VIEWPOINT: Australia's moral, legal and policy obligations to include people with intellectual disabilities in higher education

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To cite this article:
Wedgwood, N, O'Donovan, M-A & Rilotta, F 2023, 'Australia's moral, legal and policy obligations to include people with intellectual disabilities in higher education', *Access: Critical explorations of equity in higher education*, pre-print, pp. 1–8.

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Attending university has increasingly become part of the expected post-school trajectory for young Australians; however, school leavers and adults with intellectual disability remain largely excluded from higher education. This is despite the Australian Government's legal obligations under the Convention of the Rights of Persons with Disability, which enshrines the right to access post-school education, including university education, without discrimination and *on an equal basis with others.* This legal obligation is reflected in policy but not in practice. As a result of numerous intertwining societal, political and institutional failings, only two of Australia's 43 universities have programs supporting and facilitating the inclusion of students with intellectual disability. Australia is thus lagging far behind countries such as the United States, where the number of higher education programs for students with intellectual disability has increased from 25 in 2004 to more than 300 in 2022, most of which are supported by government funding. Providing Australians with intellectual disability genuine access to higher education will require political will, dedicated funding, targeted legislation and a cultural shift towards recognising abilities, and valuing greater life choices and self-determination for people with intellectual disability.

Keywords: intellectual disability; disability; inclusion; higher education; university.

Published by the Centre of Excellence for Equity in Higher Education, with the support of the Pathways and Academic Learning Support Centre at the University of Newcastle, Australia, and the Cluster for Education Research on Identities and Inequalities at Anglia Ruskin University

ISSN 2653-245X

Young people with intellectual disability have the same post-school aspirations as their peers without intellectual disability: social inclusion; autonomy; meaningful relationships; and meaningful occupations (Di Maggio, Shogren & Wehmeyer 2020). Yet, their post-school experiences are often tainted by exclusion from ordinary aspects of life, making transition to adulthood a particularly challenging life-phase for people with intellectual disability and their families (Austin, Hunter, Gallagher & Campbell 2018; Forte, Jahoda & Dagnan 2011; Leonard et al. 2016). As attending university has increasingly become part of the expected post-school trajectory for young Australians, the number of undergraduates with disability has also increased, though at a much lower proportion and rate than their peers without disability; from 5.8 per cent in 2014 to just 7.7 per cent in 2019 (Koshy 2020, p. 6). This is despite Australians with disability representing around 18 per cent of the population during this period (AIHW 2018; AIHW 2019). Statistics on Australian undergraduate students with disability (e.g. Koshy 2020) are not disaggregated by disability group, thus data is not readily available on how many have an intellectual disability. Nevertheless, we can say with some authority (all three authors are involved with the only two university programs in Australia for people with intellectual disability[i]), that Australian school leavers with intellectual disability remain largely excluded from university. It is a similar story for older adults with intellectual disability, some of whom may not have completed secondary school but are seeking further education as part of their life-long learning, and others who may be looking for pathways to further education after completing a certificate at technical college, or having been in the workforce, or having been unemployed.

There are numerous intertwining societal, political and institutional factors underlying the exclusion of Australians with intellectual disability from higher education. At the broadest societal level, it is reflective of a culture in which prejudiced perceptions and low expectations about the potential and abilities of people with intellectual disability and their place in valued social roles are common. This is because the medical model of disability, which devalues people with disability by focusing on the diagnosis and attributing any difficulties they experience to their disability rather than to an ableist society, remains the dominant paradigm. Such limiting medical model perspectives continue to infiltrate many aspects of society, including the education system. People with intellectual disability are commonly excluded from compulsory education, standard assessment and exams, or, if included, are often marginalised and subject to low expectations. Their exclusion from higher education reflects common ableist assumptions of the broader community about the academic capacity of people with intellectual disability, which are likely amplified in universities due to their focus on intellectual pursuits (Stefánsdóttir & Björnsdóttir 2016).

At the political level, there is no genuine policy drive for, or resourcing of, higher education supports for Australians with intellectual disability. Whilst there is a government focus on equity, via the National Centre for Student Equity in Higher Education, people with intellectual disability remain virtually invisible from higher education policy discourse. This is despite the Australian Government's legal obligations as a signatory of the Convention of the Rights of Persons with Disability (CRPD), which enshrines the right to access post-school education without discrimination, and 'on an equal basis with others', including tertiary, vocational, adult and lifelong education (United Nations 2008, Article 24.5). This legal obligation is reflected in policy but not in practice. For example, the previous National Disability Strategy 2010–2020 stressed that '[r]educing the gap between students with disability and other students is essential to improve the social wellbeing and economic security of people with disability […] especially […] educational attainment' (Australian Department of Social Security 2011, p. 55). Yet, the latest National Disability Strategy 2021–2031, has had to acknowledge that '[d]espite educational reforms over the last decade, there remain significant gaps for students with

disability. These gaps are notable in attainment of Year 12 or equivalent, vocational education and training qualifications, and participation in university studies' (Australian Department of Social Services 2021, p. 25).

Subsequently, the most recent strategy includes policy priorities to '[i]mprove pathways and accessibility to further education and training for people with disability' and for 'increased opportunities to participate in accessible and inclusive lifelong learning' (Australian Department of Social Services 2021, p. 24–25). However, indicative of the lack of government impetus in this area, it does not mention access to higher education for people with intellectual disability specifically, only for people with disability more broadly.

At the institutional level, the needs of students with intellectual disability for specialised support is typically considered impractical or unaffordable by universities, especially in the absence of a permanent funding source. Yet, *legally* in Australia the onus is on universities to ensure that appropriate supports and reasonable accommodations are provided for students with disability (*Disability Discrimination Act* (Cth) 1992). We believe these should include: (i) reasonable accommodations to entry requirements, without which many Australians with intellectual disability may not be able to officially enrol in undergraduate programs and; (ii) appropriate supports facilitating genuine inclusion mirroring the experiences of their peers in all aspects of university life, thus promoting authentic belonging, identity, contribution and learning (see Uditsky & Hughson 2012, p. 299). This would need to include natural supports and accommodations such as: peer mentoring; personalised goal-planning; specialised learning support; universal design for learning; social facilitation; and support with accessing university services (Bonati 2019; Plotner & Marshall 2014; Rillotta, Arthur, Hutchinson & Raghavendra 2018). However, corporatised public universities in the neoliberalised Australian higher education sector (Connell 2019) are unlikely to provide such resource-intensive supports unless pathways to higher education for students with intellectual disability are prioritised, legislated and funded by government.

As a result of these combined societal, political and institutional failings, only two of Australia's 43 universities currently have programs supporting and facilitating the inclusion of students with intellectual disability. Australia is thus lagging far behind countries like the United States (US), where the number of higher education programs for students with intellectual disability has increased from 25 in 2004 (Grigal, Hart & Papay 2018) to over 300 in 2022 (Think College), most of which are supported by government funding. Moreover, American programs encompass various models of inclusion ranging from substantially separate, or hybrid, to fully inclusive, and from auditing, to full enrolment and degree attainment (Hart et al. 2004; Grigal et al. 2022). Whereas, the two Australian programs consist of auditing classes without credit towards a degree and neither program extends to enrolment in a degree program.

Such progress in the US is primarily due to targeted government support of access for Americans with disability to higher education through explicit legislation and funding. One example is the Individuals with *Disabilities Education Improvement Act 2004*, which legislates post-secondary pathways for Americans with disabilities by ensuring they receive transition services from school to post-secondary environments, including higher education (Yell & Plotner 2013, cited in Plotner & Marshall 2014, p. 48). Another example is the *Higher Education Opportunity Act 2008* (HEOA), which is considered to be a major catalyst for the plethora of inclusive higher education programs in America. Among many provisions, the HEOA authorises federal funding, via the US Department of Education, specifically:

> to promote the successful transition of students with ID [intellectual disability] into higher education and to enable IHEs [institutions of higher education] to create or expand high quality, inclusive-model comprehensive transition and postsecondary programs for students with ID. (Grigal, Hart & Weir 2013, p. 51)

Inclusive program development in the US is further nurtured and supported by Think College, a national coordinating centre established in 2010, funded primarily by federal grants to develop, expand and improve inclusive higher education for Americans with intellectual disability (Grigal, Hart & Papay 2018). Think College also plays other critical roles in the higher education of American students with intellectual disability, including: building capacity; establishing accreditation standards; informing public policy; creating recommended practice standards; providing assistance with program development to higher education providers awarded grants to establish programs; and generating and sharing evidence-based knowledge and student-centred research and practice (Grigal, Hart & Papay 2018).

The US is unique in its holistic support and development of the higher education of people with intellectual disability, which has resulted in the rapid expansion of inclusive programs in American universities and colleges. Elsewhere progress has been patchy and slow. In Canada, the right to inclusive education is not federally mandated, thus inclusive education policies, funding and practices vary from one province or territory to another and subsequently only two provinces have inclusive higher education initiatives (Beschen 2018). Alberta has 20 inclusive higher education programs and in British Columbia, the Initiative for Inclusive Post-Secondary Education (BC-IPSE) works with colleges and universities to help support students with intellectual disabilities in post-secondary education (Beschen 2018). The Republic of Ireland had at one point ten inclusive higher education programs. For a long time, this success had been dependent largely on the advocacy efforts of a passionate few. However, more recently, the Irish government commitment to greater inclusion of students with intellectual disability and autism has been ensured via the roll out of its 'PATH 4' program. This program includes funding for universities to implement Universal Design for Learning across campuses, design autism-friendly campuses and create study pathways for people with intellectual disability. Whereas, the handful of European programs, two Australian, and one Chilean program (Calderón Albornoz & Rodríguez Herrero 2021), have, in the context of insufficient resourcing, continued to be developed and maintained largely by goodwill.

The two Australian programs are Uni2Beyond (U2B), run by the Centre for Disability Studies (CDS) at the University of Sydney since 2012, and the Up the Hill Project (UTHP) operating at Flinders University in South Australia since 1999. Whilst both programs have won awards and continue to develop and expand wraparound supports which enable a small number of Australians with intellectual disability to experience academic and social life at university, their success is the result of localised grassroots advocacy, drive and implementation. Neither program receives direct government or university funding. Program participants, however, may be able to access some government funding via their individual plans in the National Disability Insurance Scheme (NDIS), though accessing NDIS support is notoriously difficult and administratively burdensome by design (Carey, Malbon & Blackwell 2021; Perry, Waters & Buchanan 2019; Whitburn, Moss & O'Mara 2017). Collectively the two programs have supported just over one hundred students from only two States over the past two decades. Essentially, the lack of direct government funding and support means that only a tiny proportion of the estimated 746,200 Australians living with intellectual disability (ABS 2019) have thus far been able to access one of these inclusive higher education programs.

Built on the foundations of inclusion and human rights, both U2B and UTHP support students with intellectual disability to attend class, give presentations, develop social networks and access university facilities. Currently U2B and UTHP students audit units of study without completing assessments or being formally enrolled, thus they are unable to gain credit towards an accredited program nor to receive a qualification. This is problematic not just because it reinforces low academic expectations of people with intellectual disability and sets them apart from their peers, but also because, without leading to formal qualifications, it potentially limits their options upon program completion. Though auditing is a worthy option for people with intellectual disability wanting to experience university, it is not sufficient for those wanting to attain a qualification. Thus, auditing falls short of full inclusion *on an equal basis with others* as per the CRPD.

We believe that, while the opportunity to audit units of study should continue for those who choose to do so, it should no longer be the only option for Australians with intellectual disability. Like their peers, students with intellectual disability should be able to choose a higher education pathway from a range of options, which should be expanded to include: enrolling in existing mainstream degree qualifications; individualised programs focussed on socio-emotional outcomes; and programs focussed on career skills and employment outcomes, like some in the US (Grigal et al., 2022). Moreover, providing such pathways should no longer be at the behest and goodwill of a few key people. This is a societal, political and institutional responsibility which should be shared accordingly.

We believe universities, for example, have moral, educational and societal obligations to play a leading role in affording people with intellectual disability the same opportunities to access a university education as their peers. Universities are, by their very nature, leaders of change at the cutting edge of science, technology, social science, education and philosophy. Thus they are well positioned to challenge the status quo at the forefront of social change. Indeed, as well as reflecting the communities they serve, universities seek to improve society through education and research and therefore have a responsibility to role model what they teach and study. Thus, as well as researching ableism and educating students about the moral imperatives of social inclusion, Australian universities must also walk-the-walk by providing the supports and accommodations required to facilitate full and genuine inclusion of students with intellectual disability.

Of course the Australian higher education sector's ability to play a leading role is limited without permanent funding and policy direction from government. Yet, despite Australia's legal obligations under the CRPD and the *Disability Discrimination Act*, there has been failure at both a national and state level to provide post-school options other than open or supported employment, day services, transition programs and vocational education. In particular, the right for Australians with intellectual disability to be able to choose the typical pathway from school to higher education needs to be legislated. Our position is that, beyond the Australian Government's legislative requirements, are its moral obligations to provide Australians with intellectual disability genuine access to a higher education as a human right for all (O'Donovan 2021), not just a few lucky enough to be accommodated within the limited capacity of the two existing Australian programs. This would require political will, dedicated funding, targeted legislation and a cultural shift towards a genuine valuing of abilities, greater life choices and self-determination for Australians with intellectual disability.

As this article goes to print, one of the two Australian programs supporting the inclusion of students with intellectual disability in higher education is being paused. This is due to a lack of funding, support and buy-in, and the subsequent reliance on volunteerism – the very issues raised in this paper and our research. The program's survival now rests on the ability to redevelop it into a model which can be sustained without funding or volunteers.

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[i] O'Donovan coordinated a two-year accredited program for students with intellectual disability at Trinity College Dublin and now, as Executive Director of the Centre for Disability Studies, oversees the Uni2Beyond (U2B) program, which facilitates inclusion of students with intellectual disability at The University of Sydney. Rillotta has, since 2011, been program advisor of the Up The Hill Project (UTHP), which facilitates inclusion of students with intellectual disability at Flinders University in South Australia. Wedgwood has been teaching U2B students auditing her unit on disability and social inclusion for eight years and is on the U2B Steering Committee.