

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

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The Director  
General Purpose Standing Committee No2  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Standing Committee members

Please find attached the Independent Education Union (NSW/ACT Branch) submission to the Inquiry into the Provision of Education to Students with a Disability or Special Needs.

This submission has been prepared by IEU Officers Pam Smith and Sandra White with input from IEU principal, teacher and support staff members. You are welcome to contact Pam or Sandra for any further clarification or additional information.

Yours sincerely

Dick Shearman  
**GENERAL SECRETARY**



INDEPENDENT EDUCATION UNION OF  
AUSTRALIA  
NSW/ACT Branch

SUBMISSION TO THE  
NSW LEGISLATIVE COUNCIL  
STANDING COMMITTEE NO2

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

February 2010

## 1.0 INTRODUCTION AND CONTEXT

- 1.1 The Independent Education Union of Australia (NSW/ACT Branch) welcomes the opportunity to respond to the NSW Legislative Council General Purpose Standing Committee No2. Inquiry into the Education of Students with a Disability or Special Needs. The IEU is the federally registered union representing over 65,000 teachers and education support staff in the non-government sector nationally and 28,000 in NSW/ACT.

IEU members include Special Education teachers and support staff working as integration aides in mainstream schools, as well as teachers and aides in specialist schools/services for students with disabilities such as Mater Dei, Kingsdene, Aspect, and the Royal Institute for Deaf and Blind Children.

The IEU also covers teachers employed in early childhood education settings such as long day centres, pre-schools and specialist early intervention services.

- 1.2 The Independent Education Union has a strong commitment to equity and access strategies for all students, including students with special needs. The IEUA supports policies and programs which provide systemic and systematic practical strategies for enhancing student participation, retention rates and improved learning outcomes for all students.
- 1.3 In NSW in 2008 there were 583 Catholic schools, including 7 special schools, with an enrolment of 238,680 students (123,830 primary, 114,399 secondary and 478 in special schools.) The number of defined Students with Disabilities (SWD) enrolled in NSW Catholic schools has been rising steadily in the last seven years to be over 4% of the total student population. In 2008, SWD enrolments totaled 5,835 at primary level and 3,835 at secondary level. These figures include students with disabilities enrolled at NSW Catholic special schools.

In 2008 NSW independent schools sector enrolled more than 170,000 students in primary and secondary schools, representing 15.6% of all students in NSW, the enrolment share having increased from 5.7% in 1986, to 8.1% in 1996 and to 11.2% in 2004.

Independent schools account for almost 10% of all primary school enrolments in NSW and more than 15% of all secondary school enrolments. At the senior secondary level (Years 11 and 12) independent schools account for approximately 18% of enrolments.

The number of students enrolled in independent schools has increased by around 4% per year for more than 30 years. 2009 figures indicated 3,351 Students with Disabilities of which 2,247 were in mainstream schools.

- 1.4 Funding for students with disabilities in the non-government sector comes mainly from the Federal Government but the role of the NSW Government is vital in areas such as definitions of disability, curriculum and the provision of services

through the health and welfare sectors. The NSW Institute of Teachers mandates provisions in regard to teacher training and ongoing professional development requirements for teacher accreditation.

- 1.5 Assess to funding and services for disadvantaged groups and policies of inclusion, affirmative action and the use of funds to meet the needs of marginalised groups have been the focus of strong community debate. Recent examples of this debate may be seen in relation to comparisons of schools' NAPLAN literacy and numeracy results on the Federal Government's MySchool website and, in relation to students with severe or multiple disabilities, the ABC Four Corners program of 15 February 2010.
- 1.6 In preparing this submission, the Union has consulted with members working with students with special needs and with the Union's Principals' Branch. The response from members to this issue has been significant and reflects the level of pressure at the school and classroom level being experienced by principals, teachers and support staff in relation to resource allocation, access to support services and increasing workloads.
- 1.7 In responding to this Inquiry, the IEU has concentrated on how funding, policies and services in relation to the education of students with disabilities impact on the capacity for systems, schools, teachers and support staff to deliver quality teaching which meets the learning needs of such students and achieve and learning outcomes. This is important not just for primary and secondary schools but also for the early childhood sector, where resourcing effective early intervention programs can make a significant difference on the later educational outcomes for students with disabilities or special needs.

## 2.0 EXECUTIVE SUMMARY

- 2.1 For the past two decades or so, the community has debated issues related to services and funding for disadvantaged groups and policies of inclusion, affirmative action and the use of funds to meet the needs of marginalized groups have been the subject of policy research and legislation. The IEU has a strong commitment to equity and access strategies for all students, including students with disabilities, and supports policies and programs which provide systemic and systematic practical strategies for enhancing student participation, retention rates and improved learning outcomes for all students.
- 2.2 Anti-discrimination legislation, both federal and state as well as the UN Declaration on the Rights of Persons with Disabilities, requires that children and students with disabilities will not be discriminated against in terms of their access to educational services and their rights to expect educational outcomes in the same range as those achieved by other students.
- Input from IEU members, however, reflects their real concern at not always being able to meet these obligations. The consistent and strong feedback from IEU members (principals, teachers and support staff) is that the resources and funding arrangements for students with disabilities in non-government schools are not adequate and that schools can therefore be vulnerable to being in breach of legislation as well as their own commitment to high professional standards.
- 2.3 It is clear from the advice of non-government employment authorities and IEU members, that in comparison to the funding of government schools, there is a considerable shortfall in the funding of non-government schools with students with disabilities from Federal and State/Territory government sources in recurrent and capital funding and in the provision of government services such as assessment and therapy services. This causes hardship for the families of these students and for the teachers and support staff charged with the responsibility of providing quality education to meet their learning needs.
- 2.4 Disability is defined differently across all states and territories for the purposes of determining access to Commonwealth funding. The consequences of this are that students with learning disabilities usually do not fall within the eligibility criteria for funding, nor necessarily do students with a range of other social, emotional, behaviour or other disorders which can impact significantly on students' learning.
- 2.5 Integration programs place high demands on education staff and there can be a tension in balancing the needs of integrated students with the needs of the whole class if appropriate levels of support are not in place. To ensure that schools have the capacity to meet the educational needs of all students, it is necessary for agreed resourcing standards to be in place on issues such as class sizes, specialist teaching staff, appropriate and relevant professional development etc.

Recent initiatives involving the Federal and NSW Governments, including National Partnerships, national curriculum and assessment and the Teacher

Quality agenda provide significant challenges and opportunities to ensure that the needs of students with disabilities/special needs are recognised and addressed.

Similarly, while the IEU welcomes increased funding by the Federal and NSW Governments for early childhood education, there is a need for a co-ordinated approach to funding and supporting students with disabilities/special needs in early childhood, K-12 and into post-school education and training. As IEU members often tell the Union, children's needs should be met irrespective of state/territory, sector, system or school.

### 3.0 RECOMMENDATIONS

- 3.1 Broad consensus needs to exist amongst funding partners and other stakeholders for a fair and equitable assessment of need and subsequent allocation of funds from all sources consistent with the principles of need, equity and transparency. It is particularly important that this occurs in relation to the funding of the educational needs of students with disabilities and the IEU recommends that this receives specific and detailed attention from both the NSW and Federal Governments.
- 3.2 The Union recommends to this Inquiry a rethinking of policies in relation to the funding and education of students with disabilities and learning difficulties, regardless of their educational setting. This includes recognition of increasing numbers of students with a range of medical, psychological and conduct conditions and students impacted by family trauma and dysfunction.
- 3.3 The IEU recommends that the costs of meeting the educational needs of students with disabilities as, defined and assessed, are funded by federal and state governments, whether students attend a government or non-government school. Children's needs from early childhood, through schooling and beyond, should be the prime focus.
- 3.4 A vital issue is the development of a nationally consistent set of definitions as to what constitutes disability for the purposes of funding. The Union recommends that this be a matter for consideration by MCEECDYA.
- 3.5 The IEU urges the development of a framework for resource standards for high quality teaching and learning for students with disabilities, consistent with Disability Discrimination legislative provisions, in terms of:
- appropriate levels of specialist teaching and support staff
  - class sizes which allow optimum teaching and learning for integrated classes
  - appropriate time release for curriculum and program modification and planning, and liaising with parents and external agencies and
  - access to appropriate and relevant professional development for teachers and support staff
- 3.6 Within the context of emerging national arrangements in regard to funding, curriculum and assessment, the IEU recommends.
- expansion of the Teacher Quality National Partnership to incorporate disability/special needs
  - recognition by ACARA of current practice by the NSW Board of Studies in regard to the Life Studies syllabus and Special Provisions for students with disabilities/special needs.
  - enhanced access across sectors for professional development opportunities for NSW teachers, including online training options.



## 4.0 TERMS OF REFERENCE

### 4.1 THE NATURE, LEVEL OR ADEQUACY OF FUNDING

As previously noted, IEU members express their real concern at not being able to meet fully their obligations and commitments to students with special needs. Integration programs place high demands on education staff and there can be tension in balancing the needs of the integration student with the needs of the whole class if appropriate levels of support are not in place.

The resources and funding arrangements for students with disabilities in non-government schools are not adequate and there is concern that schools can therefore be vulnerable to being in breach of legislative requirements.

The IEU believes that the costs of meeting the educational needs of students with disabilities, as defined and assessed, should be funded by federal and state governments regardless of whether the student attends a government or non-government school.

The IEU believes that the current funding mechanisms are not sufficiently precise measures to account accurately for the number of students in a school with disabilities, nor to take account of the particular educational needs of these students and their related costs. This needs to be addressed urgently in relation to the funding of students with disabilities in non-government schools.

The IEU also notes the following disparities, which can occur between schools and across jurisdictions to the detriment of students with special needs:

- 'disability' is defined differently across all states and territories for the purposes of deterring access to Commonwealth funding. The consequence of this is that students with learning disabilities and other special needs often do not fall within the eligibility criteria for Commonwealth funding.
- There is a shortfall in the funding of non-government schools, in relation to students with disabilities from both federal and state recurrent and capital funding.
- There is disparity in the provision of government services such as assessment and therapy services between government and non-government schools. This can cause real hardship for the families of these students and for the teachers and support staff with the responsibility of providing quality education to meet their learning needs.

**The IEU believes there is an urgent need to develop a nationally consistent set of definitions as to what constitutes disability for the purposes of funding.**

To ensure that schools have the capacity to meet the educational needs of all students, the IEU urges the development of a framework of teaching and learning resource standards for high quality teaching and learning for students with disabilities/special needs with regard to:

- The appropriate levels of specialist teaching and support staff
- Class sizes which allow optimum teaching and learning for integrated classes.
- Time release for curriculum and program modification and planning, and liaising with parents and external agencies and

- Access to appropriate and relevant professional development for teachers and support staff.

#### 4.2 BEST PRACTICE APPROACHES IN REGARD TO THE ALLOCATION OF FUNDING, PARTICULARLY WHETHER ALLOCATION SHOULD BE BASED ON FUNCTIONING CAPACITY RATHER THAN DISABILITY.

IEU members have indicated to the Union that the current system of funding by the Commonwealth Government has several limitations in regard to:

- Very restrictive definitions of disability which mean that low functioning students with learning difficulties receive no funding, nor do students whose 'disability' or 'syndrome' is not recognised for example, a School Counsellor in the Catholic sector recently told the IEU that she had spent more than 100 hours this year supporting a student suffering from a severe anxiety disorder (and her family) for which funding is not yet available.
- Students with severe multiple disabilities who are funded for only one disability.
- High intervention needs such as severe behavior disorders (such as ODD) often receive less funding than students with physical needs, for example, high functioning spinal injury students in a wheelchair.

A principal in a Catholic primary school indicated that two similarly aged students with Down Syndrome were functioning at four years apart but funded at the same level.

- There can also be very significant and frustrating delays in students with a disability/special needs who transfer from another school/sector or who acquire a disability during their time at school from an illness/injury.

The key message is that there needs to be flexibility and responsiveness in identifying and responding to students' needs but not allow funds to be absorbed and used for other pressing needs.

#### 4.3 THE LEVEL AND ADEQUACY OF SPECIAL EDUCATION PLACES WITHIN THE EDUCATION SYSTEM.

While the NSW Government does not fund special education "places" as such in the non-government sector, as previously noted, the key factor in ensuring support for students with disabilities and special needs is a nationally agreed set of definitions for funding purposes which is responsive to emerging areas of need (such as conduct disorders) and also flexible in regard to school and student circumstances (such as students entering school from early childhood centres or changing schools.)

As IEU members point out, the same disability discrimination laws apply, irrespective of whether a student is in a government or non-government school.

#### 4.4 THE ADEQUACY OF INTEGRATED SUPPORT SERVICES IN MAINSTREAM SETTINGS, SUCH AS SCHOOL CLASSROOMS

Principals, teachers and support staff in non-government schools tell the IEU that while they are strongly committed to ensuring that every student receives appropriate physical, social and learning support, integration programs place high demands on education staff and there can be challenges in balancing the needs of the integration student with the needs of the whole class if appropriate levels of support are not in place. It can lead to tensions within the school community if there is a perception that the interests of particular students either have precedence or are being ignored.

As one principal told the IEU "As a school we are committed to fostering equal access to the curriculum for all students. This is a labour intensive initiative, not only do we team teach in classes, we modify units of work, set alternative assessment tasks, act as notetakers and conduct intensive reading classes. This all takes an enormous amount of staffing time. Consequently the amount of funding allocated is never enough and each year one has to be more creative because the demands continue to grow."

Based on advice from members, the IEU believes that the following provisions should be in place in relation to the education of students with disabilities.

- that each student with a serious intellectual and/or physical or emotional/conduct disability should have access to an integration aide with appropriate expertise in the area of disability in learning contexts.
- that time is provided for teachers and teacher aides to work together on curriculum planning and modification and to liaise with external agencies and parents when teaching students with disabilities/special needs.
- that where there are students with significant development, physical or emotional disabilities, class sizes are decreased.
- that the number of specialist staff employed at system and/or school level be substantially increased to cope with the diverse needs of students. These numbers should be additional to normal staffing allocations.
- that staff professional development is recognised and funded as an integral requirement to the teaching and learning needs of students with disabilities. Professional development should be based on a combination of specific system initiatives, the needs of the school's development plan, an assessment of the needs of all students and the professional needs determined by the individual staff.

Clearly these policies have significant resourcing implications. Nevertheless, the IEU believes they are fundamental to protecting the rights of students with disabilities and those without in relation to their access to quality education and the professional and industrial rights of teaching and support staff.

#### 4.5 THE PROVISION OF SUITABLE CURRICULUM

IEU members have indicated that it would be good to see more support from the Board of Studies regarding making the Life Skills Syllabus a quality reality in schools. There is an advice document (about 200 pages) which gives both general advice and some specific KLA advice, and for each subject syllabus there are pages devoted at the end of each document to providing Life Skills courses to students. There are no work samples or best practice examples of school programs that show the integration of Life Skills outcomes and programming into the mainstream BOS syllabuses documents.

As an IEU member indicated, "I think that the Life Skills subjects for Stage 6 (Years 11 and 12) are wonderful syllabuses, but their widespread acceptance is probably hindered by lack of appropriate resources (eg age appropriate topics with literacy levels at about Year 5 to Year 7 especially in reading comprehension). Their use is also probably hindered by the fact that the cohort of students with intellectual disability is usually very small for Years 11 and 12 in a high school and schools must make big financial decisions about providing teachers to teach these students as stand-alone classes. Stage 6 Life Skills subjects cannot be integrated into standard Stage 6 programs."

IEU members have also identified another curriculum issue for students with intellectual disability, as well as students with specific learning difficulties or a conduct disorder (or combinations of two or all of these challenges), is that they need ongoing basic literacy and numeracy skills education, and that this can be difficult to provide in secondary school contexts. "Students usually require this skills development in very small "withdrawal" groups and this needs to happen daily or at the least three times per week, if any real progress is to be made. Even if a secondary school does have adequate trained personnel to provide this intensive level of support, it is quite likely that it would be constrained by 'the demands of the curriculum'. That is, the outcomes that students are working to the outcomes of the BOS syllabuses for each KLA, and these are expressed in grades E to A. If a student misses too many of the mandated KLA lessons, then they will not show any performance for their KLA outcomes to be reported upon. There are mandated hours for subjects. How do teachers give a student access to these diverse subjects but at the same time provide them with literacy and numeracy skills training which they desperately need?"

As previously noted, it is important that the interests of special needs students be acknowledged and protected during the forthcoming implementation of the National Curriculum in English, Mathematics, Science and History. The IEU will be ensuring that these students' needs are on the agenda during the consultation period in March-May 2010.

#### 4.6 ACCESS TO SERVICES

Access to professional support services such as speech therapy, occupational therapy, physiotherapy and counselling is vital to the success of students with special needs, including those with specific learning difficulties such as ADD, ADHD, anxiety, dyspraxia, and language disorders.

Non-government schools can access some services through the health system and usually wait as long as applicants from government schools. More resources needs to be provided for these services through the health system and funding needs to be especially provided for speech therapy and occupational therapy especially for secondary students. (For example, Nepean

Hospital provides an excellent speech and language assessment program for secondary students, but this is overstretched. As IEU western Sydney members have indicated, the decision to provide a program for high school students is a decision of the Speech Therapy department of that hospital and is to be applauded but such programs need to be more widely available.) Occupational Therapy assessment and training for secondary students also seems to be very limited yet there are students who need such services and such therapy would greatly support the educational progress of students.

IEU members advise the Union that students in non-government schools are placed at a disadvantage for accessing some Health Department services, especially in the primary school area where speech therapists and occupational therapists seem to visit government schools as part of integration services for students. It would be advantageous if this could be extended to non-government primary schools, especially in areas of social disadvantage, where parents are not in the position to pay for private therapies.

#### 4.7 TEACHER TRAINING AND ONGOING PROFESSIONAL DEVELOPMENT

While NSW Institute of Teachers requirements include Special Education as a mandatory area of study as part of pre-service teacher education, all pre-service teacher trainees should be required to have some contact with learning support staff at the schools where they undergo their practicum. This should be a part of their observational records/report of their practicum. Apart from the support that they may receive from their school mentor, they should be required to spend some time observing and participating in the work of the learning support/special needs/support teacher learning difficulties (STLD) and to document their learning.

IEU members have observed that the term or semester of special needs theory at university is valuable but can lack practical application and graduate teachers often do not understand the nature of the students or the diverse skills in their classes, nor how to provide appropriate adjustments for students.

As previously noted, there is a need for enhanced access to ongoing teacher professional development across education sectors, including online training opportunities.

#### 4.8 OTHER RELATED MATTERS

IEU members emphasise that it is important to understand that the reasons for disabilities and special needs are varied and the type of disabilities quite diverse. Beyond the generally held statistical estimate of proportion of the population who can be identified with exceptional special needs or disabilities, other significant factors are also relevant. Issues include problematic/violent family relationships; children suffering from neglect, including nutritional and emotional neglect; parental drug and alcohol abuse; (drug and alcohol abuse can lead to foetal alcohol syndrome which even at a mild level is a serious and whole of life concern); refugee families and children with post-traumatic stress; people new to Australia struggling with poor support systems, limited English and few assets; and children who have survived very premature births because of advances in medical technology. There are also particular challenges for Indigenous children and their families. Some of these situations give children temporary and remediable learning challenges, but if they are not addressed adequately they can become long-term disabling.

As the UN Declaration on the Rights of Persons with Disabilities states: “Countries are to guarantee that persons with disabilities enjoy their inherent right to life on an equal basis with others and protect children with disabilities. States are to ensure equal access to primary and secondary education, vocational training, adult education and lifelong learning. Education is to employ the appropriate materials, techniques and forms of communication. Education of persons with disabilities must foster their participation in society, their sense of dignity and self worth and the development of their personality, abilities and creativity.”

These are vital human rights and the IEU looks forward to their achievement for the students of NSW.