Inquiry into Children and Young People with Disability in New South Wales Educational Settings

Post Hearing Responses

12 June 2024

QUESTION 1, PAGES 14 & 15

The CHAIR: If we could ask you, Mr Martin, in relation to the specific courses that teachers can take in relation to educating kids with disability, what do they look like? How many of them are specific to children with neurodiversity? Which ones are mandatory? Which ones are voluntary et cetera? Can you give us some sort of colour on that?
PAUL MARTIN: Just to give you some background, teachers have to complete 100 hours of professional learning over a five-year period. Fifty hours of that is via courses that have been endorsed by NESA or provided through their sector, and 50 hours is much more related to teacher choice. They can include both courses in relation to disability and other types of courses. So what NESA does for the courses that are approved by NESA—we have a panel of experts. We have expertise from the disability sector and various medical experts etcetera, who have a look at the work—at the application processes—that people have put in to run courses and endorse those courses for teachers to be able to do those approved courses so the hours count under that heading.
We don't mandate any particular courses for teachers to do; we leave it to the teachers. There are teachers at schools who have, potentially, a particular arrangement or array of students in front of them and they may need to try and deal with, as you said, neurodiversity, or it might be students with hard-of-hearing or sight issues so we don't mandate any particular types of professional learning for teachers to complete in relation to specific types of disability. I might just throw in there—because you've asked the question—we also mandate that, in their preparation as teachers, the initial teacher education qualifications require a mandatory unit on students with disabilities and it also should be integrated into other parts of the courses that they do. So if they're doing things like literacy or numeracy or maths or English or science or something about student welfare, there will be areas of those other parts of their initial teacher education qualification that will lead them into students with disability.
The courses at university, again, are approved by NESA for preparation of students. They have some specifics in them but they're also more general about the things that teachers will face when they come into schools and also lead them towards the choices they might need to make as teachers to upskill themselves depending on the specific students that are in front of them. I can provide you with a list—I think maybe we have on notice last time—of all the different types of special ed provision and how many units and hours we have. We don't mandate. We leave that professional judgement with teachers, schools, their supervisors and so on.
The CHAIR: So when it comes to that core mandatory unit during the core education for teachers, what does that look like in terms of—what exactly is that? How many hours does it involve? What level of detail does it go into?
PAUL MARTIN: That's an initial teacher education requirement. I think New South Wales is the only State in the country that requires that. I think most States and Territories have content for dealing with special education integrated into all of their preparation. We do have that as well but we believe—and it was believed back in the 1980s—that a special unit needed to be prescribed. What that unit looks like is different from university to university. There are over 100 initial teacher education qualifications in New South Wales across, I think, 17 institutions. I'm happy to provide that on notice. Those courses will look different depending on the units that they sit within. The amount of time is different depending on whether it's a two-year qualification or a four-year qualification, whether it's a primary or secondary qualification or whether it's zero to 10 or zero to 12 in the age group. Depending on the nature of the qualification, those courses will look different. But I think in general they would all—and I'm extemporising to some degree—have definitions of disability, expose young teachers or beginning teachers to the Act and the legislative requirements, have an understanding about the history of disability and inclusion practices in schools and where we're up to now, and possibly disabuse people from notions they may have had in terms of

their own upbringing or their own school experiences and bring them into a much more current understanding.

I think we've probably got a lot more content now about neurodiversity than might have been evident 10, 15 or 20 years ago. But I think I'd have to say that the courses will look different depending on the nature of that particular education program, the intention of it—whether it's primary or secondary or early childhood—and potentially what the university feels is the appropriate focus. I would suggest that they will have some very general content that would enable anyone to get up to date to some degree with arguments in the field.

The CHAIR: How many teachers undertake the optional training in disability units when they're doing their PD?

PAUL MARTIN: When they're doing their PD, I would—again, extemporising—suggest that most teachers over the course of five years would do some professional learning in the area of special education and special needs students et cetera. I think it would be unlikely that that wasn't the case. The three school sectors run their own professional learning internally, and I would suggest that there will be disability and special education PD in those spaces. I can provide you with the data on notice about what we have about who does what. Sometimes the titles don't necessarily lend themselves to a specific understanding for our search engines, if that makes sense, but we can provide you with enough of an idea about how many teachers are doing what, and through what sector. I think the department keeps reasonably strong records of its own staff, so that would also be an avenue for that level of information.

ANSWER

NESA retains a database of professional development (PD) courses that have been accredited by either Authorised Providers or by NESA itself. Teachers are not required to log elective or voluntary PD in NESA's database.

With regard to accredited teacher PD courses for existing teachers, since July 2021, a total of 538 courses in the priority area of students with disability have been accredited by either Authorised Providers or NESA.

While some Authorised Providers mandate a particular PD course or courses for teachers in their sector, NESA does not mandate any particular course for all teachers.

NESA requires each of the 110 accredited initial teacher education degrees currently offered by the 17 teacher education providers in NSW to contain at least a one semester long unit of disability education studies. This normally equates to at least 39 hours of contact time at university.

In addition, NESA requires teaching degrees to embed specific content relating to general knowledge of disabilities, syllabus requirements and appropriate teaching strategies relevant to the NSW curriculum area the graduates will teach. Universities determine what aspects of this required content are embedded with the mandatory unit and what are distributed across other units in the course.

These NESA requirements are described in a policy called Elaborations in Priority Areas, a set of cross-curricula studies, and the Subject Content Knowledge Requirements which describe the content and pedagogical knowledge linked to the various NESA syllabuses.

As at June 2024, NESA data showed that a total of 35,709 teachers had undertaken at least one accredited PD course in the students with disability priority area since July 2021.

In addition to the NESA accredited courses staff of the Department of Education can also access a wide range of resources and professional learning opportunities to build their knowledge, capability and confidence to meet the needs of students with disability. This includes:

- Courses about the Disability Standards for Education.
- A suite of on-line courses addressing a range of diverse disabilities.
- An inclusive practice hub which provides a range of resources to inform inclusive teaching and learning practices.

The Disability Standards for Education Leaders is mandatory training for staff who are substantive, active or relieving as a Director Educational Leadership, Principal, Deputy Principal, Assistant Principal or Head Teacher only. This training must be completed on commencement and revisited every three years.

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QUESTION 2, PAGE 18

The Hon. ANTHONY D'ADAM: Mr Martin, you might be able to update the Committee in terms of a sectoral imbalance in terms of special consideration for the HSC. I don't have access to recent data, but perhaps you might comment on whether that's still the case and, if it is still substantially unbalanced between sectors, what action has been taken to try to remedy that inequality.

PAUL MARTIN: Thank you for the question. That's just a perennial disability provision HSC issue. If I might mention a former upper House member, John Kaye of The Greens used to over many years under FOI, as it was then—GIPAA now—request the applications and the numbers of approved et cetera. There was a disproportionate number of approved applications into the non-government sector at that period, not because there was any bias or any application of the rules in any other way but simply because there were more applications coming from one sector than the others. My predecessors have—firstly, we released that information publicly, so it's no longer required to go through any sort of GIPAA process. We make sure that that's a public piece of information. We've talked very clearly and openly with the sectors about how we might best have the applications represent better the numbers of the students and the numbers of the students with disability.

The first thing was education processes with the sectors and giving the department, to be honest—and I have spoken off the record and on the record to Mr Graham about this in the last 12 months—how do we make sure that we get more applications in from some of the government schools? Why have they put no applications in when we know that there are kids with disabilities there and are heading for the HSC? Is it our application process? Is it access to doctors? Are we too bureaucratic? Is teacher workload too great for them to go through this process as they're nearing the HSC? What can we, as an agency, do to cut through all of those issues?

The numbers have been shifting in the right direction now for a few years, and I think it has to do with the education processes with the government sector, in particular, and support that they've provided to their own schools. Some clarification and clarity around our applications has helped. I think it's close to 50-50 now in terms of numbers of disability provisions across non-government versus government sector, which is a significant improvement, but I still think that there's a fair way to go.

I mentioned earlier there are some parents and some students who simply don't wish to apply, and sometimes that's in some communities. We have probably got a bit of education there about how best to explain that this is not a stigma but in fact an aid and support for young people going through the HSC. That's the work that we will be doing and have been doing with Mr Graham and his team. I can provide on notice a sort of— I think we may have, in fact, at the last hearing, but we can provide the movements over time by a sector without any problem.

ANSWER

Table 1: Independent schools - requests for HSC Disability Provisions 2019-2024

Independent schools	2024^	2023	2022	2021	2020	2019
Number of disability provisions applications received from Independent schools	3,559	4,014	3,600	3,493	3,129	2,675
Number of fully approved applications	1,718	2,713	2,377	2,337	2,114	1,727
Number of partially approved applications	716	1,189	1,083	1,030	918	834
Number of fully declined applications	187	112	140	126	97	114

^ As at 18 June 2024. The 2024 data at this time of year is inconclusive and cannot be used to predict the final number.

Table 2: Catholic systemic schools - requests for HSC Disability Provisions 2019-2024

Catholic systemic schools	2024^	2023	2022	2021	2020	2019
Number of disability provisions applications received from Catholic system	1,664	1,992	1,770	1,786	1,634	1,396
Number of fully approved applications	759	1,361	1,212	1,169	1,098	930
Number of partially approved applications	308	556	475	544	468	406
Number of fully declined applications	43	75	83	73	69	60

^ As at 18 June 2024. The 2024 data at this time of year is inconclusive and cannot be used to predict the final number.

Table 3: Government schools - requests for HSC Disability Provisions 2019-2024

Government schools	2024^	2023	2022	2021	2020	2019
Number of disability provisions applications received from government schools	3,054	4,729	4,246	4,207	3,904	3,322
Number of fully approved applications	1,191	3,345	2,966	2,955	2,687	2,245
Number of partially approved applications	570	1,262	1,165	1,100	1,087	953
Number of fully declined applications	82	122	115	152	130	124

^ As at 18 June 2024. The 2024 data at this time of year is inconclusive and cannot be used to predict the final number.

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QUESTION 3, PAGE 19

The Hon. ANTHONY D'ADAM: Mr Martin, we heard evidence from Auslan users about having an Auslan curriculum in Victoria. Maybe you might be able to shed some light on what the status is in New South Wales in relation to offering Auslan in New South Wales schools.
PAUL MARTIN: Auslan was introduced as a language in New South Wales schools from, I think—I was at the launch. It was maybe—it might have been even before COVID, but Auslan is now a recognised language to be taught in New South Wales schools.
The Hon. ANTHONY D'ADAM: In terms of the curriculum, how is the rollout of that looking? Is it offered as a HSC subject? Perhaps you could elaborate on which stage is the Auslan curriculum available to be offered.
PAUL MARTIN: Again, there are probably some specifics there that are not in my notes. The syllabus has been completed and written. Students can do it, I think, from K to 10 but certainly from 7 to 10, and I'll clarify that on notice. Oftentimes the delivery of languages in schools is dependent entirely upon the capacity of a teacher to teach them. With the arrival and the approval of Auslan as a language in New South Wales a couple of years ago, we now have teacher training institutions—have added it to their preparation programs for teacher training. So there will be, now, more Auslan teachers. It's a matter of whether the school will offer it. And we don't just expect it to be offered to students who are hard of hearing. We think that Auslan will be popular amongst students more broadly, and students who have hard of hearing members in their family, or parents or carers et cetera. But there's a little bit of a time lag. First of all, we have to have the syllabus out there. Then, over time, we can ramp up both the capacity of the schools to deliver it and the support that's provided for it et cetera. We're already done that. I actually—I'm not sure about my Victorian colleagues—thought we were slightly ahead of them, but I'm not sure about that.
The Hon. ANTHONY D'ADAM: On notice, are you able to provide some detail about the uptake in terms of how many schools are offering Auslan as part of their curriculum?
PAUL MARTIN: Whatever details we have, I will provide.

ANSWER

The Auslan K-10 Syllabus was released in 2023 for implementation in 2026. Schools can begin teaching the syllabus in 2024 and 2025. Schools are required to teach 100 hours of a language in Stage 4. In other stages, teaching a language is optional. NESA does not collect data on the language syllabuses taught by schools in Stage 4. NESA only collect data on student enrolments in subjects in Years 10, 11 and 12. In 2024, there are three schools in NSW with students enrolled in the new Auslan K-10 Syllabus in Stage 5.

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QUESTION 4, PAGE 21

The Hon. SARAH MITCHELL: I've got one more quick one. You might have to take it on notice. I appreciate that you're not in charge of all of the finances at the department. In relation to some of the budget changes that principals were advised of in April, would you be able to clarify that no SSPs were impacted by that?
MARTIN GRAHAM: I can clarify that no SSPs were impacted by that.
The Hon. SARAH MITCHELL: What about the freezing of other money that was in accounts that principals had time to spend but has now gone back centrally? Again, was there an impact on any SSPs with that decision?
MARTIN GRAHAM: I'll have to take that one on notice.

ANSWER

Following the previous government's announcement in 2021 of plans to discontinue accumulated state consolidated funds, the pause in expenditure from Fund 6101 applies to all schools.

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QUESTION 5, PAGE 21

The CHAIR: Can I go back to you, Mr Martin. One of the things that was raised by Down Syndrome NSW when they appeared before us was in relation to their students having to provide more documentation than they thought was reasonable—having to go back and provide further information on their diagnosis as a person with Down syndrome. They were basically pointing that out to us as being a bit ridiculous. People have known that they have had Down syndrome since they were born, so why is NESA asking them to go and get that sort of diagnosis? Were you listening to that evidence?
PAUL MARTIN: No. I can try to answer. There's a range of students that have been diagnosed or have Down syndrome. There's a range of abilities and capacities, in the same way as in the rest of the community. All I can imagine is that the extra information we've been asking for from people is how the disability manifests for the exam in terms of comprehension of questions and writing speed. We shouldn't be asking for a diagnosis. Unless I can be told something by my office that we ask for a particular reason, it seems to be nonsensical to require additional proof or diagnoses of something that has obviously been long understood.
I would say that, more broadly, if a student has come to year 7 with cerebral palsy or a significant disability that is already well established and manifests right through their schooling, then NESA shouldn't be asking for additional proof. We need to find out how not to create difficulties. I think we already, after the Firth report that I mentioned earlier, allow for applications much earlier than we would've otherwise, in order for those students to be cleared from our system and dealt with very quickly because of the nature of the disability. I'll happily have a look at that to see if—
The CHAIR: To be fair, perhaps I have misremembered it and it was about getting more doctors' reports rather than a diagnosis as such. The sentiment expressed was that, in the context of young people trying to get on in life, being positive about all of the opportunities that they have and fighting discrimination and ableism, to then have to prove that they can't do things in order to get the adjustments that are due to them—when the school and everyone else already knows—is quite damaging on their mental health. I'm wondering if NESA has considered the impact of some of that evidence being required in circumstances where it has been clear throughout a schooling career that a person has a particular disability.
PAUL MARTIN: We need to make sure, in order to provide the best for the student—the most support, the rest breaks, the drink breaks and whatever—exactly how the disability manifests. It's often in schools already, but we do need some level—and you can imagine why—of third-party, independent assessment and analysis. I understand how that might affect the student's mental health by having to demonstrate that they're not good in order to get something that is supportive. All I can say is that the additional evidence we require would be so that we can have proof and provide the most support. I'm not going to be silly about saying that we can't work better with the department or any school sector or any school if evidence is already in existence and it looks like pretty good evidence to us—we should be able to do something with that. Again, as part of the process of this hearing, I will take some of the conversation back to the team.

ANSWER

NESA acknowledges the lifelong nature of certain disabilities. The functional impact of a disability in an exam situation may change over time, so there is a need to obtain updated evidence closer to the HSC exam period to ensure students are appropriately supported. NESA will is working with the Department of Education and school systems/sectors to improve the process.