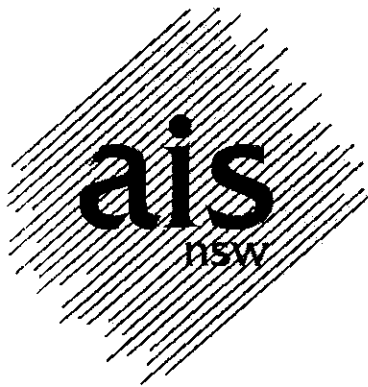


**Submission
No 670**

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

Organisation: Association of Independent Schools of New South Wales

Date received: 8/03/2010



Submission

**Submission to the Inquiry into the provision of education
to students with a disability or special needs**

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This submission has been prepared by the Association of Independent Schools of NSW (AISNSW) following consultation with a wide range of independent schools and other stakeholders.

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The AIS will be pleased to elaborate on any aspects of this submission at the Committee's invitation and discretion.

Yours sincerely

A handwritten signature in black ink, appearing to read 'G Newcombe', with a long horizontal stroke above it.

Dr Geoff Newcombe

Executive Director

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INTRODUCTION

The Association of Independent Schools of New South Wales (AISNSW) is the peak state body representing the independent schools sector in this State. The Association represents more than 430 schools enrolling approximately 173,000 students, accounting for some 15 per cent of NSW school enrolments.

Independent schools are a diverse group of non-government schools serving a range of different communities. Many independent schools provide a religious or values-based education. Others promote a particular educational philosophy or interpretation of mainstream education. Independent schools include:

- Schools affiliated with Christian denominations, such as Anglican, Catholic, Greek Orthodox, Lutheran, Presbyterian, Seventh Day Adventist and Uniting Church schools
- Non-denominational Christian schools
- Islamic schools
- Jewish schools
- Montessori schools
- Rudolf Steiner schools
- Schools constituted under specific Acts of Parliament, such as Grammar schools
- Community schools
- Schools that specialise in meeting the needs of students with disabilities.

Independent schools are not-for-profit institutions founded by religious or other groups in the community and are registered with the registering authority, the NSW Board of Studies. Most independent schools are set up and governed independently on an individual school basis. However, some independent schools with common aims and educational philosophies are governed and administered as systems, for example the Anglican and Seventh-day Adventist systems.

The Association of Independent Schools of NSW provides a wide range of services to independent schools throughout NSW to support their provision of education. This provision is supported by wide consultation with stakeholders.

This submission draws on the views of independent schools, educational administrators and professional staff with expertise and experience in the provision of education to a wide range of students and schools, including to students with a disability or special needs.

BACKGROUND

The education of students with disabilities in the independent schools sector in New South Wales has a long history. The sector was the first provider of school services for students with disabilities with the establishment of the first independent special school in 1860. From an historical perspective, the lack of government special schools in the 1900s led to the proliferation of non government special schools. Although the government assumed responsibility for students with disabilities in the late 1970s, a significant number of special schools remained independent. Since that time an increasing number of independent special schools have offered NSW families a wide range of educational opportunities, with the state being unique in having twenty-five independent special schools available to meet the specific, individual educational needs of children with disabilities.

Currently the sector provides parents with a choice of special school or inclusion within mainstream classes at regular schools with only a few schools offering special class placements. Noticeably, the current trend in parental choice has led to the majority of students with disabilities, regardless of the level of support required, being educated in mainstream classes.

There is a plethora of research available that clearly demonstrates that the costs incurred for educating a student with disabilities is substantially more than the costs of educating a student without a disability. The Monash University Report¹ from 2007 confirms this. To provide appropriate services for many students requires a firm commitment to allocation of financial, human and professional services that are substantially above the current levels of government support.

¹ Investigating the Feasibility of Portable Funding for Students with Disabilities, Final Report June 2007, Monash University.

TERM OF REFERENCE 1

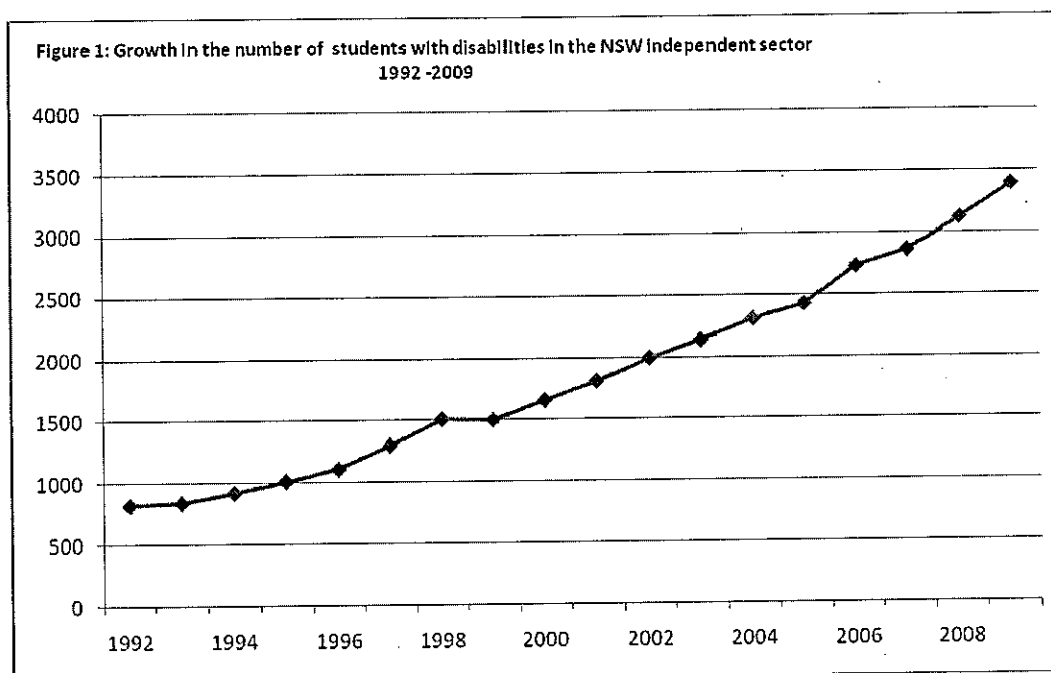
The nature, level and adequacy of funding for the education of children with a disability.

The role of the independent school sector in providing for students with disability has increased considerably in recent years.

The following data provides a snapshot of the education of students with disabilities in the independent sector of NSW since 1992, the year coinciding with the introduction of the *Disability Discrimination Act*. The data is limited to information held on students for the administration of the Australian Government Targeted Programs and is, therefore, based on the NSW Department of Education and Training's definition of disability. It should be noted that the data does not include the majority of AIS member independent Catholic schools which receive their Australian Government funding through the Catholic Education Commission of NSW. It also does not include schools which have not applied for funding for their students with disabilities.

The number of students with disabilities in regular (mainstream) and special schools in the NSW independent sector supported through the Australian Government Targeted Programs continues to grow at a steady rate. In 1992, the number of students with disabilities was 820. By 2009 the number of eligible students had grown to 3,391, an increase of 672%, or an average compound rate of 8.21% per annum (see *Figure 1 below*).

Figure 1: Growth in total number of students with disabilities, 1992 - 2009

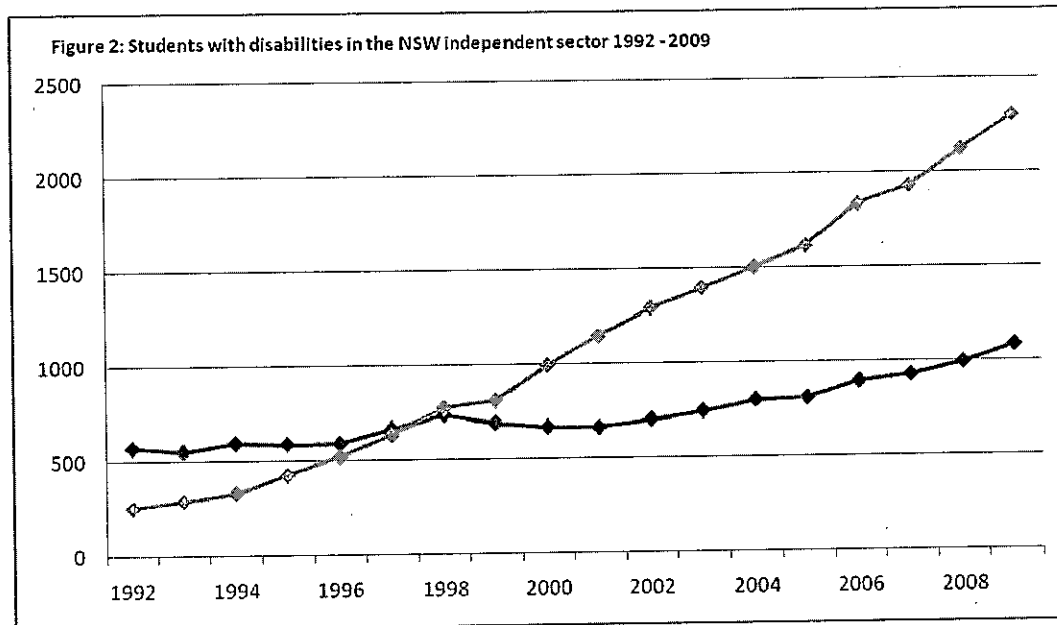


The growth in enrolments of students with disabilities has been greatest in mainstream schools, which now account for some 68 per cent of students with disabilities, including those with moderate to severe disabilities. In 1992, the number of students with disabilities in special schools outnumbered those in mainstream classes at regular schools by 2:1. By 2009, this situation had been reversed with 2,305 of these students in regular schools compared to 1,086 in special schools (see Figure 2 below).

Despite the significant change in the enrolment pattern between special schools and students included in the mainstream, there are still at least one third of the students with disabilities across the sector having high support needs. Within the NSW independent sector there is a disproportionately large and increasing number of students with disabilities who have high support needs. While many of these students with high support needs are educated in independent special schools, there is an increasing number now attending mainstream schools. This accounts for approximately one third of the sector's enrolments of students with disabilities across special and mainstream schools.

In a direct comparison across the period from 1992 to 2009, the number of students with disabilities included in mainstream schools has increased by over 922% while in special schools the increase has been about 190%.

Figure 2: Students with disabilities in the NSW independent sector 1992 - 2009



A range of factors account for the increased enrolments of students with disabilities in the sector, including the overall increase in the number of students attending independent schools, and the shift in all sectors to more students with disabilities being educated in mainstream school settings. In addition to this, the *Disability Discrimination Act 1992* had a significant impact in enabling students with disabilities to be offered the same educational opportunities as other students.

In this context, the NSW independent sector provides parents with a wide choice of special schools or inclusion within a mainstream class at a regular school. Only a few schools offer classes specifically for students with disability. This choice is fundamental in providing parents with the opportunity to exercise their rights in choosing the most appropriate educational setting for their child.

AINSW acknowledges the financial support to non-government schools provided by the NSW and Commonwealth Governments. This funding is acknowledged and appreciated as the costs of providing educational services to these students are many times greater than for other students and the funding is an essential contribution to the education of students with disabilities. However, it is widely acknowledged that the level of funding from governments to schools does not adequately support the education of students with a disability.

The following information summarises the government funding to support schools educating students with disabilities in the independent sector in NSW:

The NSW Government provides two types of funding for students with disabilities in independent schools. They are:

1. State government recurrent grants: this is a per capita payment paid directly to the school by the NSW Department of Education. For each student with a disability recorded on the school census, the school is funded at a level that is the difference between the Category of the school they attend and Category 12. There are twelve levels of funding, with Category 12 providing the highest rate of funding. This is the only NSW Government contribution to mainstream independent schools enrolling student with disabilities.

In 2009, Category 12 funding was approximately \$2,092 for each primary student; and approximately \$2,677 for each secondary student. A school in a low socio economic community classified at category 11 would only receive an additional \$266 for each primary student or \$226 for each secondary student with a disability. A special school would receive the difference between Category 8 and 12, that is \$504 for a primary student and \$546 for a secondary student.

2. Supervisor subsidy: this subsidy is paid to some Special Schools; it is towards the cost of providing full-time supervisors or teachers to care for children between the ages of 3 to 18 years, with autism or a moderate to severe intellectual disability. This funding is critical for the eligible schools and without this funding these schools are likely to close. Those special schools which are not specifically for students with autism and/or moderate to severe intellectual disability are not eligible for the Supervisor Subsidy. In fact, mainstream schools that have students with autism and moderate to severe intellectual disability do not receive this funding even though if these students attended a special school the school would receive the funding.

The Commonwealth Government provides support for schools educating students with disabilities through the Literacy, Numeracy and Special Learning Needs (LNSLN) Program. This Program assists schools to improve learning outcomes of educationally disadvantaged students, including students with disabilities, particularly in literacy and numeracy, by contributing funding for additional teaching and learning. Educational disadvantage may be associated with a range of factors such as disability, learning difficulty, a language background other than English, Aboriginal or Torres Strait Islander background, low socio-economic background or geographical isolation.²

The LNSLN Program consists of two components, i.e. the students with disabilities component and the school grants component.

The Students With Disability component is the only specific payment by the Commonwealth to support schools enrolling students with disabilities. This component is a per capita payment based on the number of students with a disability recorded on the previous year's census for each school. For 2009, the allocation was \$894 per eligible student.

The AIS administers the Commonwealth's LNSLN school grants component on behalf of the independent sector. Within this component the AIS, on the advice of its LNSLN Advisory

² *Schools Assistance Act 2008*, Administrative Guidelines: Commonwealth Schools Programs for Non-government Schools for 2009 to 2012, p.43

Committee, provides targeted grants specifically for special schools and schools enrolling students with disabilities, with a small amount of funds being set aside for equipment and minor capital needs and a small team of special education consultants to support the schools. These funds are supplementary and are intended as a contribution only.

Government funding for students with disabilities in independent schools is a small contribution to the real costs of their education.

Between October 2006 and June 2007 the Commonwealth Government Department of Education, Science and Training (DEST) commissioned a project that was undertaken by the Faculty of Education, Monash University, to investigate Australian Government funding for school students with disabilities (SWD) regarding complementary funding from state and territory governments and funds from other sources.

Findings from the resultant Monash University report *Investigating the Feasibility of Portable Funding for Students with Disabilities*,³ states:

- 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 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.

Further, the nature and level of student needs together with the increasing number of students with disabilities enrolled in the independent sector results in the available resources having to be distributed across a wider range and increasing number of students.

³ *Investigating the Feasibility of Portable Funding for Students with Disabilities, Final Report June 2007*, Monash University, p. viii.

Insufficient funds are available to meet the needs of all students with disabilities but especially those with higher level disabilities. The lack of adequate funding is becoming more critical as the number of students identified as having a disability grows. This growth means that inadequate resources are being spread more thinly.

For students with a disability in government schools the cost of their education provision is met by the Australian community as a whole. Students with disabilities in independent schools generally receive significantly less government funding for their educational support needs than if they were educated in a government school. For students with disabilities in independent schools the NSW and Commonwealth Governments provide some additional funding support but there remains an often significant gap in funding to meet the needs of these students. The funding differential is usually greater for students with high-level support needs who may require, for example, a full-time aide. The gap in funding for these students can be in excess of \$40,000 per student per year. This gap will likely be documented in other submissions, for example, RIDBC where it is recognised that cost of providing a support service to a blind student is in excess of \$100,000. The independent school at which the student is enrolled would also need to provide additional staffing and resources.

In the case of independent schools, it is the school community which must meet this additional financial burden rather than the broader Australian community through taxation. The school must either adjust the quality of provision to other students, increase school fees or fund raise. Either way, the school's parent community meet the additional financial burden.

The impact of the *Disability Discrimination Act 1992* and associated *Disability Standards for Education 2005* requires schools to accept enrolments of all students irrespective of the nature of their disability, without commensurate funding to support them. There is no argument about the willingness of independent schools to meet their social and legal obligations to enrol students with disabilities. The growth of enrolments of these students in the sector attests to this. This legislation, however, obliges independent schools to accept students with disabilities without adequate knowledge by governments of the compliance

costs to the individual independent school community. It is unreasonable that these often significant costs be arbitrarily borne by the group of families making up an individual school community.

The independent sector believes that school choice should be available for the parents of students with disabilities just as it is for other parents. It is highly inequitable, and possibly discriminatory, that parents of students with disabilities should have access to the school of their choice constrained by differential application of government financial support. Students with disabilities should receive additional funding support because of their disability, not because of the type of school they attend.

Findings from the Monash University Report reveal that:

- *Parents of SWD who choose to send their child with a disability to a non-government mainstream school forego substantial levels of government support and face greater financial barriers in this choice than do other parents. (Monash University, 2007, p. 53)*
- *The level of funding for SWD in non-government mainstream schools means that individual schools are subsidising these costs from other sources. (Monash University, 2007, p. xiv)*

The independent sector is seeking an injection of government funds to specifically address the needs of students with disabilities in all sectors, and in particular in independent schools to ensure that these students are adequately funded regardless of the type of school they attend.

It must also be recognised that in NSW the students who meet the criteria to be eligible for funding are merely a subset of those whose needs must be addressed by definition under the *Disability Discrimination Act 1992*. Students with learning disabilities, behaviour disorders

and medical conditions are not funded as students with a disability in NSW. It should be noted that whilst widening the eligibility criteria for funding of students with disabilities would be the preferred position for schools, the current levels of funding are totally inadequate for those eligible under the existing criteria.

Many submissions to Shut Out⁴ identified the lack of equitable funding across sectors has narrowed their choice of schools. The lower level of funding available to non-government schools was perceived as lower levels of support. Parents who make the choice to move their children from one school sector to another, and in particular from the government school sector to the non-government school sector, lose access to substantial benefits, financial and other, that are available to students with disabilities in the government school sector.

It is the actual quantum of funding which often impacts on a parent's decision regarding choice of educational setting for their child with a disability. This funding presents a mere fraction of the costs in meeting the education needs of students with disabilities. As noted earlier, independent schools and the school community are required to meet the shortfall.

AISSNSW is not arguing that any school or sector should receive less support, rather that the needs of all students with disabilities be appropriately funded by the community through government expenditure, regardless of the type of school in which they are educated. The amount of funding available across all schooling sectors is too small; significant additional funds need to be injected.

The NSW independent schools sector believes that it has a responsibility to continue expanding its role in the education of students with disabilities, and to improve access and the capacity of schools to provide these students with a high quality education appropriate to their needs. Parental choice in the type of school and educational setting must also be

⁴ SHUT OUT: The Experience of People with Disabilities and their Families in Australia. National Disability Strategy Consultation Report prepared by National People with Disabilities and Carer Council. Commonwealth of Australia, 2009.

maintained; this can only be achieved through equitable funding arrangements for students with disabilities regardless of where they attend school. Critically, all education sectors require substantially more government funding to provide an education that allows equality of access and participation for all students with disabilities.

Recommendations – Term of Reference 1:

- 1. New, substantial and additional government funding support must be made available to provide an education that allows equality of access and participation for all students with disabilities, regardless of sector.***

- 2. The establishment of funding arrangements which provide the same level of support to schools for students with a disability regardless of sector, setting or school they attend.***

- 3. Parental choice of schools for students with disability should be available, just as it is for other students.***

TERM OF REFERENCE 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 many circumstances, due to the complex nature of individual student needs, comprehensive and intensive service provisions are required.

Mechanisms to allocate funding should ensure that no students with disabilities or education sector should be disadvantaged through under funding. Support for these students should be based on the level of funding required to allow them to achieve their educational goals. Funding mechanisms need to be responsive to the complex nature of individual student's need allowing for the adjustments to teaching and learning and the environment required in order that they are able to access, participate in and optimise the learning opportunities provided by the school.

The Monash University Report (*Monash University, 2007, p. 97*) clearly indicates that funding should address the specific needs of individual students. A model with tiered levels of funding support, such as five levels, should be considered. An additional payment, such as in the Western Australian State Government model where in 2010, \$28 527 is paid towards the education of students with very high support needs regardless of setting or sector would appropriately recognise the complex needs of these students. In addition, the cost of necessary capital works and equipment and the adequate support services tailored to meet the needs of individual students in their specific educational settings must be met. The additional expense for rural and remote schools to access would need to be considered. This access is a legislated requirement for schools and is articulated in the *Disability Standards for Education* under the *Disability Discrimination Act 1992*.

To meet the needs of students with disabilities schools are required to provide a range of adjustments which incur significant additional costs. These costs are unique to each student depending on the specific nature of their support needs and can vary widely. They may involve capital and/or ongoing recurrent expenditure. Capital expenditures can take the form of the costs to modify buildings to allow the student with disabilities access to the school campus (for example, lifts, ramps, widening of doorways and modifications to toilet facilities) and specific equipment (for example, specialist computing facilities, Braille resources). Additional recurrent expenditure is often incurred to meet the cost of specialist teaching advice, teacher aides, therapy services and the development of specialist teaching resources.

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. (SHUT OUT Report, Commonwealth of Australia, 2009, p. 51)

Governments must acknowledge that changes in funding approaches alone will not compensate for the inadequate pool of funding made available for schools to address the needs of students with disabilities.

Recommendations – Term of Reference 2:

- 1. Funding should be allocated for schools on the basis of functional needs of students.***
- 2. Students with similar level of need should be funded at the same rate regardless of sector. Parity of funding across all education sectors is paramount.***
- 3. The allocation of funding should foster the capacity of schools within all education sectors to effectively respond to the individual needs of all students with disabilities i.e. funding per student plus allocation available for capital works, equipment and support services.***

TERM OF REFERENCE 3

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

A comprehensive continuum of well resourced program options is critical.

The appropriateness of any placement – mainstream, special class or special school, should be determined by the individual needs of a particular student and parental choice. The placement must be based on a choice made by parents, with guidance from special educators and other specialists as appropriate to meet the student's academic, social and physical needs.

As previously noted, increasingly parents are choosing mainstream education settings for their child with disabilities. Although the establishment of special / satellite classes in regular schools has been a welcomed and an often sought after placement option for families. Special schools, however provide critical services offering highly specialised intervention and support. This provision is particularly important in ensuring appropriate educational options for those students with high and complex support needs.

Independent special schools have offered, and continue to offer, NSW families a wide range of educational opportunities, with the state being unique in having twenty-five independent special schools to allow families to exercise their rights in choosing the most appropriate educational setting for their child.

There remains a dearth of special school placement opportunities in rural and remote NSW. Parents of students with disabilities in these areas often have no options available other than to educate their children in mainstream schools.

In the NSW independent sector the number of special schools catering specifically for students with autism has increased significantly. There has also been an increase in special schools and special assistance schools catering for student with mental health disorders.

As there is an increase in the number of students with disabilities accessing places in independent special schools there is a consequential increase in the cost to these schools to support their students. A shortfall in funding creates pressure on available resources to meet the needs of these students, particularly those with high and complex needs. The critical impact is that available resources must be spread more thinly. This is evident in the increasing number of closures of independent special schools at a time when the demand for places is increasing.

Despite the need for additional funding, many schools still strive to enhance the educational outcomes for students with disabilities through high quality, innovative educational practices, translating research into practice, ever expanding service provision and through the unyielding dedication and commitment of their staff.

Beyond the specialised instructional service that special schools have traditionally delivered, a number of NSW independent special schools are providing additional unique and highly specialised services through:

- the use of technology providing valuable 1:1 instruction and consultancy support via video conferencing to children and their families across the country
- short term, intensive intervention programs to prepare students to effectively access their next educational environment
- the establishment of close relationships with mainstream independent schools
- the use of multi-disciplinary teams to plan and implement interventions
- comprehensive assessment services

- the establishment of satellite classes in mainstream schools to facilitate the effective transition to regular classes
- conducting and sharing on-the-ground research leading towards 'best practice' in the education of students with disabilities
- the provision of training (for parents and professionals) informed by the most up to date research
- the provision of information for individuals, families and professionals offering immediate advice and information on services
- long-term support for students transitioning to their next educational settings
- the provision of specialist intervention services working in collaboration with families and staff in mainstream schools
- liaising with relevant federal and state government agencies to support children and their families and to promote the implementation of 'best practice' and high quality service provision.

Recommendations – Term of Reference 3:

- 1. Additional government funding provided to adequately support the continuum of service provision across schooling sectors.***
- 2. Extension of supervisor subsidy to all non government special schools. This will require additional funds to ensure no diminution of funding levels to schools currently receiving this subsidy.***
- 3. Consideration must be given to ways in which a comprehensive range of options can be made available to students and families in rural and remote areas of NSW.***

TERM OF REFERENCE 4

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

Between 2000 and 2009, the number of mainstream independent schools enrolling students with disabilities increased from 197 to 234. The fact that the number of eligible students with a disability has more than doubled in the same period, demonstrates the increased support load that has been placed on individual schools across that time. It should be noted that there are schools in the independent sector which elect not to apply for funding support even though they may have a student who would be eligible. For these schools, the time, effort and cost of assessments and / or applying may be judged to outweigh the value of the funding that may be available. Some schools have difficulty accessing appropriate specialist services to provide the diagnosis and supporting documentation required for applications for funding.

There have been significant increases in the actual costs to schools to support the specific educational needs of students with disabilities. The overall costs to facilitate access to and participation in, the education provided by the school as specified in the *Disability Standards for Education (Commonwealth Attorney-General, 2005)* have increased. Additional costs to schools include the provision of planning time, specialist advice, adjustments, support services, capital works, equipment and targeted professional development.

In order access and participate in school some students require significant health care support through the school day. Examples of such health care requirements include catheterisation, injections, lifting, tube feeding, provision of medication, and complex emergency response procedures. Typically, mainstream schools do not have the facilities or the trained staff to respond to the diverse and often intensive health care needs of students. Independent schools must access and arrange suitable training of staff, plan for the required care across all school activities including excursions and camps and very often employ additional personnel. This is particularly difficult in rural and remote areas. The costs to meet

these health care needs must be met by the independent school in which the student is enrolled.

Changes to the school leaving age to seventeen years whilst fully supported by the independent sector, has placed a further cost burden on independent schools. Previously these students often left school at an earlier age to access other services.

A substantial number of students with disabilities in mainstream settings access TAFE delivered Higher School Certificate Courses. For students with disabilities and special learning needs in independent schools, the costs to support their access and participation in the TAFE delivered curriculum must be funded by the school, in addition to the course fees. However, the *Disability Standards for Education 2005* clearly articulates that it is the education provider (in this circumstance TAFE NSW) which is responsible for making and financing any reasonable adjustments required.

Independent schools have a critical role and responsibility for providing the required support structures necessary to address the needs of a student with a disability within their school. In order to achieve this, the actual costs of additional support for students with disabilities must be met.

These costs must be met by independent schools, through additional sources of funding such as increasing fees for all students, through fund raising, and the re-distribution of other resources. For some schools it is almost impossible to financially meet the costs to adequately address the learning and support needs of students with disabilities.

The individual planning process that occurs in consultation with parents should determine how each independent school will provide appropriate educational opportunities and support to students with disabilities.

Using Commonwealth Government funding, AISNSW provides the services of special education consultants to those NSW independent schools enrolling students with disabilities. As this is a fully funded service all fees are negated. This service includes working collaboratively with school principals, staff, students and parents to develop an appropriate individual plan for each student with a disability. These individual plans identify the student's needs and outline adjustments and procedures for implementing appropriate strategies to maximise student access, participation and the provision of support services. Consultants also support schools in determining needs in terms of adjustments to school facilities, equipment and resources required for individual students and provide assistance in the process of completing applications for government funding.

These consultants are all educators with post graduate qualifications in special education and vast experience in both management and teaching in the area of supporting schools enrolling students with disabilities. The consultants respond to requests from schools as well as proactively working and researching in order to provide current 'best practice' advice to schools.

The vast majority of students with sensory disabilities are educated in mainstream settings. These students often require high levels of additional and specialist educational support. This support may include technical support personnel, specialists in communication modes such as Braille or AUSLAN and itinerant teachers with highly specialised skills and knowledge related to the particular sensory impairment. These services are available to independent schools through the Royal Institute for Deaf and Blind Children (RIDBC) for students with sensory impairments. Although the RIDBC does not charge the full cost of the service, the fee for support for students enrolled in independent schools is the responsibility of the individual school. For those students in the government sector accessing itinerant services, the costs are fully funded. This situation again highlights the current inequitable situation for parents of children with disabilities in independent schools.

Autism Spectrum Australia and Giant Steps special school both offer outreach services for students with autism spectrum disorder. It is a highly valuable service for independent schools. As with most specialist services to the sector, they are based on a fee for service arrangement that schools accessing the service are required to cover.

For schools in regional, rural and remote areas the travel and accommodation components make many support services inaccessible.

Independent schools in regional, rural and remote areas of NSW have the opportunity to access the services provided by Dalwood Assessment Centre and Palm Avenue School for students whose primary area of concern is severe reading difficulties. This service provides targeted assessment, individualised planning and in some circumstances, intensive instruction and follow-up with schools. The service is accessible only once other interventions available to the school community have been exhausted. Dalwood Assessment Centre and Palm Avenue School is provided by NSW Health and the Department of Education. It is imperative that students in independent schools in rural and remote areas maintain access to such services in a continued and expanded way.

Recommendations – Term of Reference 4:

- 1. Schools must be adequately funded to ensure access to comprehensive and highly specialised support services to appropriately address the support needs of students with disabilities.***
- 2. Schools and their parents should be able to choose the most appropriate support service to meet the needs of the individual students.***
- 3. The additional support costs of a student accessing TAFE delivered courses should be provided in accordance with the Disability Standards for Education 2005.***

TERM OF REFERENCE 5

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

Any curriculum must be underpinned by the legislative frameworks, including

- the *Disability Discrimination Act* (1992) and the corresponding *Disability Standards for Education 2005*
- the *United Nations Convention on the Rights of Persons with Disabilities* (2006).

The Board of Studies has made significant progress in developing curriculum to meet the needs of students with disabilities. The provision of a K-10 continuum, Life Skills outcomes (Stage 4&5), Life Skills Syllabuses (Stage 6) and credentialing for the School Certificate and Higher School Certificate is to be applauded.

With the advent of the Australian Curriculum, the design of the K-12 curriculum to be implemented in NSW must build on the work to date by providing access for, and be inclusive of, every student. The curriculum must provide sufficient scope and flexibility in recognition of the diverse learning needs of all students including those with disabilities and special learning needs, regardless of the educational setting in which they are educated.

The curriculum framework and courses within the framework should be structured such that overarching broad-based goals or concepts provide a focus and direction for learning for every student, including those students with intellectual and other disabilities.

For each curriculum area a continuum of learning must be provided with sufficient scope and detail to determine learning entry points, to plan, monitor and record the progression of learning and achievement of every student.

Schools must have the flexibility to determine appropriate instructional processes and learning pathways for individual students with disabilities in each curriculum area with age appropriate content. For any course or program this may involve: the implementation of 'reasonable' adjustments; access to outcomes and the provision of content from a different year of schooling to that of the student's chronological age; and / or accessing outcomes and content specifically designed for students with significant learning needs who require a substantially different level of outcome and content difficulty.

The implementation of adjustments must be acknowledged as a valued and legitimate means for schools to enable students with a disability to participate in the educational experiences and assessment opportunities *'on the same basis as a student without a disability, and without experiencing discrimination'* as legislated in *Disability Standards for Education 2005*.

NSW credentials must continue to be accessible to every student, in recognition of their educational individual achievements. Support materials are essential to provide advice and guide teachers of students with significant disabilities and learning needs.

Recommendations – Term of Reference 5:

- 1. The introduction of the Australian Curriculum must provide at least the same scope and flexibility in implementation as the existing NSW curriculum in order to be inclusive of all students.***
- 2. A continuum of learning must be provided that allows entry points to facilitate achievement for all students.***
- 3. Any curriculum must provide schools with the autonomy to determine appropriate instructional processes and learning pathways for individual students with disabilities in each curriculum area.***
- 4. Age, interest and development of students must be reflected in curriculum content.***
- 5. Student learning must continue to be recognised through the provision of inclusive credentials as currently offered by the NSW Board of Studies.***

TERM OF REFERENCE 6

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

Significant variation exists in the provision of specialist therapy and counselling services across the state. In rural and remote areas particularly, independent schools are often reliant on an individual family to pay for private therapy for their child, and for those private therapists to provide information and support to classroom teachers. Professional development for teaching staff focussing on the implementation of therapy goals within the classroom and across the school day is not widely available, and schools have no financial support for providing release to staff for this purpose.

Diagnostic services for students are often difficult to access with long waiting lists in metropolitan, regional and rural areas. Families often do not have the financial resources to pay for these services privately; however schools are reliant on this diagnosis to access any available funding to support the education of students with disabilities.

Therapy services are funded through the NSW Department of Ageing, Disability and Home Care (DADHC) for students with moderate and severe intellectual, physical and multiple disabilities. Parents of these school-age children access this service through the placement of a short term service plan request. If recurrent service is required then repeated requests must be made. This may or may not include a request for school related support. Schools are often left floundering by a lack of appropriate therapy services to support them in providing an accessible curriculum and the required supports to enable students with disabilities to access school. The time allocated to therapy visits to schools is limited and typically needs to occur in school teaching hours placing further pressure on schools for release time. More therapy services with reduced waiting time for schools are required.

Independent schools are not seeking a clinical approach to therapy services but rather a stable consultancy service that in consultation with families can provide teachers with the skills and knowledge to meet the physical needs of individual students with disabilities at school as a cohesive component of the school teaching day. This needs to be combined with specialised advice in the determination of appropriate adjustments that will promote access to the educational curriculum.

There is a clear lack of specialist trained teaching staff and allied health professionals in rural and remote areas in NSW. Families are often required to travel extensive distances to access appropriate support. This inhibits families from obtaining much-needed professional opinion, diagnosis and access to services.

Students with mental health issues are not always able to access counselling and Child and Adolescent mental health support services, particularly those within smaller independent schools, and are again reliant on government agencies with extensive waiting lists or private services to provide the necessary support to the student, family and the school. This support often requires staff from schools to be released to travel to and attend meetings with specialist staff. The school meets the costs of this release time and travel.

In some areas of NSW, government departments which provide services to students in government schools have refused to provide a similar service to a student enrolled in an independent school. An example of this is a family that was seeking enrolment for their foster child in an independent school. The child has some extreme and challenging behaviour and had been expelled previously from a government school. This situation was eventually resolved through intervention by AIS.

Recommendations – Term of Reference 6:

- 1. Therapy and counselling services from DADHC and Allied Health should be readily available to all schools enrolling students with disabilities or special needs.**
- 2. Increased provision of child and adolescent mental health services.**
- 3. Consideration in funding allocation be given to schools in rural and remote areas for travel and accommodation to access appropriate services.**

TERM OF REFERENCE 7

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

Quality research based education at pre-service and post graduate special education training is critical. Currently there appears to be limited pre-service training to prepare classroom / subject teachers for educating students with disabilities or special needs. This situation is compounded by the dearth of post graduate special education teachers available to provide advice, team teaching, support individual planning, designing programs and interventions. Over several years, AISNSW has had vacant special education consultant positions due to the limited field available. In addition schools report similar difficulties in finding well qualified special education teachers.

The SHUT OUT report states:

Parents were frustrated that too few teachers appear to be well equipped to deal with the full range of learning needs in their classrooms.

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.

(SHUT OUT Report, Commonwealth of Australia, 2009 p.49)

It is imperative that all initial teacher training includes a mandatory unit which focuses on effective, appropriate and research-based teaching strategies to effectively meet the wide range of needs of students in the regular classroom. Some current units which offer an introduction to specific disabilities fail to prepare future teachers for the reality of the classroom. Currently it is the case that the vast majority of teachers have not had the

opportunity to access the necessary information and/or training in these areas. Since it is now the case that that many regular classrooms have students with a wide range of disabilities and learning support needs it is vital that such training occurs for all teachers.

In addition it is imperative that improved, targeted, ongoing professional development is undertaken by all teachers in order to ensure that they are well equipped to respond appropriately to the full range of student needs. This will result in improved outcomes for all students.

The education of some students with disabilities requires arrange of specialist skills and knowledge that goes significantly beyond those skills and knowledge of typical classroom teachers in mainstream schools. This is particularly the case for those teachers responsible for educating students with high support needs.

Accessible, post-graduate courses, in a general special education course to support students with learning/ behaviour and mild disabilities plus a range of specialist areas to support students with sensory impairments or moderate to high support needs , which reflect current research and world's best practice are necessary to ensure that teaching staff are well informed and confident in implementing appropriate support strategies for the full range of students with disabilities and specific support needs.

Recommendations – Term of Reference 7:

- 1. Maintain mandatory unit in undergraduate teacher training. The mandatory unit must be based on effective, appropriate and research-based instructional strategies to effectively meet the needs of students with special learning needs and disabilities.***

- 2. Teachers of students with disabilities and special learning needs are provided with targeted, ongoing professional development that enables them to respond to the needs of these students.**

- 3. Support for post graduate studies in special education including a general special education course to support students with learning / behaviour and mild disabilities plus specialist areas such as the education of students with sensory impairments and high and complex support needs.**

Conclusion

The Association of Independent Schools of New South Wales holds the view that the provision of education to students with a disability or special needs is currently the most pressing educational issue facing schools, students with a disability and their families. Students with disabilities and special needs face considerably more challenges and difficulties than other students. These difficulties are compounded by grossly inadequate funding.

The present funding and other support arrangements are inadequate to deal effectively with the majority of the educational needs of this group of students. These problems are exacerbated in the independent schools sector as a result of the lack of access to additional funding and support services that are provided to students with similar needs in the government sector.

In addition, considerable attention needs to be given to the effective training of teachers to ensure they are better equipped to manage the demands of teaching students with a disability and those with special needs.

The Association believes that addressing these funding shortfalls and anomalies in the provision of support services will require a substantial, sustained and committed effort on the part of all levels of government.

Summary of Recommendations

Term of Reference 1

- New, substantial and additional government funding support must be made available to provide an education that allows equality of access and participation for all students with disabilities, regardless of sector.
- The establishment of funding arrangements which provide the same level of support to schools for students with a disability regardless of sector, setting or school they attend.
- Parental choice of schools for students with disability should be available, just as it is for other students.

Term of Reference 2

- Funding should be allocated for schools on the basis of functional needs of students.
- Students with similar level of need should be funded at the same rate regardless of sector. Parity of funding across all education sectors is paramount.
- The allocation of funding should foster the capacity of schools within all education sectors to effectively respond to the individual needs of all students with disabilities i.e. funding per student plus allocation available for capital works, equipment and support services.

Term of Reference 3

- Additional government funding provided to adequately support the continuum of service provision across schooling sectors.
- Extension of supervisor subsidy to all non government special schools. This will require additional funds to ensure no diminution of funding levels to schools currently receiving this subsidy.
- Consideration must be given to ways in which a comprehensive range of options can be made available to students and families in rural and remote areas of NSW.

Term of Reference 4

- Schools must be adequately funded to ensure access to comprehensive and highly specialised support services to appropriately address the support needs of students with disabilities.
- Schools and their parents should be able to choose the most appropriate support service to meet the needs of the individual students.
- The additional support costs of a student accessing TAFE delivered courses should be provided in accordance with the Disability Standards for Education 2005.

Term of Reference 5

- The introduction of the Australian Curriculum must provide at least the same scope and flexibility in implementation as the existing NSW curriculum in order to be inclusive of all students.
- A continuum of learning must be provided that allows entry points to facilitate achievement for all students.
- Any curriculum must provide schools with the autonomy to determine appropriate instructional processes and learning pathways for individual students with disabilities in each curriculum area.
- Age, interest and development of students must be reflected in curriculum content.
- Student learning must continue to be recognised through the provision of inclusive credentials as currently offered by the NSW Board of Studies.

Term of Reference 6

- Therapy and counselling services from DADHC and Allied Health should be readily available to all schools enrolling students with disabilities or special needs.
- Increased provision of child and adolescent mental health services.
- Consideration in funding allocation be given to schools in rural and remote areas for travel and accommodation to access appropriate services.

Term of Reference 7

- Maintain mandatory unit in undergraduate teacher training. The mandatory unit must be based on effective, appropriate and research-based instructional strategies to effectively meet the needs of students with special learning needs and disabilities.
- Teachers of students with disabilities and special learning needs are provided with targeted, ongoing professional development that enables them to respond to the needs of these students.
- Support for post graduate studies in special education including a general special education course to support students with learning/ behaviour and mild disabilities plus specialist areas such as the education of students with sensory impairments and high and complex support needs.

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