

Submission  
No 266

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

**Organisation:** The Association for Children with a Disability NSW (ACD NSW)  
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**Date received:** 19/02/2010

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## ACD NSW SUBMISSION TO NSW INQUIRY INTO PROVISION OF EDUCATION TO STUDENTS WITH A DISABILITY OR SPECIAL NEEDS

The Association for Children with a Disability NSW ("ACD NSW") is a non-profit organisation run by parents of children with a disability. We represent over 500 families around NSW. We help families gain knowledge and confidence to provide the quality of life their child deserves by:

- Providing support and information for parents, carers and families of children with any disability
- Raising public and political awareness of the issues faced by parents, carers and families of children with a disability
- Advocating for improved services and equipment for families of children with a disability.

ACD NSW could collect hundreds of accounts of the educational experiences of our children. For the purpose of this submission, we have boiled our comments down to five main points we would like to make:

1. Education is a basic human right
2. Parents and their children need choice
3. Education is an investment, not a cost.
4. Education needs to be tailored to children's needs
5. Universal Design for Learning, a truly inclusive teaching approach for all children.

We would be more than happy to come to the Inquiry to relate some of our experiences in more detail ACD NSW can provide personal statements from people who have chosen a variety of settings (Special School, Special Unit in a Mainstream School, Mainstream School, Independent School) to appear before the Inquiry to recount their experiences.

Please feel free to contact me if you would like the opportunity of such personal testimonials:

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## **Point one: Education is a BASIC HUMAN RIGHT.**

*I applied at the end of last year for my son to go to \*\*\*\*\* which is a public special school. In December they told me that my son had been allocated a place there and in January we met with DET, the school principal, and two of my son's doctors. They established that they would have to train staff for his trache and seizure management and then he could start. We have been waiting ever since January for the DET to organise a carer so that he is allowed to go to school. The ironic thing is that in the meeting in January they were telling me that I had no choice but to send my child to school full time by his sixth birthday, or I would otherwise be breaking the law. So my son turns six on Saturday and we have been waiting for the go ahead for school. I rang the DET today and asked them if they could give me some idea of when my son could start school, and they still don't know. They haven't organised a carer for him yet and haven't trache trained any of the staff, but they assured me that he will go to school this year - I am not holding my breath! Apparently, although I was told that I can't break the law, it is ok for them to!*

In line with the UN Convention on the Rights of Persons with Disabilities (CRPD), and in particular article 24 (Education) we want to stress the right of persons with a disability to education, an internationally recognised right of all Australians.

Often we have heard parents complain that their children receive "nothing more than quality babysitting" rather than an education. Especially in the case of children with relatively complex or multiple disabilities, there seem to be insufficient educational settings their children can attend.

There are few special school settings. Sydney's last residential school, Kingsdene, which caters for students with highly complex needs, will close at the end of this year due to lack of government funding. Instead of providing more schools, and more options for our children, their educational choices are pulled out from underneath them.

## **Point two: Parents and their children need CHOICE**

*The Department of Education wants me to send my son to the \*\*\* Special Unit. It's a lovely place, don't get me wrong. But all the kids there use wheelchairs, and have no speech. My son uses a walker. Sure, he's slow, but he's independent. And he speaks. The kids at \*\*\* are not his peers. They are not the kids he will spend his life with. He will spend his life amongst neurotypical kids, and he needs to be among them now, go to school among them. I want him to be included in a mainstream local school. The woman in charge of special needs at DET doesn't even want to talk about it. Either I do it all myself, actively against her – and then how much will she help me further down the track – or I go to a private school. And how am I going to afford that?*

ACD NSW wants there to be **choice** for parents and children. Education is every person's basic human right. It aim is to achieve fulfil potential and full inclusion in society. This can be achieved via a special educational setting or

in the mainstream school environment depending on the wishes and needs of the child and its family unit.

Some children have such high and complex needs that only a special setting (with highly trained staff and a strong staff-child ratio) can handle. Yet due to underfunding and an ideological blindfold against any special settings (labelled "institutional") these options are denied – and in effect, some children with high and complex needs receive no education at all.

As part of choice, parents want increased **transparency**.

The DET should have a special website in which it lists all educational options for children with special needs. This should not only be a list of possible schools (special and mainstream) but include a rating on how these schools perform in terms of the social and academic performance of children with special needs – including feedback from parents and children about their experience.

The MySchools website should contain Key Performance Indicators on general child social and academic performance (such as bullying) and provision for children with special needs.

### **Point Three: Education is an INVESTMENT, not a cost.**

The current educational system for children with disabilities or special learning needs is based on COSTS rather than NEEDS

The approach to support in the mainstream school system in particular is confusing and complex. There are various models of funding for aides, some depending on the disability (such as special provisions for children on the Autism Spectrum). Most parents do not understand the jumble of acronyms.

In 2009, DET announced a reform of the current system. While highly controversial amongst parents, many agreed that School Learning Support Coordinators (SLSCs) should be installed in each school. Their duties should be to maintain an overview of the educational needs and requirements of all students, and can also include coordinating interagency support from government and non-government services and facilitating specialist professional development across schools. Support teachers (aides) should maintain in their capacity to directly teach those students with special needs who need intensive support. They should be assigned to a specific child and not, as is currently the case, to a school, their time set at the discretion of the principal

Any person working with children with disabilities or special needs in an educational setting needs to be a trained professional.

It is important to get this right. A recent UK study found that unqualified and untrained aides actually do more harm than good to our children

([http://news.bbc.co.uk/2/hi/uk\\_news/education/8236705.stm](http://news.bbc.co.uk/2/hi/uk_news/education/8236705.stm), or we can provide the full research in a pdf document on request).

Often, the flexible use of new technology (such as computers, smart boards, voice recognition software etc) means a child is capable of far more independence than an aide ever would. Many other practical things (such as opening lunchboxes) could be done by classmates, who learn valuable lessons of being of service to others. Where aides are needed, they should be qualified, properly trained, and have the child's independence and learning as the most important aims.

#### **Point Four: Education needs to be tailored to children's needs**

All schools are required to teach according to a fixed curriculum and their entitlement to funding is based on their ability to show compliance with that curriculum. The curriculum is designed around a child's chronological age rather than their developmental age, or even their learning progress. This may not be suitable for some children who have profound intellectual disabilities. As one mother noted:

*My daughter has the intellectual capacity of a 6 month old. She needs therapy and sensory stimulation, not "the 3 Rs". What is the point of trying to teach her to the standard curriculum for her chronological age? An example of the priority education is given over sensory stimulation is that my child's special school has no sensory room and does not provide any music therapy notwithstanding that the school is a special purpose school solely for vision and hearing impaired children.*

In addition, therapy (physical, behavioural, occupational etc. and cognitive) is an essential part of living well and quality of life for many children. It should be recognised that this is indeed vital— and a precursor for any further education.. Certainly in special school settings catering for the needs of children with complex or multiple disabilities, therapies should be a regular part of daily school life. Families should not have to take children out of school or juggle multiple after school commitments (especially where there are siblings) to schedule the therapies that are essential to a child's wellbeing.

*Following a medical appointment at which it became apparent that my daughter could no longer fully extend her legs, I requested additional hydrotherapy for my child - the specialist had advised this would assist her. The Principal responded that the school's focus was on education, not therapy, so additional hydrotherapy could not be provided. She receives only one session every 3 weeks. The school has responded that it is looking into other options available outside the school that parents can use. This is difficult for parents since it parents often have other children's needs to take into account on weekends. Furthermore, given that the school has the facilities of a hydrotherapy pool and a hoist on site, it does not make sense for parents to have to make their own arrangements outside school hours.*

Other children may need more focus on social rather than academic skills. For example, some children with Aspergers are also classified gifted and talented. While they may excel academically, a large part of their education lies in

learning equally important social skills - to relate to, and work with others, deal with group dynamics, learn how to interact and even play with other children. These skills, equally important once in the workforce, should be part of a child's education. Other children, say those with a physical disability, may need speech therapy or physiotherapy to be able to communicate with their peers or maintain their physical wellbeing, a prerequisite for having the ability to learn.

For the benefit of all children, and especially for those with disabilities and special needs, education should be tailored to each child's unique needs.

### **Point Five: Universal Design for Learning: a truly inclusive model for all children**

ACD NSW would like the Department of Education and Training – and ultimately, the Federal Government - to move towards a teaching model of Universal Design for Learning (UDL) in all (mainstream) classrooms.

Universal Design for Learning (<http://www.cast.org/research/udl/index.html>) is a new approach to learning that departs from the point that diversity is the norm. All children learn in different ways. Therefore, teaching materials, techniques and strategies should be flexible so that teachers have the tools to meet all their student's diverse needs. It is based on three primary principles

1. multiple means of representation, to give learners various ways of acquiring information and knowledge;
2. multiple means of action and expression, to provide learners alternatives for demonstrating what they know;
3. multiple means of engagement, to tap into learners' interests, offer appropriate challenges, and increase motivation.

In addition, UDL feels that we should move from a model centred on children's rights. Every child should have to right to have their individual educational needs assessed. It is time to move beyond the current "one size fits all" approach of learning and accept that all children are individuals, with specific learning styles and their own strengths and weaknesses. All children, disabled or not, should have their own individual learning plan.

## **APPENDIX ONE: United Nations Convention on the Rights of Persons with Disabilities - Article 24 – Education**

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- c. Enabling persons with disabilities to participate effectively in a free society.

2. In realizing this right, States Parties shall ensure that:

- a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- c. Reasonable accommodation of the individual's requirements is provided;
- d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities. □ □

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

## APPENDIC TWO: Universal Design for Learning

<http://www.udlcenter.org/aboutudl/udlguidelines/introduction>

The goal of education is not simply the mastery of knowledge; it is the mastery of learning. Education should help turn novice learners into expert learners—individuals who know how to learn, who want to learn, and who, in their own highly individual ways, are well prepared for a lifetime of learning.

Universal Design for Learning (UDL) is an approach to learning that addresses and redresses the primary barrier to making expert learners of all students: inflexible, one-size-fits-all curricula that raise unintentional barriers to learning. Learners with disabilities are the most vulnerable to such barriers, but many students without disabilities also find that curricula are poorly designed to meet their learning needs.

Diversity is the norm, not the exception, wherever individuals are gathered, including in schools. When curricula are designed to meet the needs of the broad middle to the exclusion of those with different abilities, learning styles, backgrounds, and even preferences, they fail to provide all individuals with fair and equal opportunities to learn.

Universal Design for Learning helps meet the challenges of diversity by recommending the use of flexible instructional materials, techniques, and strategies that empower educators the tools they need to meet students' diverse needs. A universally designed curriculum is shaped from the outset to meet the needs of the greatest number of users, making costly, time-consuming, and after-the-fact changes to the curriculum unnecessary.

UDL has three primary principles that provide the structure for these Guidelines:

- d. Principle I: Provide Multiple Means of Representation (the "what" of learning). Students differ in the ways they perceive and comprehend the information presented to them. For example, those with sensory disabilities (e.g., blindness or deafness), learning disabilities (e.g., dyslexia), language or cultural differences, and so forth may all require a different means to approach content. Some may simply grasp information better through visual or auditory means than through printed text. In reality, no one type of representation will be optimal for all students, so providing options in representation is essential.
- e. Principle II: Provide Multiple Means of Expression (the "how" of learning). Students differ in the ways they are able to navigate a learning environment and express what they know. For example, individuals with significant motor disabilities (e.g., cerebral palsy), those who struggle with strategic and organizational abilities (e.g., executive function disorders, ADHD), those who have language barriers, and so forth approach learning tasks very differently and also demonstrate their mastery of tasks differently. Some may be able to express themselves well in writing but not orally, and vice versa. In reality, there is no one means of expression that will be optimal for all students; it is therefore essential to provide various options.
- f. Principle III: Provide Multiple Means of Engagement (the "why" of learning). Students differ markedly in the ways they can be engaged or motivated to learn. Some students are highly engaged by spontaneity and novelty, while others will be disengaged or even frightened by those approaches and prefer a strict routine. In reality, no one means of representation will be optimal for all students, thus, providing multiple options for engagement is essential.

At CAST (Center for Applied Special Technology), we began working nearly 25 years ago to develop ways to help students with disabilities gain access to the general education curriculum. In the early years, we focused on helping individuals adapt or "fix" themselves—that is, to overcome their disabilities in order to learn within the general education curriculum.



That work, which commonly focused on assistive technologies, is an important facet of any comprehensive educational plan.

However, we also came to see that this focus on assistive technologies was too narrow. It obscured the critical role of the environment in determining who is or is not considered "disabled." In the 1990s, we shifted our focus to the general curriculum and its limitations, specifically addressing how those limitations contribute to the "disabling" of our students.

This shift led to a simple yet profound realization: the burden of adaptation should first be placed on the curriculum, not on the learner. Because most curricula are not able to be adapted to individual differences, we have come to recognize that our curricula, rather than our students, are "disabled."

In the early 1990s, CAST began to research, develop, and articulate the principles and practices of Universal Design for Learning. The term was inspired by universal design, a concept pioneered by Ron Mace of North Carolina State University in the 1980s. Mace's concept calls for creating built environments and products that are usable by as many people as possible. Of course, since people are not buildings or products, we approached the universal design problem via the learning sciences. The UDL principles therefore go beyond merely focusing on access to the classroom; they focus on access to learning as well.

