



Commonwealth of Australia

Higher Education Support Act 2003

Other Grants Guidelines (Education) 2012

Amendments to Guidelines made pursuant to section 238-10 of the *Higher Education Support Act 2003*

I, DAN TEHAN, Minister for Education, pursuant to section 238-10 of the *Higher Education Support Act 2003* (the Act) make the attached *Other Grants Guidelines (Education) Amendment (No. 1) 2019*, which provide for matters under Part 2-3 of the Act.

Dated 2 October 2019

DAN TEHAN

Hon Dan Tehan MP
Minister for Education

Commonwealth of Australia

Higher Education Support Act 2003

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

1 Citation

This legislative instrument may be cited *Other Grants Guidelines (Education) Amendment (No.1) 2019*

2 Authority

This legislative instrument is made under section 238-10 of the Act.

3 Date of effect

This legislative instrument will come into effect on 1 January 2020.

4 Purpose

The purpose of this instrument is to repeal and substitute the details of the Higher Education Disability Support Program in Chapter 1 – Grants to Promote Equality of Opportunity in Higher Education of the *Other Grants Guidelines (Education) 2012*. This instrument will make changes to the Higher Education Disability Support Program that implement the Australian Government's response to the 2015 program evaluation.

Item 1

CHAPTER i INTRODUCTION

Repeal and replace the following definitions:

the Department means the Department responsible for administering Part 2-3 of the Act.

Minister means the Minister responsible for Part 2-3 of the Act.

Item 2

Repeal items 1.90-1.110.10 of the *Other Grants Guidelines (Education) 2012* and insert the following:

HIGHER EDUCATION DISABILITY SUPPORT PROGRAM

1.90 Program objective and description

1.90.1 The objective of the Higher Education Disability Support Program (DSP) is to promote equality of opportunity in higher education by providing support to students with disability to access, participate in and succeed in higher education.

1.90.5 The (DSP) consists of two components:

- (1) Disability Support Fund (DSF); and
- (2) Australian Disability Clearinghouse on Education and Training (ADCET).

1.90.10 Eligibility

1.90.15 Only Table A provides are eligible to receive grants under the DSP.

1.95 Total program funds and indexation

1.95.1 The total amount available for the DSP in 2020 is \$7,780,399 (the “**2020 DSP Grants Total**”). The total amount available for the DSP in any subsequent year will be calculated by indexing the 2020 DSP Grants Total in accordance with the method specified in Part 5-6 of the Act.

1.95.5 To avoid doubt, grants made under the DSP are grants in respect of a calendar year.

Disability Support Fund

1.100 Objective of the DSF

1.100.1 The objective of the DSF is to promote equality of opportunity in higher education by providing supplementary funding to providers to assist them to attract domestic students with disability to participate in higher education, and to assist providers to deliver appropriate support for them to succeed.

1.105 How a provider's DSF grant is determined

1.105.1 The DSF grant payable to a provider annually is calculated by adding:

(a) the enrolments-based grant amount; and

(b) the amount for students with disability with high cost needs.

1.105.5 The DSF grant payable to a provider will be calculated based on disability data available to the Commonwealth in the Higher Education Information Management System during the second half of each calendar year.

1.110 Amounts available for the DSF

1.110.1 The total annual amount available for the DSF is the total amount for the DSP specified in paragraph 1.95.1 less the amount allocated by the Minister to ADCET under paragraph 1.150.10.

1.110.5 The Minister may determine what proportion of the total annual amount available for the DSF in a calendar year will be available for each of the enrolments-based grant amount and the amount for students with disability with high cost needs.

1.110.10 If the Minister does not make a determination in accordance with paragraph 1.110.5, the total annual amount available for the DSF in a calendar year is to be allocated as follows:

(a) 55 per cent of the available amount will be used for annual enrolments-based grant amounts; and

(b) 45 per cent of the available amount will be used for grants for students with disability with high cost needs.

1.115 Enrolments-based grant amounts

1.115.1 The enrolments-based grant amount for a provider will be calculated using the following formula:

$$\text{Grant} = (A/B) \times C$$

Where: A is the number of domestic students with disability enrolled at the provider in the most recent year for which data is available

B is the total number of domestic students with disability enrolled at all providers in the most recent year for which data is available

C is the total annual DSF enrolments-based amount determined under paragraph 1.110.1 above.

1.120 Amount for students with disability with high cost needs

1.120.1 A student with disability with high cost needs is a student enrolled with a provider, who has been assessed by the provider as having disability, and has received from the provider educational support and equipment related to that disability in a calendar year for an amount that exceeds the threshold specified in 1.120.5.

1.120.5 The student with disability with high cost needs threshold (“the threshold”) in 2020 is \$10,000. The threshold in any subsequent year will be calculated by indexing the threshold for 2020 in accordance with the method specified in Part 5-6 of the Act.

1.120.10 The grant amount for students with disability with high cost needs payable to a provider will be calculated using the following formula:

$$\text{Grant} = (D/E) \times F$$

Where: D is the sum total of all claims for educational support and equipment submitted by the provider that can be attributed to students with disability with high cost needs in the preceding calendar year.

E is the sum total of all students with disability with high cost needs support claims submitted by all providers.

F is the total annual amount for students with disability with high cost needs determined under paragraph 1.110 above.

1.120.15 If the sum total of all students with disability with high costs needs support claims by all providers (E) is less than total annual amount for students with disability with high costs needs (F) then the balance of available funds will be added to the enrolment-based grant amount for distribution to providers according to the formula specified in 1.115.1.

1.125 DSF grant amounts

1.125.1 Providers will receive their enrolments-based grant amount for each calendar year prior to the end of that calendar year.

1.125.5 Providers may claim for educational support and equipment provided to students with disability with high cost needs in the preceding calendar year. Claims for these grant amounts must be submitted using a form specified by the Department.

1.130 Interest

1.130.1 If a provider earns interest on DSF grant amounts, the provider must spend that interest on eligible DSF activities.

1.135 Eligible DSF activities

1.135.1 A provider must only spend DSF grant amounts on:

- (1) activities aimed at attracting and supporting students with disability to participate in higher education;
- (2) educational support and equipment for students with disability;
- (3) modifications to course content, teaching materials and delivery methods to better meet the needs of students with disability; or
- (4) training of provider staff to support students with disability.

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

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

1.135.10 Providers must maintain records of the evidence and assessment process, including details of the medical, specialist or other advice obtained in verifying disability and support needs, for a period of no less than 7 years.

1.135.15 Providers must publish their needs assessment procedure relevant to their institution on the university's website in a format that is readily available and accessible to the public.

1.140 Ineligible DSF activities

1.140.1 A provider must not spend DSF grant amounts on:

- (1) infrastructure - including but not limited to buildings, fixtures, roads, pathways and modifications thereof;
- (2) salaries and other costs relating to the ongoing operation of general disability support services and facilities that are integral to the provision of education for all students;
- (3) the provision of personal care for students with disability, including but not limited to:
 - a. assistance provided by a paid or unpaid carer to ensure that basic activities of daily living and self-care (such as eating, dressing, grooming and commuting) are accomplished; and
 - b. providing assistance with medications and medical treatments;
- (4) any support service, equipment, or transport that is available under the National Disability Insurance Scheme (NDIS); or

(5) any activity not listed under paragraph 1.130 above.

1.145 Repayment of DSF grant funds

1.145.1 Where a provider fails to spend any part of the DSF funds at the end of the grant period, the provider must return the unspent amount to the Commonwealth in accordance with instructions received from the department.

1.150 Reporting

1.150.1 A provider must report to the department annually on the progress and outcomes of any DSP activities in a format specified by the department.

Australian Disability Clearinghouse on Education and Training

1.155 Objective of the ADCET

1.155.1 The objective of the ADCET is to provide information, advice, and online resources (including downloadable material) through a website to disability practitioners, teachers and students to promote inclusive teaching and learning practices for students with disability.

1.160.5 The ADCET will be hosted by a provider appointed by the Minister.

1.160.10 The Minister will determine the conditions of the grant to the provider hosting the ADCET under paragraph 41-25(b) of the Act.

1.160.15 The amount of funding to be granted to the provider appointed to host the ADCET will be determined by the Minister under paragraph 41-30(b) of the Act, and will not exceed the total funding available for the DSP.