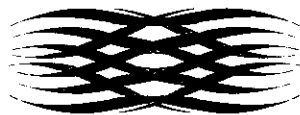


Submission
No 205

**INQUIRY INTO THE PROVISION OF EDUCATION TO
STUDENTS WITH A DISABILITY OR SPECIAL NEEDS**

Organisation: NSW Parents Council

Date received: 18/02/2010



PARENTS COUNCIL

Thursday 18 February 2010

The Director,
General Purpose Standing Committee No. 2,
Parliament House,
Macquarie Street,
Sydney NSW 2000.

Dear Sir/Madam,

**Re: The provision of education to students with a disability or special needs
(Inquiry)**

Please find attached a submission to the General Purpose Standing Committee No. 2 to the provision of education to students with a disability or special needs (Inquiry) from the NSW Parents' Council Inc for the Committee's consideration.

The issue of education and funding for students with disabilities or special needs is of particular interest to the NSW Parents' Council Inc. We formally request that we be given an opportunity to talk to this submission at the public hearings on the 22nd and 23rd March 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anne Crabb', written over a faint, stylized oval graphic.

Anne Crabb
Executive Officer
The NSW Parents' Council Inc

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Executive Summary

Thank you for the opportunity to present our viewpoints on this important topic. We have structured our submission along the lines of the terms of reference for the inquiry. However our key concerns can be summarised as follows:

- Government provided funding for education of children with disabilities in the non-government sector has been completely inadequate for too long. They have been funded at well below the same levels as their government school contemporaries but even their funding is inadequate. There is universal agreement that the funding in all sectors is inappropriate and we are concerned that the current review of funding models should address this situation – to date no indication of the treatment of children with disabilities and the surety of their funding has been provided;
- There needs to be a flexible and individual approach to the determination and allocation of funding for these children; and
- Current teacher training courses have no compulsory special education component and this is a serious shortfall impacting teachers and all students whether disabled or not.



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Background of the NSW Parents Council

The NSW Parents Council (NSWPC) is the peak state body representing parents of children who are educated in non-government schools. The NSWPC was founded in 1962 and has, for almost half a century, represented the concerns of parents to State and Federal Ministers of Education and participated in numerous reference committees relating to curriculum development and student welfare. We currently have a parent representative on the Board of Studies.

Our supporting principles are:

1. Children are entitled to an education which will enable them to attain their full potential.
2. Parents have the primary responsibility to educate their children. They are the first and foremost educators of their children, and the family is the first educative 'school' or 'community' to which children belong.
3. "Parents have a prior right to choose the kind of education that shall be given to their children" (The Universal Declaration of Human Rights, clause 3, article 26).
4. As a result of the importance of the school in a child's education, parents have the right and duty to choose schools which they consider best suit their children's schooling requirements.
5. Parents are entitled to exercise their right of choice of schooling for their children without financial or other disability being imposed on them or on their children by any Government.
6. Schools exist to help parents discharge their educational responsibilities, and there should be harmony between the philosophy and values of the home and those of the school.
7. Governments, as protectors of the rights of citizens, should assist and encourage, not restrict, parents' exercise of their right to choose schools which they consider best suit their children's needs.
8. As a result of their fundamental obligation to protect and promote the rights of all citizens, Governments have responsibilities in relation to schooling for all children, not just for those attending government schools.



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9. The child, not the school, should be the focus for the allocation of public funds for schooling.
10. A Basic Funding Entitlement, calculated as a percentage of the total per capita recurrent cost of schooling in government schools, is a real implementation of the parents' right of choice of school and the right of every child to an equitable share of public funds for schooling.
11. For students who are experiencing specified educational disadvantages, their schooling costs should be assessed and more public funds made available, in addition to their Basic Funding Entitlement.
12. Governments should acknowledge and support the valuable role of the family in society, and parents in the learning partnerships with schools.



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Terms of Reference

1. The nature, level and adequacy of funding for the education of children with a disability

Across all educational settings, government and non-government, inadequate funding and insufficient resources are provided for the education of students with disabilities. That said it is not merely about funding it is also about the application of that funding in a cost-effective, cost-efficient manner to get the maximum education value for students with disabilities.

The government sector struggles to provide an adequate service for the growing number of students with disabilities within ever tightening budgets.

The non-government sector is severely under-resourced under the current Federal Socio-Economic Status (SES) and State Education Resource Index (ERI) funding models. For the first one hundred and fifty years of education in Australia it has been the private sector through church and charity schools who have shouldered the responsibility for the education of students with disabilities. The government deemed students with disabilities as ineducable until the mid-1970s when it could no longer ignore the impetus of the human rights movement and began to establish schools for students with disabilities and later to include students with disabilities in mainstream settings in response to the movement for inclusion.

Having taken up its responsibility to educate students with disabilities the government fully funded students with disabilities yet totally ignored the significant numbers of students still in the private sector and did not provide funding until the early 1990s. Even then the funding mechanism passed into law has provided only a small fraction of the funding for students with disabilities in non-government schools compared to similarly disabled students in the government sector. However, disability does not recognize arbitrary socio-economic and sectoral divides. This is an inherently iniquitous situation which must come to an end. The NSWPC has, for many years, called on the Commonwealth and State government to equitably fund students with disabilities, taking into account their level of disability and educational needs, irrespective of the educational setting.



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Our call has been echoed by "Shut Out: the experience of people with disabilities and their families in Australia Report" released in August 2009 by the National People with Disability and Carer Council which found: ***All children and young people are entitled to an adequate level of government funding to improve their access to education regardless of the pre-school, school or school sector they attend.*** (at 2.6 – see further details below)

The funding formula for students with disabilities in non-government school is a miasma which makes it virtually impossible to simply provide a figure arrived at for the education of a student with disability in a non-government school.

The Federal funding for a student with a disability at a special school is 70% of what the average government recurrent cost of educating a neurotypical student in a mainstream government school and the State government contributes funding to students in non-government schools on a sliding scale of Categories No 1 to 12 based on an Education Resource Index. Students with disabilities are funded at Category 12 but that category is still based on socio-economic indicators, not on disability.

We are also particularly concerned about the plight of students with disabilities in any new funding models under the National Partnerships between the Federal and State governments. These focus on low socio-economic status and it is not clear how funding of students with disabilities is going to be handled and will there be any guarantees that the funding of students with disabilities in non-government schools will be maintained, increased or even assured?

Recently there have been a number of non-government special schools in NSW which have suffered significant and unexpected funding cuts which have put increasing pressure to cut staff and therefore they have been forced to compromise the quality of learning experience for the students with disabilities. While the Federal government denies it has cut funding it concedes that a new funding formula has been devised for students with disabilities in non-government schools (which has resulted in funding cuts). St Lucy's Special School at Wahroonga has lost significant funding in the vicinity of \$80,000 and it will continue to lose that funding for 2011 and 2012 which is simply unsustainable. Kingsdene Special School at Telopea has also lost funding so much so that funding shortfalls have forced the closure of the school which will take effect at the end of 2010.



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According to answers to Budget Estimates questions in 2008 31% of all students with disabilities in NSW are educated in the non-government sector at considerable cost to parents and these school communities. Government is in fact riding on the backs of charitable organizations and is not meeting its responsibility for the education of students with disabilities. This is in breach of a number of international conventions to which Australia is a signatory and is a very serious matter (refer details below). Should the funding to these schools continue to decline either student intakes will be reduced or these schools will close. This will mean that the already over-stretched and under-resourced government sector will have to take up those enrolments at a significant additional cost to the taxpayers of NSW.

With respect to the closure of Kingsdene Special School this decision is a devastating blow to the small number of students with severe to profound intellectual and multiple disabilities who have attendant autistic, mal-adaptive and challenging behaviours, who attend Kingsdene. These students had come to Kingsdene from the government system which could not provide the educational support for these students with high-support and complex needs. The Kingsdene model is a 4-day a week boarding school with an extended learning program which extends from the school setting to the residences. This extended learning program teaches the children about the world through a modified academic curriculum tailored to the individual capacity of the student augmented by a life skills program which teaches the students such fundamental life skills as spoon-feeding, walking toileting, self-care, turn-taking and sharing personal space. They also have the opportunity to learn domestic skills such as washing up, table setting, supermarket shopping, vacuuming and the like.

That this is the only school of its kind in Australia which provides such a worthwhile program specific to students with some of the most severe disabilities show a lack of innovative thinking in the delivery of diverse education services. In this regard Australia is utterly failing to meet Article 24 (2e) of the UN Convention on the Rights of Persons with Disabilities and that is to provide: *Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion*

Judging by the previous experience of these students in a government sector that has nothing to match the Kingsdene model of education these students will be marginalized, excluded, suspended and expelled. They literally have no future when their school closes.



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In mainstream non-government schools prospective parents are often advised that they will get better funding in the government sector. Yet despite this inequitable funding model many parents choose to send their child to a non-government school either for family reasons or because the government sector cannot provide a suitable placement which will meet the educational needs of their child. Essentially the student suffers a financial penalty for the choice in schooling their parent makes. Individual choice is the hallmark of a market-based economy like Australia. Australia is very much out of step with its obligations to students with disabilities by the application of punitive funding choices based on the choice of sector not on the student's educational needs. This is a matter of human rights and needs to be urgently addressed by government. This must be done not only in the interest of equity but in the interests of the students with disabilities whose optimal educational outcomes are compromised and therefore their opportunities for and choices of tertiary education and post-school employment are likely compromised.



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2. Best practice approaches in determining the allocation of funding to children with a disability, particularly whether allocation should be focused on a student's functioning capacity rather than their disability

In March 2009, a survey of public school principals across NSW, in mainstream and special schools, reported 100 per cent agreement that special education was underfunded and should be linked to students' level of function, not the irrelevant, antiquated funding formulas currently used. We need new, innovative solutions that address the real challenges facing students with disabilities. We need lateral thinking and leadership to stop Australia falling even further behind the rest of the world in the education of students with disability. In failing to maximize the educational opportunities for students with disabilities and thereby failing to facilitate their inclusion within the school community and the wider community.

One thing that is certain when dealing with students is that no two children are the same whether disabled or not. While a labelled diagnosis may give a broad indication of their difficulties and challenges each child is affected differently by their disability. It is therefore essential that the functioning capacity of the individual student in the relevant school setting be considered when determining funding. For example in a special school setting where there is a wealth of experience, trained teachers and ancillary staff, resources and facilities there may be a different level of funding required as opposed to a mainstream setting which may not be able to provide the level of support and special resources required on a daily basis in order to facilitate inclusion of the child.

When assessing functioning capacity vs disability this is a very fraught road down which to travel because we need to be clear what will be the definition of "functioning capacity". Just because a child can speak and read and write they may have sensory impairments, autism or challenging behaviours which impedes their functioning capacity. Careful consideration must be given to the notion of functioning capacity and disability as it can be a double-edged sword if used simplistically based on functioning capacity alone without due regard to the affects of the disability on functioning capacity. Any assessments must give due regard to both in order that the student is supported to function at their capacity.



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In 2006-2007 the Howard government commissioned a study by Monash University into the portability of funding for students with disabilities. The executive summary and key findings are reproduced in the Appendix.



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3. The level and adequacy of current special education places within the education system.

A simple review of the waiting lists and surfeit of applications over places available would clearly indicate that there are insufficient places currently available for students with disabilities.

Parents approaching government and non-government schools have little guidance in making a choice in schooling for their child. Early intervention services, such as Lifestart, have been very effective in assisting with the transition of students with disabilities from pre-school to school with support which eases the child into the school environment. However, the availability of this program particularly in regional and remote parts of NSW is limited.

Anecdotal evidence is such that the successful integration of a student with disabilities depends largely on the school's Principal. If the Principal is welcoming and takes ownership of the placement and leads the school in ensuring inclusion and support for the student with disabilities the placement provides a successful, enjoyable and positive learning experience for the student with disabilities and for the entire school community.

However, if the Principal does not fully support the placement then the student may experience a feeling of exclusion, fear and a negative learning experience. Often negative experiences are found to be connected with the Principal or classroom teacher feeling under-resourced to meet the educational needs of the student with disabilities. It is for this reason that NSWPC believes transition to placement is so vitally important in ensuring a positive learning experience.

There are many parents who are reticent to mainstream their child especially if the child has an intellectual disability because they fear inadequate playground supervision may expose their child to bullying and increase the risk of adverse behaviours that can lead to suspension.

The issue of bullying and intimidation is not so much an issue for students who are in primary school but when the student moves from primary to secondary school this aspect of the student's school experience becomes a concern for parents particularly if the child is non-verbal and has difficulty communicating and there is no clear information to the parent as to the adequacy of playground supervision.



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Last year NSW Department of Education planned to "dilute the expertise of special education teachers so they can be spread more thinly across an increasing number of children with disabilities" This plan was postponed by Education Minister Verity Firth and the period for consultation extended until the middle of 2010. This decision was taken after parents and Principals expressed alarm at the short lead-in time for the proposed changes and the lack of consultation with parents and schools.

"The Government had planned to allocate school grants based on the prevalence of disorders in the wider community and no longer according to the number of individual students. Under the education department's plan, teachers would no longer specialise in reading and language, autism or behavioural difficulties. They would be expected to cover a broader range of special needs after undergoing 110 hours of online learning." While better delivery of education to students with disabilities is the concern of parents, teachers, Principals and the Department of Education it was acknowledged that school communities were not properly briefed on how the changes would be implemented and the benefits of those changes.

While some parents are concerned that the loss of teacher's aides in the classroom will adversely affect their child's educational outcomes, others welcome the move as being one that recognises that having a specialist teacher might better support students with additional learning needs by quickly identifying those needs and assisting classroom teachers to co-ordinate and implement an individual education program which will best meet the educational needs of the student with disabilities and will enhance the educational outcomes. Parents want a responsive, flexible and individual program and it is hoped that the trials of the proposed changes will be positive and lead to the best results for the student with disabilities and the entire school community. We await the evaluation of this trial with interest.



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4. *The adequacy of integrated support services for children with a disability in mainstream settings, such as school classrooms*

The mainstream setting is the preferred option for students with disabilities provided that the mainstream setting is what the student is comfortable with. A feeling of belonging and feeling welcome is an essential part of a child's learning experience. Happy children learn well, distressed and anxious children do not. A mainstream setting for a student with disabilities must be one which works for the student, the teacher and the class. The student with disabilities must be adequately supported and transition from pre-school to primary school and from primary school to high school. The process must be well planned and well co-ordinated in order to minimize anxiety and to prepare the student for their new school. It is important that the student's educational needs are well known to the new school and the transition to be prepared for thoroughly in order to minimize the anxiety for all concerned. If the student requires technology such as a laptop and lessons delivered and prepared electronically that must be communicated to the school and that teacher must receive a thorough briefing to ensure that lessons can be delivered appropriately.

Parents as partners in learning are a vital part of a student's integration. Parents are the repository of a detailed history and can provide a wealth of knowledge and information which is very useful in integrating students with disabilities in the mainstream setting. Parents are willing to help wherever and whenever they can because they want the best for all their children. NAPLAN tests for all students with disabilities in the mainstream setting must be provided in electronic form if that is the mode of learning of the student, this is an issue which needs to be raised at the outset so that when the time comes for the administration of the NAPLAN tests all students including students with disabilities are able to feel part of the process. This is a matter which needs to be raised with the Principal.

With respect to classroom aides the type of aide either a teacher's aid or a student's aid will depend on the needs of the student with disabilities. It is essential that the teacher modify the curriculum and deliver the course work for the student while the teacher's aide assists the teacher by attending to the rest of the class while the teacher provides attention to the student with disabilities either to set or correct work or modify the lesson. A student's aid may be required to assist a student with personal



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care as that may be the only assistance the student required. Flexibility is key to the outcomes for students with disabilities.



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***5. The provision of a suitable curriculum for
intellectually disabled and conduct disordered students***

A life skills curriculum with appropriate work placements and independent living skills where possible will be invaluable for these students. For many years teachers have been modifying Board of Studies curriculum in order to teach students with intellectual disability with the lessons tailored to the intellectual capacity of the student. Students with conduct disorders require an environment which is structured and certain with a physical environment which allows them to withdraw from the class while remaining safe at all times. Non-government special schools have increasingly enrolled students who are at the severe end of the disability spectrum and have very successfully provided the learning environment which is structured yet flexible, constant yet stimulating.

There are schools for students who do not thrive in the general education system for whatever reason and they too should be catered for. Again it is the non-government sector that provides the innovative, flexible and responsive educational setting. The Berne Education Centre is one such school which is a special school for young people who have behavioural or emotional problems.



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6. *Student and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors*

There is no doubt that the provision of specialized professional support within the education environment greatly enhances the student's progress and experience. Delay in physical development can seriously impede a child's ability to learn. It is important for health professionals to coordinate with the school to optimize physical performance.

Allied health professionals often devise particular activities for children that have to be adhered to on a daily basis. E.g. part of the day may entail a child standing for lessons to stretch specific muscle groups, a child may need to perform hand tasks in a specific manner. The professionals need to be geographically accessible, where possible, for assessment and then be able to liaise with well trained teachers as to how to optimize the child's progress by following a tailored program.

Teacher's assistants may be able to assist with these programs but a health professional will need to have close liaisons with the classroom teachers and parents to focus on mutual goals with the pupil.

Children with severe disabilities need access to on-site services. Treatment must be programmed into the timetable. Parents of severely disabled children cannot physically transport their children to all the services required to optimize their development. There are not enough hours in a week.

Although disability access has greatly improved there are still problems in achieving equity of access.



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7. The provision of adequate teaching training, both in terms of pre-service and ongoing professional training

In the recent 2009 National Disability Strategy Paper (http://www.fahcsia.gov.au/sa/disability/pubs/policy/community_consult/Pages/2_6_education.aspx) there was universal condemnation as to the level of teacher training. There is little disability training in the entry-level courses and this inadequate knowledge and experience of children with disabilities causes much resentment and fear of their inclusion in mainstream settings at all levels of the education system. A compulsory element of awareness of disabilities is an essential part of improving the lives both of children with disabilities as well as the staff and other students.

A survey of 2,000 members conducted by the Australian Education Union in 2008-2009 found that 70% said they felt they had not been adequately trained to teach students with disabilities. Perhaps this is just a perception or perhaps it indicates insufficient time spent in pre-service in classrooms with students with disabilities.

Today's modern classroom has a very diverse student cohort. Is teacher training adequate to meet the needs of the modern classroom. Is an overhaul of the teacher-training curriculum in order? Teachers need to spend sufficient time in the classroom to get a practical and realistic understanding of the difficulties that can be faced in teaching a class where there might be students who have disabilities. There are no teacher training courses in NSW where a teacher can graduate as a special education teacher. Special education teacher training is undertaken as a post-graduate degree which takes two years to complete. There should be special education teacher training course for those teachers who wish to specialize from the outset.

A review of teacher training courses with a focus on whether there is sufficient course time devoted to understanding the diversity that is found in the 21st century classroom should be undertaken. Training to understanding intellectual disability, autism and other conductive disorders is required.



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8. *Any other related matters*

**2002 Commonwealth Government review of Education of Students
with Disabilities**

We recommend that the Committee of Inquiry review the submissions made to the Senate Inquiry into the Education of Students with Disabilities which reported to the Commonwealth Government on 10 December, 2002 (see:

http://www.aph.gov.au/Senate/committee/eet_ctte/completed_inquiries/2002-04/ed_students_withdisabilities/index.htm.)

Though the figures may be dated the issues certainly remain the same particularly for students with respect to the iniquitous funding formulae used to fund their education. The fact that the needs of students with disabilities have been "bolted-on" as an after-thought to a curriculum that had not at any time considered the possibility of their inclusion in the general education system. For that reason students with disabilities have been seen as having to be "accommodated" in education policy rather than included as part of the diversity which is our modern world. Though there is work afoot with the Department of Education to seriously look at inclusion policy and what must be done to enable full inclusion to become a reality in the classroom.

That government both State and Federal specifically ignore the needs of students with disabilities is clear in the Education Revolution. Students with disabilities have been virtually air-brushed from the education system. Their needs appear nowhere in the Melbourne Declaration, their needs are discussed nowhere in the briefing papers to stakeholder parents and school communities and were only briefly referred to on Page 20 in the COAG Education discussion papers. It is singularly disappointing to know that Federal education policy has seen fit to treat students with disabilities as if disadvantage covers their needs rather than specific policy to meet their educational needs.



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Relevant Human Rights Conventions

The education of children with disabilities is underpinned by a number of important Human Rights conventions for example Article 26 of the Universal Declaration of Human Rights, which sets out the imperative for education and the nature of that education:

Article 26

- 1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible on the basis of merit.*
- 2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding tolerance and friendship among all nations, racial or religious groups and shall further the activities of the United Nations for the maintenance of peace.*
- 3. Parents have a prior right to choose the kind of education that shall be given to their children.*

In addition this inquiry should be mindful of the UN Convention of the Rights of Persons with Disabilities which Australia ratified on the 15th July, 2008 and the Optional Protocol on 21st August, 2009:

Article 7 - Children with disabilities

- 1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.*
- 2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.*
- 3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.*

Article 23 - Respect for home and the family

- 1. States Parties shall ensure that children with disabilities have equal rights with respect to family life. With a view to realising*



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these rights, and to prevent concealment, abandonment, neglect and segregation of children with disabilities, States Parties shall undertake to provide early and comprehensive information, services and support to children with disabilities and their families.

Article 24 - Education

1. *States Parties recognize the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:*
 - a. *The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*
 - b. *The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
 - c. *Enabling persons with disabilities to participate effectively in a free society.*
2. *In realizing this right, States Parties shall ensure that:*
 - a. *Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
 - b. *Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*
 - c. *Reasonable accommodation of the individual's requirements is provided;*
 - d. *Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*
 - e. *Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.*



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Universal Design for Learning – providing the tools for learning

If there is to be a serious attempt at inclusive education then Universal Design for Learning UDL must be in consideration.

In today's schools, the mix of students is more diverse than ever. Educators are challenged to teach all kinds of learners to high standards, yet a single classroom may include students who struggle to learn for any number of reasons, such as the following:

- Learning disabilities such as dyslexia
- English language barriers
- Emotional or behavioural problems
- Lack of interest or engagement
- Sensory and physical disabilities

Teachers want their students to succeed, but a one-size-fits-all approach to education simply does not work. How can teachers respond to individual differences?

UDL provides a blueprint for creating flexible goals, methods, materials, and assessments that accommodate learner differences.

"Universal" does not imply a single optimal solution for everyone. Instead, it is meant to underscore the need for multiple approaches to meet the needs of diverse learners.

UDL mirrors the universal design movement in architecture and product development. Think of speakerphones, curb cuts, and close-captioned television—all universally designed to accommodate a wide variety of users, including those with disabilities.

Embedded features that help those with disabilities eventually benefit everyone. UDL uses technology's power and flexibility to make education more inclusive and effective for all.

www.cast.org/research/udl/index.html



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Research and Longitudinal studies of students with disabilities

There is little research that follows students with disabilities when they complete their schooling. Such information would be of great assistance in evaluating whether particular teaching strategies have contributed to outcomes for students with disabilities in relation to employment opportunities, whether tertiary education was undertaken and completed, what lifestyle choices have been made and the like.

There is a dearth of research, particularly longitudinal research, in relation to children/people with severe to profound intellectual and multiple disabilities with mal-adaptive and challenging behaviours. In Australia there is very little for this cohort in comparison to that for mild-moderate intellectual disability.

At Newcastle University's School of Education Associate Professor Michael Arthur-Kelly has been doing some interesting work in this area since 1993 and has published a paper in 2008 "Interaction, inclusion and students with profound and multiple disabilities: towards an agenda for research and practice:

The needs of students with profound and multiple disabilities (PMD) have received more attention in the educational research and best practice literature over the past decade, especially in relation to the importance of maximising their social and communicative engagement. However, perhaps as a function of their low incidence rate and resultant difficulties in obtaining research funding, there appears to be little in the way of a coherent vision for research in the international literature. In this paper we argue the need for a systematic programme of research into the nature of learning processes and outcomes for members of this group.

Several issues emerge from a review of selected literature and from some recent observational data and descriptive case studies collected in special and inclusive classrooms. First, there is the importance of identifying ways of better understanding the complex experiences of members of this population, with particular attention to the ongoing contribution of behaviour state assessment as a means of measuring individual alertness and responsiveness.

We argue that improved uptake of this approach will do much to advance our knowledge of life quality for this population and assist in more fully evaluating the effectiveness of educational interventions. Second, we explore the potential of social and communicative engagement in a variety



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of settings as a means of enhancing learning and participation in this group.

We suggest that interpersonal variables are the key to improvements in educational support for this vulnerable group. Potential directions in research and practice are explored.

We commend to the Committee to have Associate Professor Michael Arthur-Kelly give evidence to the Inquiry when hearings are held in Newcastle.



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The Shut Out report and the education of students with disabilities

The Shut Out report was a stark reminder to Australians of the experience of students with disabilities in the Australian education system. Dr Rhonday Galbally, chair of the National People with Disability and Carer Council which produced the report for the Federal government did not mince words when she addressed the National Press Club on 7 October, 2009. She so eloquently highlighted the shameful state of education for students with disabilities who leave school illiterate and innumerate notwithstanding their capacity to learn both.

The findings of the Shut Out report on Education: 2.6 'The wasted years'—the education experience of people with disabilities

From the executive summary of the Shut Out report - The education experience of people with disabilities

Education determines more than a child's economic future—it is also critical to a child's social and emotional development, to establishing a sense of identity and a sense of place in the world. It is therefore of considerable concern that 29 per cent of submissions reported frustration with the education system. Most submissions noted that the system has little capacity to meet the needs of students with disabilities. The system was characterised as chronically under-funded and staffed by teachers who received little or no training with regard to disability. Submissions reported widespread ignorance and fear of disability and little or no promotion of the benefits of inclusion. Parents reported particular frustration at their lack of choice of educational setting and the desperate lengths they were forced to go to in order to ensure their child had basic needs addressed. Most sadly reported that they believed their child with a disability was only receiving 'second best'

2.6 'THE WASTED YEARS'— THE EDUCATION EXPERIENCE OF PEOPLE WITH DISABILITIES



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"I remember my Year 8 science teacher said she couldn't wear my Microphone because it put holes in her clothes. I couldn't do anything about it ... she was the teacher—I was the student. For the record—I failed Year 8 science—and it had nothing to do with my ability because in Year 9 science, I had a teacher who wore the Mic and I topped the class."

Equal access to educational opportunities is considered a fundamental right, according to the Australian constitution. However, it is clear that when it comes to delivery of such educational opportunities to disabled people, real educational opportunities are hard to come by ...

[The] lack of appropriate funding, classroom support and specialised equipment are enormous barriers to educational opportunities. Education determines more than a child's economic future—it is also critical to a child's social and emotional development, to establishing a sense of identity and sense of place in the world. Education represents an important opportunity to imagine and create an alternative future for individuals—and unfortunately many young people with disabilities appear to be missing out on that chance.

More than 29 per cent of submissions said that, far from ensuring young people with disabilities have every opportunity to realise their potential, the education system acts as a barrier to greater achievement and independence in their lives.

As a number of submissions noted, true inclusion is about more than location—it is about achieving the same quality of education. Yet all indicators suggest that for young people with disabilities this has yet to be achieved. Despite education standards drafted under the Disability Discrimination Act, the education system continues to fail to respond to the needs of students with disabilities and, as a result, these students continue to lag behind on a range of attainment indicators. As a number of submissions argued, these results are not a reflection of a lack of ability of students but of the failure of the system to meet their individual needs. And as at least one submission noted, there is no way to measure the social and economic cost of failing to ensure young people with disabilities have every opportunity to learn. Failing to provide them with an



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appropriate education limits their potential to lead productive, independent adult lives.

The majority of submissions strongly argued that the current system has little or no capacity to meet the learning needs of students with disabilities and lacks the resources to ensure their full participation in classrooms and schools. The frustration of parents is captured in the following submission.

"I am the mother and primary carer of our 13-year-old son, B who has a diagnosis of Aspergers Syndrome. B has complex care needs. B is at home full-time as we have been unable to enrol him in a school-based setting.

A great part of my day involves teaching B. Part of the care I provide involves managing challenging behaviour. Many of B's self-strategising mechanisms have been removed from him. When in early primary school years B would hide under tables (fright response)... he was punished by teachers for this behaviour.

Our experience has found that an education professional's inability to act appropriately to behavioural responses in children with special needs stems from a lack of knowledge of the needs of those with a disability and/or attitudinal beliefs.

We are often judged as having poor parenting skills, our son judged as a badly behaved child. We have even been accused through innuendo and inference by school staff of abusing our son, despite him having a formal diagnosis of an ASD [Autism Spectrum Disorder].

These are individuals to whom we entrust the care and wellbeing of our children for a large part of the day. If those who should know better are judgmental ... how can we ask wider society to act differently?

Fundamentally, B is home due to systemic issues. In short the system has failed and continues to fail our son. [We are unable] to transfer our son's \$17,500 per annum integration funding package from his Government Secondary School setting to his Government Distance Education School.



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The system and society assume that we are willing to accept second best or the bare minimum. This is not the case. I want the best possible outcomes for my children. As a carer, I need this to be recognised though the provision of appropriate supports and programs. A mandatory and extensive professional development program for education professionals needs to be set in place for practicing teachers. A mandatory component on disability must be introduced to all teacher training programs.

Most submissions said that there is a pressing need to provide more extensive resources to ensure the learning needs of children with disabilities are met. Many submissions passionately argued that a lack of adequate funding in mainstream schools forces parents to seek alternatives. Lack of support for inclusion, for example, may drive parents into choosing specialist settings despite their desire for their child to attend local schools.

"Whilst government policy talks about the choice of regular class, support class or special school, students with a significant disability are usually forced to attend a special school even where inclusion is the expressed wish of the parent."

Other submissions argued that the inflexibility and lack of portability of funding has narrowed their choices. Many parents said, for example, that the lack of assistance and support in independent and faith-based settings has constrained their ability to choose these school settings for their children.

Greater resources are required to ensure a child's full participation not only in the classroom but in all aspects of school life, including excursions and sporting and cultural activities. One consultation participant recounted the story of a family who was told that their child would not be able to attend school excursions because the school was not willing to hire a bus with wheelchair access. But problems with the system clearly go beyond a lack of resources. A number of submissions argued that there seems to be a systemic lack of commitment to inclusion and a widespread



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lack of understanding of its benefits. This lack of commitment translates not only to a lack of resources, but also to a lack of attention to teacher training and professional development. Parents were frustrated that too few teachers appear to be well equipped to deal with the full range of learning needs in their classrooms. As one noted,

My daughter's two physical ed teachers ignore her totally, [and] as a consequence, I have withdrawn her from these classes. She was sad and bored with being taken around the block or playing ball with an aide. The teachers were not made accountable for this in any way.

One aide refuses to turn my daughter's communication device on saying they do not have the time. The 'integration/inclusion co-ordinator' position needs to be a senior teaching and school leadership role taken by someone who understands the curriculum and meeting a diverse range of learning needs.

One submission argued that fundamental systemic change will only be achieved when there is a shift in school culture and a change to teacher training as well as an increase in resources. This submission argued,

A shift in school culture to a focus on individual learning needs and investment in the development of innovative teaching strategies will ensure all students are provided with the opportunity and means of learning. There is also a need to promote the benefits of inclusive education not only to schools but also the broader community so that teachers, principals and parents have their concerns addressed and fully understand the advantages to all students.

Submissions noted that almost every report on the issue of inclusive education in Australia has stressed the need for systematic strengthening of teacher education and professional development. Skills development is the single most cost-effective method of improving outcomes for students with disabilities, and yet this area continues to be neglected. Submissions identified lack of teacher training as one of the reasons so many schools are reluctant to include children with disabilities in their classrooms.



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If teachers feel their training has not adequately prepared them for the many challenges of the classroom, and that little additional assistance is available to support them, they will be less likely to embrace the concept of inclusion. And as the respondent below notes, frustration with the system is not confined to parents.

As a classroom teacher I enjoy having students with a disability in my mainstream classroom as I see them as children first. However, it is extremely frustrating and discouraging to see a child needing a particular intervention or program and being unable to provide it properly because there is no one there to give the child the extra support they need.

A number of submissions also highlighted the failure of the system to adequately prepare students for post-school life. Being regularly engaged in meaningful activity such as employment, vocational training or higher education is key to moving towards an independent adult life. Low participation rates in higher education, training and employment would suggest that few young people with disabilities are able to access the support required to successfully make this transition. Most submissions in this area noted the absence of comprehensive individualised planning that would allow young people to make meaningful choices about their lives after school.

Parents reported confusion about the range of options and support available, and the difficulty in negotiating eligibility requirements and processes. They reported frustration at being forced to cobble together solutions when gaps became all too obvious. Other submissions noted that for young people with significant or complex support needs, there appear to be few satisfactory post-school alternatives. Families consistently reported that their children had slipped through the cracks of the system after formal schooling ended. As one respondent noted,

Inclusion is at least philosophically supported in the education system in this state but when the young adults leave the school there is simply no expectation that they will follow a path that might assist development - or lead to a meaningful job or way of life.



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Another expressed frustration at the complexity and inconsistency of the support system.

Because she is now 16-years-old I have had the disability allowance discontinued even though she is still at school for another two years! She is unable to take out private health insurance because she is too young ... but she doesn't meet the criteria for a pension.

Similar frustration was expressed by the family of a young person with muscular dystrophy.

Because he was over 16 the Child Disability Allowance was stopped. J was an 'adult' for Centrelink and employment purposes, a 'child' by law and for private health insurance—the list goes on. J can work over 15 hours per week—so no Disability Pension; no Youth Allowance because his parents' combined income was over the 'magic' number. He had to fight lots of red tape to receive the Mobility Allowance, his only source of income for a very long time. This was a very traumatic time for J as he wanted to become independent and at least work part time 'like the others'. It would have been better if J had automatically received either the Disability Pension or Youth Allowance/Mobility Allowance and access to services immediately from leaving Year 12.

Proposed solutions

Almost all submissions identified the need for greater funding for truly inclusive education to be achieved. They argued that adequate funding should be provided regardless of the choice of school setting.

All children and young people are entitled to an adequate level of government funding to improve their access to education regardless of the pre-school, school or school sector they attend.

Beyond greater resourcing, most submissions also strongly supported improved teacher training and more targeted professional development. Both undergraduate training for new teachers and professional



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development for existing teachers should draw on national and international research on best practice as well as capturing innovative and successful strategies in schools around the country. A number of submissions also noted the need for more research into effective strategies and programs and the creation of national benchmarks and standards. Both would provide a solid foundation for more extensive teacher education.

Most submissions that addressed the transition of students to post-school options focused on the pressing need for comprehensive individualised planning. These submissions noted that planning must be strategic and timely in order to be truly effective. For particularly vulnerable students, advanced planning was seen as crucial. One submission suggested, for example, that students with disabilities should begin work experience during the early years of high school, with the amount of time spent at work increasing as they move through their secondary schooling. Another submission suggested creating a targeted university program similar to Abstudy to increase participation rates in higher education



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Appendix

Executive Summary

This document is the final report of the project *Investigating the Feasibility of Portable Funding for Students with Disabilities*. The work was commissioned by the Australian Government Department of Education, Science and Training (DEST) and undertaken by the Faculty of Education, Monash University between October 2006 and June 2007.

The project investigated Australian Government funding for school students with disabilities (SWD) in the context of complementary funding from state and territory governments and funds from other sources. The project focused on the way in which funding was allocated, particularly its *portability*, that is, the extent to which disability funding followed students as they moved between schools—within or between sectors (government, Catholic and independent), states and territories, type of school (special or mainstream), and level of school (primary and secondary)—and the difficulties caused for students, schools, parents and system authorities if and when the student and their funding become separated.

Key Findings

1. The different funding models for SWD can be located on two major dimensions—whether funding is:
 - a) allocated directly to parents or to schools/sectors; and
 - b) based on assessed categories of disability (categorical) or estimates of the proportion of students with disabilities in the population (census).
2. In Australia, the model reported by all sectors is *Direct-to-Schools*. No instances were reported of direct funding of the parents of SWD. Both across and within sectors funding was variously directed to school districts, clusters of schools, or



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individual schools. In all cases, assessment and diagnosis of disability was a fundamental pre-requisite for SWD funding.

3. Comparisons of the levels of disability expenditure on SWD in the different jurisdictions and sectors are confounded by lack of consistency in definitions of disability, funding arrangements that deliver varying amounts of total expenditure to schools, varying exclusions/inclusions of on-costs and different approaches to the individually targeting funds and more broadly shared resources among SWD, borderline SWD and regular students.
4. In general, stakeholders are more concerned with the *level* of funding rather than its *portability*, despite some difficulties with portability of funding between states and sectors and even within states and sectors. Improvements in funding models cannot compensate for inadequate funding.
5. Parents are very concerned about their ability (or inability) to decide how disability funds are spent for their child. Issues of portability are second to concerns over educational provision. Parents of children with higher levels of disability generally have greater concerns with funding arrangements in all areas of provision than do parents of children with lower levels of disability. Similarly parents of children with autism-spectrum disorder are more concerned about funding and related issues than other parents of SWD. Parents of SWD attending Catholic schools are less likely to be concerned about funding and provision issues than are parents of SWD attending government or independent schools.
6. Portability of disability funding is restricted when a child moves from the government to the non-government sector.
 - a) SWD attending non-government regular schools receive substantially less government disability funding than SWD with similar needs attending government regular schools.
 - b) SWD attending non-government special schools also



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receive substantially less government disability funding than SWD with similar needs attending government regular schools. The substantially higher costs of special schools are met by higher other private income (including from charitable trusts) and higher Australian Government and state and territory payments.

7. Key organisations concerned with the education of school students with disabilities were concerned about:
 - a) Two aspects of the categorical model:
 - *category creep*—the model creates incentives to seek more funds by classifying students at a higher level of disability; and
 - the focus on individual students with the (unintended) consequence of separating SWD from other students, leading to their stigmatisation and reducing their access to mainstream curricula.Changes are sought which put a greater emphasis on inclusivity and promote the cultural change required to achieve this.
 - b) While portability of funding is an issue of lower priority than many others, there was support for change based on the difficulties some SWD can experience when moving intrastate, interstate or to a different education sector. A common view was that essential to portability are: parity of funding across sectors and states; and standardisation across states of definitions of disability and the levels of funding attached to each category.
 - c) Views about voucher-based funding models varied. Schools, school-based organisations and school authorities mostly believed that funds should be paid to schools, not parents, because of the greater expertise of schools and the potential for more efficient use of shared-resources and greater accountability. Parents and parent organisations believed that a voucher model might deliver parents a stronger role in deciding how the disability funds allocated for their child are spent. However, the Australian Council for State School Organisations (ACSSO), the national parent body for



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public schools, did not support vouchers as a suitable option. Other concerns about a voucher-based model were based on its potential to lead to difficulties in the relationships between schools and parents, to reduce the quality of support overall, to place pressures on parents that would encourage them to take on higher levels of debt, and lead to an increase in school fees.

8. The report assesses the advantages and disadvantages of four funding models that lie on a continuum: at one end all funds are allocated directly to parents; at the other, all funds are allocated directly to institutions. Between these two extremes are many possible permutations and combinations.
 - 1) *An educational allowance model.* Funds would be issued directly to the parents or guardians of SWD to be used for any purposes as determined by recipients. Funds would normally be distributed on an annual basis prior to the beginning of each school year (e.g. January) or through stages during the school year.
 - 2) *A limited voucher model.* Funds are allocated to parents and guardians of SWD in the form of a voucher which can be redeemed for an approved range of services.
 - 3) *A student outcomes model.* The model is based on the development of a yearly plan for each SWD setting out personal and educational goals. The plan would detail how the student, the student's parents/guardian, school and relevant others (eg health care professionals) will work together to achieve the goals.
 - 4) *A program model.* Funding is allocated directly to schools or institutions to use in collaboration with parents to support their students with special education needs. Loadings are allocated to parents.
9. The report makes five recommendations:
 - 1) *That the nine objectives of a funding model for SWD (indicated in Section 7) be adopted as the goals of reform of the current arrangements.*
 - 2) *That reform be undertaken in stages and managed to*



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ensure smooth transitions to new arrangements.

- 3) The first stage of reform should be devoted to:
 - a) *Increasing the overall level of funding available for students with disabilities in schools.*
 - b) *Securing national agreement on definitions of disabilities and associated funding.*
 - c) *Providing parity of funding across sectors.*
- 4) *That the Australian Government increase the level of Strategic Assistance (per capita) payments for non-government schools under the Schools Grants element of its Literacy, Numeracy and Special Learning Needs programme.*
- 5) *That increases in Australian government funding for SWD in non-government schools be tied to a requirement that schools consult with the parents/guardians of each student on the best uses of the funding.*

10. The report suggests that a further stage of this project should explore the ways in which Individual Education Plans (IEPs) can be better used to involve parents of SWD in their child's education and to deliver improved learning outcomes efficiently.