



LEGISLATIVE COUNCIL

PORTFOLIO COMMITTEE NO. 3 – EDUCATION

MEDIA RELEASE

Report released Education of students with a disability or special needs in New South Wales

FOR IMMEDIATE RELEASE

21 September 2017

The Upper House parliamentary committee that inquired into the education of students with a disability or special needs in New South Wales schools has released its report today.

The inquiry commenced in September 2016 and considered a range of issues concerning students with disability or special needs, including equitable access to resources, the impact of the Government's 'Every Student Every School' policy, developments since the 2010 Upper House inquiry, and complaint and review mechanisms. During the inquiry the committee received over 420 submissions and heard from over 100 stakeholders.

The Chair of Portfolio Committee No. 3 – Education, the Hon Lou Amato MLC, said: 'Children with disabilities and special needs are among the most vulnerable members of our society. Together with their families they face various challenges in their daily lives. This inquiry has highlighted a stark contrast between the principles of inclusion promoted in our education system and the reality experienced by these children and their families'.

'The committee has made recommendations that we hope go some way to addressing the challenges of the current system to ensure that all students receive the education they rightfully deserve. These include recommendations actively promoting the presumption of inclusive education, greater accountability for those responsible for the education of these students and increased funding. We have also made recommendations about process and operation to better equip and assist educators in their role, and to strengthen the position of parents in seeking access to education and support, and in pursuing complaints.' said Mr Amato.

Mr Amato commented: 'The report gives voice to the students and families of those with disabilities and special needs and I hope this report plays some part in making a difference in their lives for the better.'

To access the full report, and for further information about the inquiry, please visit the committee's [website](#).

-ENDS-

*For further information please contact Committee Chair
the Hon Lou Amato MLC, on 9230 2764*

Findings and recommendations

- Finding 1** 41
That, while there are many striking instances of excellence, the inclusive approach to education provision promoted in legislation and policy is not the reality experienced by many students with disabilities and special needs in New South Wales schools.
- Finding 2** 41
That the committee:
- supports the cultural, legislative and policy shift from segregating students with disabilities and special needs to including them in mainstream schooling in all systems, where reasonably practical
 - believes this reflects a broader social change towards the inclusion of people with disabilities
 - recognises that decisions about enrolment should primarily be matters for well-informed parental choice.
- Recommendation 1** 41
That the NSW Government formalise a presumption applicable to all New South Wales schools that a child is to be educated in an inclusive mainstream setting, unless there are compelling individual reasons for other arrangements.
- Recommendation 2** 56
That, each year, the Minister for Education make a Ministerial Statement in Parliament which reports on the educational progress of students with a disability in New South Wales.
- Finding 3** 67
That New South Wales schools will not receive the full allocation as originally agreed under the National Education Reform Agreement due to the Gonski 2.0 policy adopted by the Commonwealth Government, and this will have impacts on students with a disability.
- Recommendation 3** 67
That the NSW Government review and report on the impact of Gonski 2.0 on students with disability in New South Wales schools.
- Recommendation 4** 67
That the NSW Government works with the Commonwealth Government to increase the overall funding available to ensure that adequate funding is provided to government schools to meet the needs of students with disabilities and special needs.
- Recommendation 5** 75
That the NSW Government use data collected through the Nationally Consistent Collection of Data on School Students with Disability instead of NAPLAN in the Student Learning Needs Index, as the basis for calculating the low level adjustment for disability equity loading.

- Recommendation 6** **75**
That the NSW Government use data collected through the Nationally Consistent Collection of Data on School Students with Disability as an alternative indicator of need in calculating additional funding provided to non-government schools.
- Recommendation 7** **75**
That the NSW Government review the NSW Department of Education Disability Criteria to ensure it is in keeping with contemporary understandings of disability.
- Recommendation 8** **81**
That the NSW Government work with stakeholders to develop and introduce a funding model which better reflects the needs of students in all specialised settings and includes consideration of:
- staffing allocations, including executive support
 - provision of specialist services
 - additional teacher release time
 - work, health and safety requirements
 - secondary school curriculum needs.
- Recommendation 9** **86**
That the NSW Department of Education:
- require individual schools to publically report on their expenditure of the equity loading and integrated funding support components of the Resource Allocation Model
 - develop a new reporting mechanism to provide greater transparency and include specific criteria identifying how the needs of students with special needs are being met from the available resources.
- Recommendation 10** **97**
That the NSW Department of Education increase support classes in mainstream schools to adequately meet student need.
- Recommendation 11** **97**
That the NSW Department of Education require reporting and data collection on all children with special needs who have sought enrolment in a school or support class and not obtained that enrolment.
- Recommendation 12** **97**
That the NSW Department of Education create a public dashboard that provides:
- twice yearly updated data on the number of students enrolled in Schools for Specific Purposes and support classes
 - data on students not enrolled but seeking enrolment in Schools for Specific Purposes and support classes and on waiting lists for enrolment in these settings
 - this data on a regional basis.

- Recommendation 13** **97**
 That the NSW Department of Education implement a system for gathering data about the school setting for students with a disability from each school district, with tracking that monitors the numbers who attend special and mainstream settings.
- Recommendation 14** **101**
 That the NSW Department of Education ensure that School Learning and Support Teams are adequately trained, resourced, staffed and remunerated to provide support to students, teachers and their schools.
- Recommendation 15** **105**
 That the NSW Department of Education ensure that Individual Education Plans are developed and implemented:
- as a mandatory requirement for all students with disabilities and special needs
 - with the support of adequate funding and resources.
- Recommendation 16** **105**
 That the NSW Department of Education include, in the dashboard referred to in Recommendation 12, data on the proportion of students with disabilities and special needs who have Individual Education Plans.
- Recommendation 17** **107**
 That the NSW Government urgently implement the NSW Ombudsman’s proposals in its Inquiry into behaviour management in schools.
- Recommendation 18** **110**
 That the NSW Government only offer programs in New South Wales schools that the NSW Department of Education can certify are supported by peer-reviewed evidence of change in the trajectories of student outcomes over time.
- Recommendation 19** **110**
 That, given the concerns raised regarding the efficacy of Reading Recovery, the NSW Department of Education fast track its assessment of this program and publish the outcome of its review.
- Recommendation 20** **116**
 That the NSW Department of Education:
- provide clear guidance to parents and training to schools about what are considered reasonable adjustments for students with disabilities and special needs
 - set timeframes for the implementation of reasonable adjustments in schools.
- Recommendation 21** **116**
 That the NSW Department of Education provide formal best practice guidelines to assist Schools for Specific Purposes work with neighbouring mainstream schools to deliver a full curriculum to their students.
- Recommendation 22** **120**
 That the NSW Department of Education prioritise its review of the Access Request process with a view to streamlining the process and facilitating the timely provision of funds to schools.

- Recommendation 23** **120**
That, as part of the NSW Department of Education’s review of the Access Request process, it consider the need to meet the reasonable costs to parents of obtaining the necessary medical reports to support access requests for students with disabilities and special needs.
- Recommendation 24** **120**
That the NSW Department of Education reform the Access Request process so that:
- all access requests applications are resolved within 28 days
 - real time data on the number of applications received, the numbers accepted, the numbers rejected, and the reasons for rejection is published.
- Recommendation 25** **124**
That the NSW Department of Education consider publishing the advice it has been given in relation to its compliance with disability discrimination law in regards to service provision in Schools for Specific Purposes.
- Recommendation 26** **128**
That the NSW Department of Education review how allied health services and support is provided in schools, including directly employing allied health professionals within the Department and introducing adequately resourced multidisciplinary teams at the regional level.
- Recommendation 27** **130**
That the NSW Department of Education provide school counsellors at a minimum ratio of 1:500.
- Recommendation 28** **141**
That the NSW Department of Education review training in the legal obligations and Disability Standards for Education with a focus on practical application of the training.
- Recommendation 29** **141**
That the NSW Department of Education make training in legal obligations and the Disability Standards for Education mandatory for principals.
- Recommendation 30** **142**
That the NSW Education Standards Authority investigate the feasibility of making training in legal obligations and the Disability Standards for Education part of the accreditation process for all teachers and principals.
- Recommendation 31** **156**
That the NSW Department of Education, in relation to professional development in special education:
- resource the increase of teacher release time
 - increase funding allocations for regional schools.
- Recommendation 32** **161**
That the NSW Department of Education make it mandatory for principals to undertake financial management training.

- Recommendation 33** **161**
That the NSW Department of Education investigate formal processes to identify and mentor potential principals and the establishment of a principal preparation program.
- Recommendation 34** **161**
That the NSW Department of Education consider the feasibility of establishing a business manager position in schools.
- Recommendation 35** **165**
That the NSW Department of Education work towards having all Learning and Support Teachers with appropriate special education qualifications to support the range of disabilities and special need presenting in schools.
- Finding 4** **183**
That the level of allegations of ill-treatment of disabled children in New South Wales Schools, including those under the Department's supervision, and the number of reportable incidents, are unacceptable.
- Recommendation 36** **199**
That the NSW Department of Education reform its complaints policy so that:
- plain English advice is provided to parents about the right to complain
 - there is an independent complaints process for a school's unreasonable refusal to enrol a child with a disability or to make reasonable adjustments
 - no principal investigates a complaint against themselves.
- Recommendation 37** **199**
That the NSW Department of Education and the NSW Education Standards Authority develop policy documents outlining the complaint procedures for complaints regarding allegations of misconduct or reportable conduct to set clear guidelines and expectations for the benefit of external complainants.
- Recommendation 38** **199**
That the NSW Department of Education, in its procedures for complaints regarding allegations of misconduct or reportable conduct:
- must notify parents if a matter involving their child is referred to the Employee Performance and Conduct Directorate (EPAC)
 - establish a process for parents to refer a matter to EPAC
 - inform parents of the outcome of any EPAC investigation involving their child
 - maintain existing industrial entitlements and the right to due process for staff employed by the Department.
- Recommendation 39** **201**
That the NSW Department of Education establish a case manager role to assist parents and carers in navigating all aspects of the education system, including the enrolment and complaints processes. In particular, this case manager should be in contact with each family during the enrolment process in order to facilitate well informed choices.