

18 October 2016**HRK: Federal Participation Act does not meet the needs of students with disabilities**

The draft of a Federal Participation Act (Bundesteilhabegesetz, BTHG) tabled by the federal government is unsatisfactory in the view of the Senate of the German Rectors' Conference (HRK). "A number of the provisions even pose the risk that people with disabilities will be more disadvantaged than they already are," HRK President Prof Dr Horst Hippler said in Berlin today. "In order to enable students with a disability to have equal access to education, it is imperative that this be rectified in future stages of the legislative process."

The UN Convention on the Rights of Persons with Disabilities, and the non-discriminatory and equal participation of persons with a disability in education in Germany that is vested in the Convention, have been the law in Germany since 2008. The federal government is seeking to support this participation with the new legislation. "That is certainly to be welcomed," says HRK President Hippler. "But we are forced to conclude that the draft does not adequately address the situation and the needs of students with a disability or those with a chronic illness in the higher education system."

For example, clarification is needed that consecutive Masters degrees are part of higher education. The rules on payments for these Masters students would need to be correspondingly broad.

In the view of the HRK, it would particularly disadvantage students if a legal right to integration assistance existed only in the case of impairments in at least five areas of life. If the disability only affects, or primarily affects, precisely the area of "learning and application of knowledge," the service providers need to be able to decide whether assistance will be granted. Horst Hippler: "We consider this to be completely wrong; this is not how equal opportunity to obtain higher education is ensured. There must be a clear legal right for those affected."

A third point of criticism by the HRK: Unlike all other students, under the draft legislation students with impairments must prove by means of an overall plan that they can achieve the goal of the participation – that is, the completion of the degree. "The proof of a higher education entrance qualification and the confirmation of enrolment at a university must also be sufficient for students with a disability so that they can receive social security payments," says Hippler. "Education is the best basis for self-determination in life. One of the core objectives of the legislation must therefore be to significantly improve access to higher education."