

Submission  
No 216

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

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18 February 2010

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

Dear Sir/Madam,

### **Inquiry into the Provision of Education to Students with a Disability or Special Needs**

Please accept this submission from Disability Advocacy NSW Ltd. (DA) to the General Purpose Standing Committee No. 2 Inquiry into the Provision of Education to Students with a Disability or Special Needs (the Inquiry). The Inquiry provides a timely forum to discuss issues and obstacles faced by students with disabilities in the NSW education system and provide suggestions to improve this system. This submission contains DA's experiences advocating for children with disabilities in schools, in particular addressing criteria 1, 6, and 7, and provides recommendations for change.

### **Our Organisation**

DA is an incorporated association which provides individual advocacy to people with a disability in the Hunter, Mid North Coast and New England regions of NSW. DA has offices in Newcastle and Tamworth and four smaller outreach offices in Coffs Harbour, Port Macquarie, Armidale, and Taree. DA provides individual advocacy to people of all ages who have a brain injury, intellectual, psychiatric, physical, sensory or neurological disability. The service has over 35 years experience of advocating for people with a disability.

### **Our Experiences**

DA is in a unique position to comment on issues encountered by students with a disability or special needs as we provide independent advocacy to many primary and secondary school students throughout our NSW service areas. The number of students referred to DA for advocacy has doubled in recent years – from 3% of overall advocacy interventions in 2005 to 6% in 2010 – such referrals and their often complex nature have reached a point where they now form a significant part of our overall advocacy work. The increasing calls for advocacy assistance by students and their families is a clear indication of the need for the improvement of education support systems for students with disabilities.

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. It seems that these results do not reflect a lack of ability of the students but rather, a failure of the system to meet their individual needs. As a submission to the Shut Out: The Experience of People with Disabilities and their Families in Australia 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 appropriate education limits their potential to lead productive, independent adult lives.<sup>1</sup>

For our advocates the issues facing students with disabilities are only too well known. The reality for these students is that their disabilities result in them not receiving the same educational opportunities as fellow students. This disadvantage typically manifests in 3 different ways:

- An enduring 'one size fits all' culture in many schools fails to recognise that for a student with a disability to achieve substantive equality there is the need to make accommodations for their disability. This reality sees students with disabilities miss out on opportunities due to necessary and appropriate accommodations being identified by teachers as 'special treatment' and 'not fair' to other students.
- In many cases students with disabilities have their attendance at school restricted to a couple of hours a day because they have been deemed as requiring additional resources for class attendance: resources that are either unavailable or have limited availability
- Students with disabilities are often suspended and placed under the threat of expulsion as their school's poor response to their special needs have resulted in challenging behaviours. The school often will not recognise these students as having a disability, but rather labels them as 'naughty', 'disruptive' or 'aggressive'.

These scenarios leave students with disabilities isolated from their school communities and result in poor educational outcomes: a reality that is unacceptable as a student's education should not be defined by their school's inability to respond to their disability.

Thankfully, through the perseverance of children, carers, and advocates many of our clients achieve full-time attendance at school. This process begins with a school's acceptance of the fact that a student has a disability. It is our experience that often this recognition does not occur. The next step necessary is the recognition by the school of its obligation to make appropriate and reasonable adjustments to accommodate the student's disability. It is our organisation's experience that many of these accommodations are common sense solutions or involve the adoption of existing resources and methods such as increased funding for teacher's aide assistance or the development and implementation of appropriate education and/or behaviour plans by teachers.

It is of concern to DA that schools consistently fail to recognise the presence of disabilities and special needs within their student body and fail to take steps to ensure appropriate education outcomes for these students. Far from ensuring young people with disabilities have every opportunity to realise their potential, in DA's view the education system acts as a barrier to

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<sup>1</sup> Shut Out: The Experience of People with Disabilities and their Families in Australia, National Disability Strategy Consultation Report, prepared by the National People with Disabilities and Carer Council, 2009, p. 47.

greater achievement and independence in their lives. It is our belief that the students we advocate for are a small portion of students with disabilities in NSW enduring an unnecessary and unacceptably poor standard of education due to the schools' inability to provide adequate support.

### **The Criteria**

DA understands the terms of reference of the Inquiry are:

1. The nature, level and adequacy of funding for the education of children with a disability
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
3. The level and adequacy of current special education places within the education system
4. The adequacy of integrated support services for children with a disability in mainstream settings, such as school classrooms
5. The provision of suitable curriculum for intellectually disabled and conduct disordered students
6. Students and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors
7. The provision of adequate teaching training, both in terms of pre-service and ongoing professional training
8. Any other related matters.

This submission will specifically address criteria 1, 6, and 7.

#### **Criteria 1 - The nature, level and adequacy of funding for the education of children with a disability**

Funding for the education of children is generally inadequate in main stream schools, does not extend to school experiences outside the classroom, is not uniformly received by student with disabilities and is often inflexible in its eligibility criteria.

A lack of adequate funding often forces parents to seek alternatives to mainstream schooling such as specialist education settings despite a desire for their child to attend a local school. 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. DA has advocated for a number of students with disabilities and their carers who are forced to choose between attending a mainstream school for a couple of hours a day at best or full time attendance in a special education setting.

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. A common advocacy intervention across the regions we service is dealing with schools who refuse to put any additional support in place to allow a child with a disability to attend a school excursion – for example, a school providing a one-on-one aide to assist a child with a vision impairment to navigate an unfamiliar environment or organising a wheelchair accessible bus to

transport a child in a wheelchair to the swimming carnival. In one instance, where it was requested that a child with a vision impairment be allowed to sleep in a cabin rather than a tent at school camp (due to the dangers of tripping over tent pegs and needing to find the toilet facilities during the night) it was suggested that this could be seen by the other students and parents as being favouritism or special treatment and would not "be fair on the other students attending the camp".

Funding for children with a disability often depends on the skills of a particular school or school principal in obtaining such funding and as a consequence is done in ad hoc nature. A more uniform and transparent system would greatly help children and their parents to get access to adequate funding for teacher's aides and other supports. Advocacy interventions often involve DA pushing for schools to apply for available resources for students with disabilities. Our organisation constantly encounters a prevalent sense amongst teachers and school administrators that applying for disability funding is an arcane art rather than being simple and straight forward process.

Lastly the link between disability diagnosis and funding is problematic. Children must have a specific formal diagnosis in order to receive funding for assistance at school. Unfortunately, this means children who have no specific formal diagnosis but clearly have special needs are often at a disadvantage. This problem is compounded by the fact that the costs to parents of specialist assessments verifying their child's particular disability are prohibitive. The result is that children who do not have a specific formal diagnosis encounter scepticism about whether they have a disability at all and this has a significant impact on the child's ability to survive in the school environment.

#### **Criteria 6 - Students and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors**

Access to professional support and services can greatly improve education outcomes for students with a disability. As was mentioned above, children with a disability require specific and formal diagnosis in order to receive funding assistance at school. In the past the burden of accessing these often expensive services has been borne by students and their carers. Recently governments, both state and federal, have initiated programmes which have gone some way to addressing the financial burden of accessing such services.

Medicare has put in place the Enhanced Primary Care Plan, Better Access to Mental Health Care Plan, Helping Children with Autism Assessment Plan and Helping Children with Autism Treatment Plan. Such programmes have mental health and Autism Spectrum Disorder target groups. Many children with disabilities are not represented in these groups and would benefit greatly from access to specialists beyond the five sessions accessible under the Enhanced Primary Care Plan. Notwithstanding these programmes it is our organisation's experience that specialists are increasingly reluctant to take on patients who wish to access their services through the Enhanced Primary Care Plan because of the small amount that Medicare covers and also due to the fact that these patients are considered to be complex and time consuming. To combat this, many specialists, particularly in rural and regional NSW, have put in place large 'gap' payments which often place their services beyond the reach of families on low incomes.

'Stay Connected' is a 2 year pilot program funded by Department of Ageing, Disability and Home Care that aims to support young people, in years 6-10 with challenging behaviour, who are at risk of school suspension or expulsion, to remain connected with school. Working with the young person and their family and in collaboration with the Department of Education and other professionals, the case workers aim to develop case plans which link behaviour support strategies at home, at school and in the community. The case workers establish and build upon existing relationships with other community services, provide referrals to therapeutic, recreational and other services for both the young person and the family.

This programme include in their funding a brokerage component to fund student access to professional support and services. Programmes with this facility are clearly a step in the right direction as it ensures the provision of services specific to education and dispenses with 'gap' payments and the need for students and their carers to come up with initial outlays for services. Unfortunately this programme is in its early pilot stage and is limited to the Central Coast and South West Sydney areas.

#### **Criteria 7 – The provision of adequate teaching training, both in terms of pre-service and ongoing professional training**

Many of the advocacy issues we assist students with stem from inadequate and inappropriate responses to disabilities in a school setting. These responses most commonly sacrifice substantive equality in favour of treating all students the same, lead to inadequate class room time for students due to a perception that a student may need more resources than are available and/or behavioural consequences which see student attendance at school limited by suspension and the threat of expulsion.

A school's response to a student's disability is often defined by the student's teacher and too few teachers appear to be well equipped to deal with the full range of learning needs in their classrooms. It is imperative that teachers are given appropriate training and ongoing support with regard to students with disabilities in their classrooms. This must start with an understanding of the varying types of disabilities and the approaches and resources available to support disabled students in the classroom. The classroom focus of teachers must change from behaviour management to education support which addresses the unique needs of students with disabilities.

Programmes such as the 'Stay Connected' Programme provide case management support for students with disabilities. One case management role is to assist teachers with the development and implementation of strength based approaches to education for students with disabilities. Unfortunately such programmes are in early pilot stage, and in the case of 'Stay Connected', limited to the Central Coast and South West Sydney areas.

DA would argue that skills development and professional training for teachers and other school staff is the single most cost-effective method of improving outcomes for students with disabilities, and yet it is an area that continues to be neglected.

#### **Recommendations**

- The extension of programmes such as Medicare's Autism Assessment Plan, Helping Children with Autism Treatment Plan, and Better Access to Mental Health Care Plans

to include a wider spectrum of disabilities not represented in these groups. This will enable students with disabilities to consult appropriate specialists care beyond the five sessions accessible under the Enhanced Primary Care Plan.

- The adoption of state-wide programmes such as the 'Stay Connected' Programme being run by Uniting Care Burnside on the Central Coast and in South-West Sydney. Such programmes are able to broker specialist services for students with disabilities and provide case management for students with disabilities in schools. Such programmes can ensure adequate specialist support and the implementation of strength based approaches to education for students with disabilities
- A mandatory and extensive professional development program for education professionals relating to inclusive education and supporting children with varying disabilities in the school setting needs to be set in place. A mandatory component on disability must be introduced to all teacher training programs.

### **Conclusion**

It is clear from DA's experience that there is improvement to be made to the NSW education system. We hope you will consider our experiences and recommendations and that as a result of this Inquiry the education system make the necessary improvements to ensure that people with a disability have equitable access to an education.

Mark Grierson, Chief Executive Officer, and Catherine Peek, Deputy Chief Executive Officer would be prepared to answer any questions about this submission and would be pleased to attend the Inquiry.

Sincerely,

Catherine Peek  
Deputy CEO  
Disability Advocacy NSW Inc.