



INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW SOUTH WALES EDUCATIONAL SETTINGS

HEARING – 22 April 2024

SUPPLEMENTARY QUESTIONS

Federation of Parents and Citizens Associations of NSW

1. Some opponents of inclusive education argue that it is not possible for every single child with a disability to be accommodated in a mainstream school because of the extent of the adjustments required to meet the differing needs of each student with a disability. Would a ‘single classroom’ model intended to include all children regardless of their disability exclude the possibility of exceptions in certain circumstances? If so, what do you say to those people who argue that we cannot end segregated education on the basis that not all children can in their view be accommodated into inclusive education environments, even if they are well-resourced?

The Federation does not believe that fully inclusive education is impossible. With the appropriate funding, staffing, resources, and resolve, the needs of every student can be accommodated in a “single classroom” setting. Exceptions could exist, but should be reserved only for those unique circumstances in which the student and family voluntarily elect an alternative despite the ready availability of adjustments that could meet the student’s need in a single classroom setting.

This is not to say that moving to a “single classroom” model is without significant challenge. Depending upon the nature of a student’s need, adjustments could range from the simple, like the need for extra teacher time to adjust curriculum delivery, to the more complex, such as specialized physical classroom space or trained professionals to provide individual adjustment. All of these adjustments require time to implement, an available professional workforce, and robust and easily available funding. Given time and resources, fully inclusive education is achievable.

- a. Are you concerned that a move to end segregated education could lead to the isolation of specifically children with more complex disabilities, in home schooling or in settings with a more limited group of peers?

Yes. It is for this reason that a well-resourced and independent [dispute resolution organization/ombudsman] must be empowered to direct schools or educational authorities in all school sectors to provide reasonable adjustments for any student with a disability, including those with more complex needs, at the school which they voluntarily elect to attend. This [body/tribunal/individual] must have the capacity to order that resources be made available to provide reasonable accommodation where there is a demonstrated student need. Students and families of students with a disability must not be required to navigate the system alone, and by the same token schools and school systems should not be left as the final arbiter of “reasonable adjustment” when they should be acting as a partner and champion for the needs of every student.

- b. As we transition to an inclusive education model, is there a danger that those children who are ‘easier’ to include will be brought into the mainstream, relieving some of the pressure to end segregated schooling but exacerbating discrimination felt by children with disability left behind?

Yes.

- c. How do we plan to ensure that this doesn’t happen?

The mandated right of every student to attend the school of their choice (or as governed by catchment rules in the case of the public education system) along with an independent mediator as described above must be created as the initial step in moving to an inclusive education model. Leaving the most difficult problems to be solved last in a transitional process will not be effective. The mandated right of attendance and an empowered independent authority to back up that right will spur policymakers and school systems to create the necessary change to ensure that all students with a disability have the opportunity to participate in inclusive education.

The way that you plan to ensure that no student is left behind is to design a system that guarantees at the outset that no student will be left behind.

- d. How can children from the Deaf community be fully included in mainstream education while respecting and encouraging their bilingual language needs?

The Federation does not currently have the expertise to respond adequately to this question and refers the committee to representatives of the Deaf community.

2. In our inquiry we have heard evidence indicating that while people with disability overwhelmingly support inclusive education, parents and educators are more split on the issue. Why do you think this is?

Put candidly, some parents and educators lack faith in governments and policymakers to provide resources, including funding, that are necessary to make inclusive education a reality. Too often, governments announce programs, mandates, or policies that make for good short-term press (or election talking points) but then fail to follow up with the necessary resourcing. As an example, it has been twelve years since governments announced Gonski's needs-based funding model, but full School Resource Standard funding is still not a reality in public schools. Likewise, governments are quick to announce new requirements for teacher upskilling, but provide no funding for the time and casual-teacher support necessary to allow teachers to undertake the courses. And even if teachers somehow manage to find time to acquire the necessary skills, there is no time to plan and implement what they have learned. These are two out of myriad examples.

Public schools are underfunded and struggle to meet basic student needs. Teacher shortages are common in all school sectors. Counsellors, psychologists, behaviour specialists and other professionals that could support students with disability are in short supply. In these circumstances, it is no wonder that some parents and teachers are apprehensive about a move to fully inclusive education. Based upon past experience with these unfunded education mandates, parents and teachers rightly worry that the resources necessary to meet the needs of students with a disability will have to *be taken away* from other areas rather than *added to* the resources that are already available. In other words, they worry that to meet the needs of students with a disability, schools will be less able to meet the reasonable needs of other students.

The overwhelming majority of parents and teachers want to provide the best education possible to all students, including students with a disability. But a long history of failure by successive governments to back up their promises and mandates with the necessary funding and resources to allow those mandates to succeed have made it difficult to trust that the move to inclusive education will be any different.

3. How do we bring parents, educators and the broader public on board with a planned transition to inclusive education?

The reasonable apprehension of parents and teachers that transitioning to inclusive education will further strain already limited resources must be addressed. As a first step, governments must end the debate over school funding by providing full needs-based funding now. The ongoing public debate over the failure to fund public schools to even the minimal School Resource Standard levels continues to damage public confidence in government schools, and is a key reason that some parents and teachers fear the move to fully inclusive education.

Moreover, governments and school sectors and systems must be fully and meaningfully transparent about the amounts, sources, and use of funding available to support the needs of students with a disability. This transparency should extend to all areas of education funding as well, so that families can see for themselves that appropriate funding is available to meet the needs of all students, or can press governments to correct deficiencies in funding where they exist.

Finally, governments, school sectors and systems should promote the value of inclusive education to communities and society generally. As noted in other submissions to this enquiry, inclusive education does not benefit only students with a disability. It benefits all students in a wide variety of ways.

4. Were NSW to establish an independent complaints mechanism for families to raise issues within a school, what should this look like?

In the Federation's view, at least three things are necessary for a complaints mechanism to be successful. First, the mechanism must be independent of the Department of Education (or other governing system) after initial efforts to resolve disputes at the local school or district level have been unsuccessful. Second, there should be an informal dispute resolution process that utilizes specialist personnel who are familiar with the needs of students with a disability, the requirements of various laws and standards (including [list applicable ones here]), and the kinds of reasonable adjustments that are available to support students. Third, there should be an appellate process available when informal dispute resolution fails. To be effective, an appellate tribunal should have the authority to direct schools or school systems to provide specific adjustments or make other orders as necessary to meet a school's obligations to a student with a disability.

a. Would NSW benefit from establishing an office similar to Victoria's Independent Office for School Dispute Resolution?

Yes. Victoria's Office for School Dispute Resolution is a sound model for the informal dispute resolution process that is described above.

- b. Should the NSW Ageing and Disability Commissioner be resourced to proactively act to prevent discrimination against children with disability in our education system and ensure all children have an equal opportunity to learn in our schools?

Yes. With the appropriate legislated powers and obligations, the NSW Ageing and Disability Commissioner could provide appellate level review of claims that a school or school system's failure to provide a particular adjustment amounts to discrimination, including investigation and direction of corrective action to address alleged discrimination. The Commissioner could also report and advise government on systemic issues identified through its investigations.

5. Which recommendations from the Disability Royal Commission does the Federation of Parents and Citizens Associations of NSW support?

The P&C Federation recommends to the inquiry that:

- Recommendations 7.1 to 7.13 be implemented and applied to all school sectors.
- Recommendation 7.15 ("An alternative approach") be adopted in New South Wales to preserve student and parent choice concerning the most appropriate setting for education.