who were living in households. Data include people who are still at school or studying at post-school level. Data exclude people who live in cared accommodation, such as supported accommodation, nursing homes and hospitals. **c** Includes people who did not answer or who answered 'none of the above' or who completed Year 11 or less. **na** Not available.

Sources: Productivity Commission estimates based on unpublished data from ABS 1999b, cat. no. 4430.0.

In 2001, the HILDA survey (which is conducted on a different basis to the ABS surveys) indicated that 8.1 per cent of people with a disability (aged 15 or over) had a bachelor degree and 3.8 per cent had a postgraduate degree, compared with 13.9 per cent and 7.1 per cent of people without disabilities (aged 15 or over) holding bachelor and postgraduate degrees respectively. The HILDA data indicated a slightly higher proportion of people with disabilities than without disabilities held a trade or other certificate (26.3 per cent and 25.3 per cent respectively). In this survey, 46.1 per cent of people with disabilities had completed Year 11 or less of secondary school (or whose educational attainment was unknown) compared with

32.7 per cent of people without disabilities (Productivity Commission estimates based on unpublished data from the 2001 HILDA survey).

As could reasonably be expected, educational attainment varied significantly by type of disability (table B.9). In 1998, people with a psychiatric or sensory/speech disability were more likely to have a bachelor or postgraduate degree than people with other types of disabilities, but were still much less likely than people with no disability to hold these qualifications. People with intellectual disabilities were most likely to still be attending school or to have completed only year 11 or less (or unknown attainment).

Table B.9 **Highest qualification completed by type of disability, 1998[a, b]**

Highest qualification	*Physical/ diverse*	*Sensory/ speech*	*Psy-chiatric*	*Intellec-tual*	*No disability*
	%	%	%	%	%
Postgraduate degree	2.2	2.9	2.5	na	5.3
Bachelor degree	5.2	6.6	8.1	na	16.7
Undergraduate, associate or other diploma	7.3	8.0	5.8	1.4	11.7
Trade or other certificate (level I–IV)	26.2	27.9	26.9	12.5	33.7
Year 12 or Higher School Certificate	8.4	8.1	10.6	7.7	24.3
Year 11 or less/unknown[c]	50.6	45.8	49.8	58.6	32.4
Still at school	1.0	0.7	2.2	19.8	8.3

a Educational attainment data do not indicate whether a person had a disability while studying for a qualification. Disability may have been acquired at a later date. **b** Data are for persons aged 15 years and over who were living in households. Data include people who are still at school or studying at post-school level. Data exclude people who live in cared accommodation, such as supported accommodation, nursing homes and hospitals. **c** Includes people who did not answer or who answered 'none of the above' or who completed Year 11 or less. **na** Not available.

Source: Productivity Commission estimates based on unpublished data from ABS 1999b, cat. no. 4430.0.

B.5 Disability discrimination in education

Evidence of individual incidences of disability discrimination in education can be gathered from a number of sources:

- complaints made to the Human Rights and Equal Opportunity Commission (HREOC) under the DDA
- complaints made under State and Territory anti-discrimination legislation
- data from surveys and questionnaires
- anecdotal evidence.

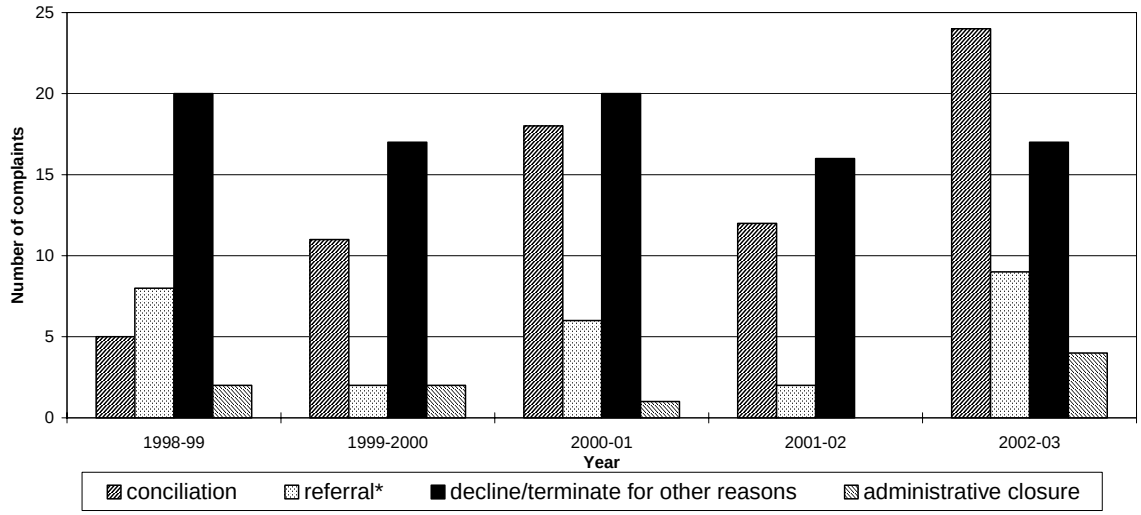
Education complaints under the Disability Discrimination Act

In most years since the DDA's introduction, education has been the third most common subject for complaints made under the DDA, behind employment and the provision of goods and services (see chapter 10). The number of education-related complaints made annually under the DDA has varied. According to HROEC annual reports (various years), it peaked at 100 complaints in 1994-95, then dropped, but has been increasing again in recent years. In 2002-03, education accounted for 10.3 per cent of the 493 DDA complaints received by HREOC (HREOC, sub. 235, appendices B and H).

The majority of DDA complaints in education have been about government rather than non-government education institutions, and about schools rather than tertiary education institutions (HREOC, sub. 235, appendix H). These patterns reflect, in part, the higher numbers of government education institutions (including the majority of primary and secondary schools, all TAFE colleges and almost all universities) and school students with disabilities attending government schools (see section B.1). However, other factors might also be relevant.

Looking at outcomes, the number of DDA complaints relating to education that ended in conciliation increased between 1998-99 and 2002-03. The number that were declined or terminated for reasons other than referral to another agency fell over the same period (figure B.4).

Figure B.4 **DDA education complaints finalised, by outcome, 1998-99 to 2002-03[a]**



a The number of complaints finalised does not equal the number of complaints received in each year because complaints are not always received and finalised within the same financial year. ***** Includes complaints for which there is no reasonable prospect of conciliation.

Source: HREOC sub. 235, appendix C.

Education complaints under State and Territory legislation

A small number (and proportion) of education-related discrimination complaints on the ground of disability or impairment were made under State and Territory anti-discrimination legislation from 1997-98 to 2002-03, although for some States, no data about education-related complaints are available in some years (table B.10).

Table B.10 **Disability discrimination complaints relating to education made under State and Territory legislation, 1997-98 to 2002-03**[a]

State / Territory	*1997-98*	*1998-99*	*1999-2000*	*2000-01*	*2001-02*	*2002-03*
	n (%)	n (%)	n (%)	n (%)	n (%)	n (%)
New South Wales	16 (5.8)	na	19 (6.6)	36 (10.3)	17 (5.1)	23 (7.1)
Victoria	na	na	24 (4.3)	34 (4.9)	42 (6.0)	49 (6.4)
Queensland	na	na	na	23 (7.1)	14 (5.6)	na
South Australia	na	0	0	1 (2.1)	na	na
Western Australia	2 (4.3)	3 (3.2)	na	na	na	na
Tasmania	na	na	na	na	na	na
Northern Territory	na	na	3 (7.5)	7 (12.5)	1 (3.0)	4 (14.8)
ACT	3 (11.1)	0	3 (10.0)	3 (5.4)	6 (10.5)	na

[a] Number of disability discrimination complaints about education. Disability discrimination complaints about education as a percentage of all disability discrimination complaints made in that State or Territory in brackets. **na** Not available.

Sources: Annual Reports of each State and Territory equal opportunity commission or equivalent body, various years.

Anecdotal and survey evidence of disability discrimination

Some inquiry participants presented anecdotal evidence of disability discrimination in education. Their stories mainly related to incidences of discrimination against individuals, but some participants also claimed there is systemic discrimination. Limited survey data are available that indicate discrimination in some sectors.

Disability discrimination in pre-schools

The extent of discrimination on the basis of disability in pre-schools is unclear. Few inquiry participants raised pre-schools as an area of concern for disability discrimination in education. One inquiry participant submitted her son's experience:

> [He] has been excluded from two child care centres. The first centre said that it was a funding issue. ….I managed to place my son at another centre. This centre excluded my son after just six days, citing his behaviour as a problem. (Hilary Royes, sub. 28)

The AEU said that funding and assistance programs for students with disabilities in pre-schools 'is generally analogous to that of schools, especially where they are covered by education departments, although there are some issues of access' (sub. 39, p. 1). Similarly, Uniting Care Australia said that:

> … additional funding is available at a State and Federal level to assist in meeting the needs of children with disability in mainstream childcare, but it is not enough and requires high levels of administration. (sub. DR334, p. 18)

Disability discrimination in schools

A national survey of school students with disabilities and their parents was conducted by the National Children's and Youth Law Centre (NCYLC) in 1997, using questionnaires and phone interviews. In this survey, 75 per cent of the 603 respondents said they had been discriminated against at school at some time. The types of discrimination they reported included:

- refusal of enrolment (reported by 28 per cent of respondents)
- a 'battle to enroll in their school of choice' (17 per cent)
- limited inclusion or participation (53 per cent)
- negative attitudes by staff (44 per cent)
- lack of trained staff (22 per cent) and
- excluded from activities such as sports and excursions because it was 'too hard' for them or they were 'not allowed' (26 per cent) (NCYLC 1997, pp. 57–58).

These results were spread across government, Catholic and other non-government schools. NCYLC concluded that 'negative attitudes of both staff and students were still a major problem' in education (NCYLC 1997, p. 6).[5] This survey has not been replicated, so it is difficult to ascertain whether the incidence and nature of disability discrimination in schools has changed since 1997.

In the NCYLC survey, most students with disabilities who experienced disability discrimination talked directly to their school in the first instance, and only later took their complaint to HREOC or a State or Territory equivalent if necessary. Most complaints were made to school principals (74 per cent of those who complained), a teacher (59 per cent) and the relevant education department (48 per cent). Ten per cent complained to a State or Territory anti-discrimination commission and 9 per cent complained to HREOC. NCYLC (1997, pp. 6, 59–60) concluded that 'little use was made of formal, external complaint mechanisms'.[6]

[5] Percentages do not add to 100 because respondents selected multiple types of discrimination.

[6] Percentages do not add to 100 because respondents could complain to more than one authority.

Participants' comments on disability discrimination in schools

Although few students with disabilities who experience discrimination make a formal complaint outside their school, the Equal Opportunity Commission of Victoria reported that it gets many inquiries about discrimination in schools. It said:

> … parents report that they are struggling to enrol their children into schools, or to have their children accepted into basic school activities. Other parents tell the [Equal Opportunity] Commission that they are unable to arrange adequate facilities to enable their children to effectively learn within the education system. (sub. 129, p. 8)

Other inquiry participants also noted continuing discrimination in schools (People with Disability Australia, sub. DR359; Action for Community Living, sub. DR330; Queensland Parents for People with a Disability, sub. DR325). Graeme Taylor (sub. DR249, pp. 1-2) said his son qualified for 'high needs' support funding, but 'with no school willing to accept him, this meant zero'. The education department, he said, had 'failed to provide a school' or 'educational services' for his son. Mr Taylor also alleged that 'mainstream secondary schools fail to address bullying and victimising' of students with disabilities, while special schools 'get away with not offering literacy or access to a broad curricula' (sub. DR249, pp. 1-2).

Disability discrimination in tertiary education

Based on slowly increasing university enrolments and other factors, Gosden and Hampton (2000, p. 14) said 'Australian universities have managed to adapt fairly well to the requirements of the DDA since it came into force in 1993'. Universities have set up various programs and services—and, in many universities, disability liaison officers—to assist students with disabilities. Largely for academic reasons, TAFE colleges and universities are less able to cater for students with intellectual disabilities (sections B.2 and B.3).

An OECD conference on disability in higher education in 1999 noted some issues for university students with disabilities that were common to many countries, including Australia. They were: lack of reliable data for planning purposes; under-reporting of disabilities by students; and complex and inequitable distribution of disability funding and services among institutions (Devlin 2000, p. 15). These problems of data availability and access to support services appear to have improved in universities, but not disappeared entirely, during the life of the DDA.

Participants' comments on disability discrimination in tertiary education

Anecdotal evidence from participants about tertiary education providers was mixed. Some participants were complimentary about the support they had received as

students at TAFE colleges and universities, many of which now employ equal opportunity or disability officers to assist students (ANU 2003). Denis Denning, for example, was of the view that:

> If you did have the ability to do a course I found that most of the TAFE colleges were very happy about helping people. Universities seem to be able to do that today. (Denis Denning, trans., p. 128)

Blind Citizens Australia (sub. DR269, p. 4) agreed there is 'a greater number of students with disabilities going on to tertiary study' but disputed the effectiveness of disability policies and liaison officers in education institutions. It said there are still delays in getting course materials for students with vision impairments, which may discourage them from enrolling in particular subjects or courses.

People with Disability Australia said that in its experience as an advocacy service:

> … discrimination in higher education remains a point of concern, and features regularly in PWD's information, referral and advocacy provision. (sub. DR359, p. 12)

Paraquad Tasmania (sub. 106, p. 3) said that, as in other areas of education, high costs remain the greatest barrier to higher education for people with disabilities. Janet Kilcullen (sub. 165, p. 6) agreed, noting that in her experience as a student, 'the major cause of discrimination' was 'funding arrangements' and not 'attitudes' (see chapter 15).

The AEU said that tertiary institutions have very different disability issues from those of schools because 'issues both of access and then of process are important' (sub. 39, p. 1).

B.6 Effects of the Disability Discrimination Act in education

The effects of the DDA in education can be positive or negative. These benefits and costs vary in their nature and distribution across education sectors. For students, schools and other education providers, there will be financial, non-financial, immediate and long-term benefits and costs. Estimating where these fall can help to suggest how various costs should be met (see chapter 14).

In reviewing the net effect of the DDA in education in 2000, the Deputy Disability Discrimination Commissioner of HREOC concluded that 'a number of decided cases have established precedents and contributed to policy change … and systemic change is occurring', but that more change is needed and measures in addition to the DDA may also be required in education (Innes 2000a, p. 3).

Identifying the benefits of the DDA in education

The available data and anecdotal evidence indicate that education participation, retention and attainment rates for people with disabilities are all slowly improving. However, as several inquiry participants noted, it is difficult to ascertain the extent to which these data trends indicate meaningful improvements in inclusive education for students with moderate to severe disabilities, and the extent to which they are due to changes in diagnoses and education program eligibility criteria for students with milder disabilities (see sections B.1–B.4).

It is also difficult (or arguably impossible) to attribute specific changes in these indicators solely to the DDA, because so many other policies and factors also affect education experiences and outcomes. It should also be acknowledged that the DDA can only be expected to improve education outcomes to the extent that they were previously deflated due to discrimination. The DDA cannot address differences or deficiencies in education experiences that are due to other causes (for example, limited resources in education in general, or inherent academic requirements).

Benefits of the DDA for school students with disabilities

While acknowledging that integration policies in Australian primary and secondary schools pre-date the DDA, some inquiry participants said that the growing number of students with disabilities in mainstream schools, and especially in non-government mainstream schools in the 1990s has been due to the DDA, at least in part (see chapter 5). Reinforcing the conclusions of HREOC in 2000 (cited above), the Disability Services Commission of Western Australia said the DDA has had a significant impact in that State on 'ensuring access to private education as a result of the outcomes of complaints' and on ensuring places in mainstream schools for students with intellectual disabilities (sub. 44, p. 3). Similarly, the Deafness Association of the Northern Territory said the DDA had helped to improve access to Northern Territory schools for Deaf students (sub. 89, p. 3).

On the other hand, People with Disability Australia disputed the extent of the benefits of the DDA for students with disabilities. It suggested the strong growth in the number of students with disabilities in mainstream schools has less to do with reduced discrimination, and more to do with changes in eligibility and funding arrangements for special education programs. It claimed that:

> … in many instances, identification of students with disability within the mainstream environment is occurring within the range of students who would always have been in the mainstream environment and that new funding programs are a catalyst for identifying greater numbers of students already within the mainstream environment. (trans., p. 2476)

People with Disability Australia made the further point that attending a mainstream school 'does not an inclusion make', unless adequate support is provided to ensure equal participation, rather than just attendance (trans., p. 2477, sub. DR359). Action for Community Living (sub. DR330, p. 1) agreed, pointing out that an increase in the number of students with disabilities in mainstream schools 'does not indicate that the provision of appropriate disability supports has improved'.

Inquiry participants also noted that some students with disabilities in mainstream schools attend special education units for some or all of their classes (see section B.1). Inquiry participants were divided on the advantages and disadvantages of separate special education units for school students with disabilities, with some citing the presence of special units as a benefit (and even as an achievement of the DDA) (Deafness Association of the Northern Territory, sub. 89, p. 3), and others viewing them more negatively (Action for Community Living, sub. DR330; Queensland Parents for People with a Disability, sub. DR325).

Benefits of the DDA for other school students

Inclusive education for students with disabilities, as promoted by the DDA (and by long-standing education policies), is intended to benefit all students and not just those with disabilities. People with Disability Australia claimed 'there are so many positive benefits to inclusive education, they far outweigh anything else …[and] it's cheaper in the long run.' (trans., p. 2474).

Some schools make a feature of these benefits. Yarra Valley Grammar School, for example, promotes its education programs for hearing-impaired students as:

> … a great benefit for those with normal hearing as well because they're learning alongside students with a disability. They see the challenges the hearing-impaired students face and they're inspired. … Students do not treat their hearing-impaired peers any differently. It's accepted as a fact of life. (Madden 2003, p. 16)

Other participants said inclusive education plays an important role in changing wider community attitudes about people with disabilities (see chapter 10). The Association of Christian Schools (sub. 148, p. 1) said inclusion has 'changed the culture in mainstream schools for the better', with the whole school community benefiting from 'the more realistic composition of the school population and the achievements of the students with disabilities and their contribution to school life'. Patricia Malowney said that compared to her own school experiences:

> … it is no longer common for parents to say 'don't look'. … Now children know that people with disabilities are a normal part of the community, children who are [people with a disability] PWD are in mainstream schools when able, and there is not the fear that was associated with disability. (sub. DR322, p. 2)

Benefits of the DDA in tertiary education

In tertiary education as in other education sectors, government policies aimed at improving participation for students with disabilities pre-date the DDA, making it difficult to disentangle the effects of the DDA from other factors. Writing in 1998, Shaw (1998, pp. 31-5) said the major benefits of the DDA in tertiary education had been the extension and enhanced status of disability liaison officers across virtually all institutions, and 'a strong shift from a moral obligation to a rights-based approach to the provision of an equitable education experience'—that is, adjustments for tertiary students became a right rather than an 'act of charity'. Shaw concluded that the DDA was 'becoming a powerful tool in achieving systemic change' with regard to physical access, course curricula and study materials. However, it still had some way to go in addressing wider attitudinal issues.

Devlin (2000, p. 20) identified four routes through which the DDA (among other factors) has benefited students with disabilities in Australian universities:

- better integration of students with disabilities in mainstream schools has flowed through into greater participation in universities
- stronger encouragement of students with disabilities to reach their potential
- increased awareness of legal rights to participate equally among students and their parents
- increased awareness and willingness among universities to provide accessible learning environments.

Blind Citizens Australia (sub. DR269, p. 2) was more circumspect, arguing that although 'discrimination in some areas such as education may have decreased [and] more people with disabilities are trying to access' education, they are still 'facing barriers' to full participation.

In the TAFE sector, the National Student Services Standing Committee recommended that all TAFE colleges develop 'effective mechanisms for addressing and, where possible, conciliating complaints from people with disabilities'—that is, complaints should be handled internally as much as possible (Coopers and Lybrand 1995). Most TAFE colleges appear to have implemented this recommendation with formal policies on equal access, disability support and complaint resolution.

Similarly, in universities, the Australian Vice Chancellors' Committee published guidelines for accommodating students with disabilities in universities in 1996 (updated and expanded in 1998), and many universities have their own guidelines and codes as well (Devlin 2000, pp. 11–12). These positive developments appear to have been influenced, at least in part, by the presence of the DDA. In turn, they

might have influenced the relatively low number of DDA complaints made to HREOC about TAFE colleges and universities (see chapter 5).

Looking at more concrete benefits for individuals, it appears that, unlike outcomes for VET students without disabilities, labour market outcomes for TAFE students with disabilities did not, on average, improve much as a result of their studies. NCVER (2002a, p. 9) found that for TAFE students with a disability who graduated in 2000, the proportion in employment (full-time or part-time) increased from 42.6 per cent before training to just 43.4 per cent after training. By contrast, the employment rate for all VET students in 2000 increased from 68.1 per cent before training to 76 per cent after training. NCVER suggested this gap may relate, at least partly, to the differences between VET students with disabilities and other VET students in their chosen field of study and the level of qualifications they attain.

Identifying the costs of the DDA in education

The costs of the DDA in education arise most directly from the adjustments and supports required to enable participation by students with disabilities. These costs are largely quantifiable, in that they are relatively easy to identify as a cost of addressing disability discrimination. They include, for example, ramps, teaching aides, staff training and specialist education services. Sometimes, an adjustment may be as inexpensive as coloured glasses to assist students with dyslexia to read (Maureen Mastellone, trans., p. 2272). However, in other cases, adjustment costs to enable participation in mainstream schools or tertiary education can be substantial. Other, less tangible, indirect costs can also arise in relation to some students with severe behavioural or other disabilities. These costs can include stress and disruption for other students and staff and are difficult to quantify.

Based on the costs estimates provided by the different education jurisdictions in the education standards' Regulatory Impact Statement (RIS) (see below), and on that document's estimates of the incremental costs of standards alone, the Productivity Commission estimated the overall compliance costs associated with the education provisions of the DDA without education standards in place. The lowest possible cost for the whole of Australia was $152.6 million (estimated by summing up all the lower bound estimates provided by each jurisdiction), and the highest was $2.6 billion (the sum of all higher bound estimates) (Productivity Commission estimates based on The Allen Consulting Group 2003a). This would represent between 0.4 per cent and 7.6 per cent of total government expenditure on education in 2000-01 (SCRCSSP 2003). This wide range of cost estimates illustrates the difficulty in measuring precisely the costs of compliance with anti-discrimination legislation when it is only enforced through complaints.

In some cases, the DDA may also have the effect of shifting the incidence of a cost—that is, who bears the cost of an adjustment or accommodation. For example, if a teacher's aide is provided in a mainstream school instead of a special school, the cost of the aide is incurred in a different location (regardless of whether the cost changes in total). Similarly, with regard to non-financial costs, moving a student with untreated disruptive behaviour from a mainstream to a special school may simply move the disruption (and occupational risks) from one group of students to another group (People with Disability Australia, trans., p. 2476).

Costs of adjustment in schools

Information on the costs of adjustments for students with disabilities in government schools is not readily available, because many of these costs remain 'hidden' within general education department budgets and services.

Box B.2 **Examples of support costs for students with disabilities in non-government schools**

1. The most commonly used disability support service for students in Association of Independent Schools of Victoria (AISV) schools in 2003 was speech therapy (used by 89 per cent of students in receipt of State Support Services in AISV schools). This service cost, on average, $70 per hour. Other support services used by students with disabilities in AISV schools in 2003 included visiting teachers for:

- students with vision impairments, at an average cost of $80 per hour;
- students with hearing impairments, at an average cost of $52 per hour; and
- students with physical disabilities, at an average cost of $48 per hour.

For all of these support services, the AISV said that State Government programs paid $17 per hour, with students' families and schools covering the remainder of the cost.

2. William Carey Christian School (NSW) had 39 students with identified disabilities, in a school of 1270 students, from kindergarten to Year 12 in 2002. The school spent $706 424 (including $528 095 on a special support unit) assisting these students—over $18 000 per student with a disability—in 2002. The school received $297 843 from Commonwealth and State government programs and $153 770 in student fees to meet these costs. Another 348 students with learning difficulties were assisted separately.

Sources: AISV sub. DR320, pp. 2-3; AACS sub. DR268, attachment 1, p. 4.

In non-government schools, adjustment costs appear to be more obvious. Inquiry participants from this sector said the relatively large and rapid increase in the number of students with disabilities attending non-government schools (section B.1) has strained their resources. Non-government schools associations provided a number of examples of high support costs for individual students with disabilities

(box B.2). Many of these were ongoing support costs (such as visiting teachers) rather than one-off adjustment costs (such as installing a ramp). In regional areas, these resourcing issues are compounded by staff and skill shortages (Senate 2002).

Costs of adjustment in tertiary education

While possibly not as contentious as adjustment costs in schools, the cost of adjustments for tertiary students has increased with the number (and support needs) of students with disabilities. These adjustment and support costs relate to individual students, or to resources used by many students (sometimes called 'systemic' costs).

Looking at the types of supports provided for individual tertiary students, much of it relates to note-taking for students with, for example, vision impairments, hearing impairments, deafness, and dyslexia. Devlin (2000, p. 20) notes that note-taking is 'an intensive and costly service despite the fact that these days, it is usually provided by trained students at lower cost' than in the past. Assistive technologies are also much in demand. Many universities and TAFE colleges have attempted to reduce the average cost of these devices by purchasing and then lending them to students as needed, rather than purchasing them for individual students to keep.

Three surveys of disability support costs have been conducted in Australian tertiary education during the life of the DDA. In the earliest of these, Andrews and Smith (1992) examined expenditure data for 4500 tertiary education students. They divided the students into three categories of support needs (low, medium and high), based on their functional limitations and academic demands. Andrews and Smith estimated that over a third of tertiary students with disabilities (36 per cent) would not need any assistance. Over half of the rest required 'low support', which consisted of systemic, rather than individualised services (for example, car parking and examination extensions, but not note-taking) and cost their institution an average of $91 per student per annum (in 1992 dollars). The medium group needed study materials in certain formats (for example, audiotaped lectures or large print copies) but not personal assistance, and cost an average of $391 per student per annum. The high cost group needed assistance such as note-takers, interpreters and amenuenses. They cost an average of $1147 per student, but ranged between $1000 and $17,000, per student per annum. There were only a small number of high cost students in this survey, but they were not distributed evenly among the institutions surveyed. At the time of the survey, funding for their assistance was provided *ad hoc* or came from the institution's own general revenue.

Jones (1994) looked at systemic and individual support costs for students with disabilities at Swinburne University. Again, the highest costs were for assistance for students with hearing impairments who required an interpreter and note-taker, or

vision impaired students who needed note-takers and Braille materials. Costs were also higher for practice-work and science courses than for humanities courses. For example, individual assistance for a science student requiring note-taking and audio-taping cost $8400 per year, while a deaf student requiring an interpreter in the same science course cost $23 300 per year (in 1994 dollars).

Devlin (2000, pp. 29–31, 44–5) analysed 1999 expenditure for over 11 000 students with disabilities enrolled at 13 Australian universities. Devlin's results showed high variability between institutions, in terms of the number of students with disabilities enrolled, and the support services provided to them. Across all 13 universities, 40 per cent of the students with disabilities required some form of individual support. For those students, the average expenditure per student was $832 per year (ranging from $437, on average at one university, to $1586 at another). This survey highlighted the unpredictability of both student numbers and individual support costs for universities each year, making it difficult for them to budget for higher cost student assistance needs over longer periods.

Most Australian tertiary education institutions employ disability support officers. A survey of TAFE disability staff in Victoria in 1999 identified the 'increasing cost of support for students' with disabilities as their main issue of concern. A similar survey of disability officers in universities found similar funding problems for disability services and equipment, but more disparity between institutions in resources and 'commitment from senior management'. The university survey found that each full-time disability liaison officer was responsible for an average of 245 students with disabilities, but up to 700 students with disabilities at one institution surveyed (ATEC 1999 and Boardman 2000, cited in Devlin 2000, pp. 17-19).

Non-financial costs

Depending upon the nature and degree of a student's disability, the non-financial costs of inclusive education can include stress for teachers and other education staff, and disruption for other students. In many cases, disruption to others is negligible (or the effect of the student with a disability on others may be positive). AISSA pointed out that problems can arise from perceptions of disruption among parents of other students, as well as from real cases of disruption (sub. 135, p. iii). AISSA added that in its member schools:

> …there are numerous incidents … in which the behaviour of a student with a disability has placed other students and staff at considerable danger of physical harm and/or emotional distress. (sub. DR357, p. 2)

Other participants gave similar examples, although many more argued for the benefits of inclusion for other students. Stress and disruption can nevertheless arise

from (or be exacerbated by) the lack of appropriate support for the student with a disability, rather than from the presence of the student *per se* (Graeme Taylor, sub. DR249, p. 3; People with Disability Australia, trans., p. 2476). In a small number of cases, it seems that negative effects on other students and staff may be significant, even where adjustments for the student are made.

Benefits and costs of disability standards in education

Disability standards in education has been drafted but not yet implemented. It has been in development for many years and gone through several drafts. This lengthy gestation period has been a significant cost in itself. The current draft disability standards contain certain features that may extend or alter the operation of the DDA in education (see chapter 14).

MCEETYA commissioned a cost–benefit review of the current draft standards as part of the mandatory Regulation Impact Statement (RIS) process (The Allen Consulting Group, 2003a). This review found that the main benefits of the standards would be a 'demonstration effect' and a 'greater awareness as to what parents and students should expect'. This would lead to improved clarification and understanding of the rights of students with disabilities and the obligations of education providers; and increased participation and retention rates for students with disabilities. However, the review also noted—somewhat paradoxically—that these benefits 'are not related to increased inclusive education, which is occurring now without the standards' (p. 55).

During negotiations for the standards, several government education departments and other education providers expressed concern about the potential implementation costs. As part of the RIS process, education providers in all States and Territories were asked to provide financial estimates of the costs of complying with the proposed standards. Estimated compliance costs differed considerably across States and Territories, and across areas of activity. Part of the divergence lay in each jurisdiction's interpretation of the requirements that the standards would impose on education providers. Cost differences also arose as a result of some jurisdictions attributing some costs to the DDA, while others attributed the same costs to the standards. The Allen Consulting Group commented that:

> The variance in costs [of compliance] estimated by jurisdictions indicate that there is significant difference in current practice, and difference in what jurisdictions consider is compliance with the DDA. (2003a, p. 49)

Examining the costs estimates provided by each jurisdiction, The Allen Consulting Group concluded that the only quantifiable additional costs attributable to standards were professional development costs, designed to make education staff aware of

their obligations under the standards (table B.11). The Allen Consulting Group (2003a, p. 54) estimated the total cost of this compliance, based on staff numbers across education sectors, to be $148.9 million, but added that it could be lower, depending on staff re-training needs. It also found there might be increased dispute costs 'for a band of private education providers for which it is unclear whether or not they will be able to claim the undue hardship'. It said these dispute costs were likely to be 'relatively small', but did not attempt to estimate them.

Table B.11 **Estimated cost of staff development training for the draft disability standards in education, by education sector** [a]

Education sector	*Estimated compliance cost*
	$ million
Education undefined	4.4
Preschool education	6.2
Primary and secondary education – government	61.2
Primary and secondary education – Catholic	17.4
Primary and secondary education – other non-government	11.3
Higher education (universities)	24.1
TAFE	9.8
Other	14.5
Total	*148.9*

[a] Based on the cost of re-training education staff in each sector.

Source: The Allen Consulting Group 2003a, pp. 53-55.

Regarding other costs, The Allen Consulting Group (2003a) concluded that education providers had 'incorrectly assumed' the standards would increase the number of students covered by the DDA. However, the standards would use the same definition of disability as the DDA, so the number of students would remain the same—although The Allen Consulting Group conceded there may be some increase in identification due to a 'demonstration effect'. The Allen Consulting Group therefore attributed any increased enrolment costs to the DDA and not to the standards. In doing so, The Allen Counsulting Group appears to have overlooked the fact that improved participation and retention rates for students with disabilities (as a result of the 'demonstration effect' it identified from the standards) will mean increased adjustment and support costs, if those students are to be adequately assisted during their additional years of education.

On the basis of these findings, The Allen Consulting Group (2003a, p. 59) concluded that the benefits of the disability standards would exceed their costs and their net impact would be positive. However, they suggested a 'phased introduction' in some education sectors. The Australian Government has referred these findings back to MCEETYA for consideration.