

**Submission
No 134**

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

Name: Mr Brett Bower and Ms Susan Pullan

Date received: 17/02/2010

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

From :- Brett Bowyer & Susan Pullen

Date :- 8th February 2010

Re :- Attached submission to inquiry into education of students with disability or special needs.

Dear Director

Please find attached our submission to this Standing Committee Inquiry.

As stated in the notes to this inquiry interacting with the education system can be frustrating and confusing experience for parents of a child with a disability or special needs. Like many other parents that we have met and spoken to, we have found the process confusing, vague, lacking in accountability and transparency and failing to have a "best practice approach" to the service of providing education to the disabled children in this State.

Having such a "best practice approach" for the whole process of providing Disabled/Special Needs Education is vital if we are truly provide these students with the equity and opportunity that they deserve.

We feel that the Standing Committee would be misguided in it's thinking, questioning and it's deliberations if it thinks that the problems in the present process are based on the issue of funding. We feel that there are far deeper systemic problems in the whole process. These problems we have attempted to explain in our submission. We have also made recommendations that we feel would address these more systemic problems.

In writing this submission, as the parents of a disabled child currently enrolled in a public school we have taken a risk of further bullying by the Department, for doing so. We have written this submission because we feel that it is about time that parent/carers who experience the problems of the present situation should be given the opportunity to speak out directly and hopefully be heard.

There have a number of reviews and reports over the past few years including the NSW Auditor-Generals reports, however in these reports, the disabled students themselves nor their parents/carers have always been left out of the process and not been able to **directly participate** in voicing and explaining the situation in their own words.

Even the NSW Auditor –General relied only on indirect input from the peak body organization for disabled education Family Advocacy and also the NSW Parents and Citizens' Federation.

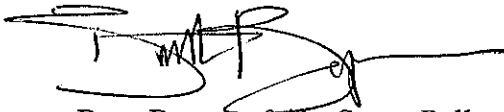
Many parent/carers like ourselves feel marginalised from these organizations and as a result that they fail to understand our needs - nor do they represent us in our and our children's needs.

Some parents such as ourselves are concerned that as Family Advocacy receives funds directly from NSW Department of Education there is the potential for conflict of interest to occur if this peak body is to be seen as the sole voice for such parent/carers of the disabled.

We would be more than happy to appear in person and give spoken testimony and answer any questions from the Committee regarding this Inquiry. As a former teacher and now parent/carer of a disabled child we would be able to provide fresh and a direct insight into the present process. We are also able to provide further documentation on any points raised in our submission should the Committee desire it.

Such an Inquiry has been long overdue in this State and we wish the Standing Committee well in understanding the many problems of the present process and hope that any recommendations for improvement will finally result in best practice service provision and the type of system that the disabled children of this State need and deserve.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Brett Bowyer', with a long horizontal line extending to the right.

Brett Bowyer &/for Susan Pullen

Summary of submission

Many parent/carers of children with a disability, their healthcare professionals and other stakeholders find that understanding the present process of providing an education through a public school and participating in this process in a meaningful way is frustrating and stressful.

It is said that the sad reality of the present process is that *“whether your disabled child gets the support they need at school or gets neglected all depends on how well you get on with the principal.”*

This submission comes directly from our experiences as the parents of a disabled child who is enrolled in a mainstream class at our local public school.

Even before our child enrolled at the school it was a battle even to get wheelchair ramps and a disabled toilet built at the school. Our child has been enrolled in the public system for the past six years and for the past six years it has been – and continues to be a battle.

After six years of research interviewing and writing to stakeholders including other parent/carers, Healthcare professionals, peak disability organizations and Departmental staff we have come to the conclusion that the present problems are systemic throughout the whole of the Department and start at senior management levels within the Department.

We have a Department that is said to *“fear an increase in the participation rate”* of the disabled in educating themselves in Departmental schools.

The Department in a bid to steer the disabled away from state schools makes the process of allocating funding and provision of support as difficult, onerous and frustrating both for schools and parent/carers.

At present we have a situation where the NSW Department of Education has a *“conflict of interest”* in the service that it supplies to the disabled and as a result it fails to apply any *“best practice approaches”* to its disability processes.

The Department knowingly breaches its legislative obligations under the Disability Services Act 1993 and also the Teaching Services Act 1980. The Department has not developed a Disability Action Plan that is required under Section 9 of the Disability Services Act 1993 and fails to ensure that its guidelines of the present disability process are current, well documented and designed for good communication – as is required by legislation.

We have a Department that :-

- has removed its previously stated main principle of inclusion of the disabled from its guidelines.
- that fails to follow, see the need or have any set of minimum disability service standards.
- fails to have a current meaningful Disability Policy.
- fails to provide adequate training to its staff
- fails to provide adequate direction in the form of current guidelines that reflect Disability Principles and their Application as is required by legislation.
- fails to ensure proper and meaningful participation of parent/carers in the process and allows untrained staff to develop their own processes.

- fails to ensure that support funds for individual disabled students are used for what they were intended.
- fails to have an appropriate independent process for evaluation and review.
- fails to have an independent and confidential means by which parent/carers can provide feedback or make a complaint.
- fails to implement recommendations of Auditor- General Reports.
- fails to apply and implement reforms required under the State Government's New Direction for Disability Services in NSW.

This submission contains the following recommendations:-

- An end to the Departments conflict of interest.
- The introduction and adoption of a set of minimum disability service standards
- The formulation of the required Disability Action Plan
- The need for a well written, comprehensive and meaningful Disability Policy
- The need for prescriptive guidelines for staff and all stakeholders. Such guidelines to reflect the required Disability Principles and incorporate disability service standards.
- The need for adequate training of staff.
- The need for the reintroduction of a Charter of Rights and Responsibilities
- The need to ensure proper and meaningful participation in process of parent/carers and other stakeholders.
- Need for end to the present "complaints based and driven" system of so called system improvement through the introduction of a proper evaluation process whereby parent/carers can provide feedback via process that provides and ensures confidentiality.

SUBMISSION TO GENERAL PURPOSE STANDING COMMITTEE INQUIRY
INTO PROVISION OF EDUCATION TO STUDENTS WITH A DISABILITY OR
SPECIAL NEEDS.

We are the parents of a child with a disability currently enrolled in a mainstream class at our local public school.

Our child has been enrolled at the school for the past six years and for all this time it has been, and continues to be a battle, not only to get support for our child, but merely to understand the process and then to be allowed to participate in this process.

After six years of research including interviewing and writing to other parent/carers, healthcare professionals, peak bodies, other government agencies and Departmental staff, we have come to the conclusion that we are not the only ones having such problems and that these problems do not just lie at the local school level, but are rather systemic through the whole of the NSW Department of Education.

Whenever comparisons are made with other school systems in this state, the Department always boasts about its system being more accepting of, and having a wider "congregation" of students enrol within its schools.

Yet the reality is that the Department finds the obligation to provide education to this wider congregation, especially the disabled, nothing more than a burden.

The Department approaches its responsibility in this regard with all the enthusiasm of a Louisiana school board of the 1950's when told they must integrate coloured children into its schools.

In a Sydney Morning Herald article from July 2003 it was stated that there were 35,000 disabled students or about 5 per cent of students in public schools. It was then stated by a spokesman for the then NSW Minister for Education that "*NSW feared the participation rate of disabled students could rise to 18 per cent.*"

[see append doc]

This "*fear*" of participation of the disabled in educating themselves has resulted in an attitude that parents should enrol their children at schools run by other education providers so as to relieve them of this burden.

This argument is fallacious in its reasoning and fails to take into account the statistic that around 80 per cent of marriages/ relationships that produce these disabled children fail, and it is the most likely that it is the woman who takes on this responsibility as a sole parent carer [94 per cent of sole parent carers are women].

How these sole parent/carers many only receiving sole parent or carers payment are suppose to pay school fees from such meagre incomes is not even considered .

This fear and ambivalent attitude within the Department towards educating the disabled has resulted in a process and a system where the Department has become a law unto itself where the Department fails to abide by its legislative obligations, where it thumbs its nose at the Ombudsman and recommendations for improvement from the NSW Auditor General and has in place a management process run by notions, nods, winks and whispers rather than documented guidelines and a system where staff receive little if any disability training and one that is totally lacking in openness, transparency and accountability.

Whether this system that the Department currently has in place is done purposely by design, or comes about through default due to lack of proper direction and lack of “best practices” approaches, is a matter of much debate amongst stakeholders.

Lack of best practices.

We have a situation where the present system of providing education to the disabled in this state is a total conflict of interest for the Department.

We have the same organization :-

- Assessing the support needs of these disabled students.
- This same organization supplying “it’s own” funding to provide these assessed support needs.
- This same organization that you must appeal to if you feel that your child’s support funding does not meet their needs.
- This is the same organization that will then review it’s own funding decision.
- This same organization providing the training to it’s own support staff.
- This is the same organization that provides the actual service to the disabled
- This same organization evaluating it’s own performance in this whole process.
- This is the same organization you must complain to if you have a complaint

The NSW Department of Education is also subject to the Disability Services Act 1993. Under section 9 of this Act the Department is required to have a current Disability Action Plan. Such a plan is designed to be a commitment to ongoing review, removal of barriers and providing improvement in the services provided to the disabled by the Department.

Despite implementation of this plan being made a performance indicator in the employment contracts of senior management by Premiers Memorandum 95-28 The Department is knowingly in breach of this Act as it fails to have such a current plan. The last Department Disability Action Plan expired four years ago and *still* has not been replaced despite calls for it to do so.

Lack of Disability Service Standards

The Department also fails to have in place a set of minimum disability service standards. Under the Disability Services Act 1993 the Department is required to ensure that all it’s services and programs reflect the Principles and Application of Principles as detailed and listed in this Act. To provide clarification and to ensure a mechanism by which disability organizations assure themselves and their disabled clients that they are following these legislated disability service principles, DADHOC has produced a set of standards called “Standards in Action” which are followed by all organizations in this state using public funds to provide services to the disabled. The hypocritical situation exists where the NSW State Government requires all such

organizations to abide by this written set of standards – but fails to abide by them itself in its own service it provides to the disabled through the NSW Department of Education.

The NSW Department of Education does not follow, have, or see the need for any set of such minimum disability service standards.

Staff Training

The Department fails to ensure that its staff are adequately trained in the needs of disabled students. Staff have stated that they have not had adequate training in disability legislation, disability rights, disability principles, the application of principles and their obligations as staff.

Documented Guidelines

The Department is also in breach of the Teaching Services Act 1980. Under this legislation the Department is obliged to have *“well stated policies, plans of action guidelines, suitable mechanisms for evaluation and documentation that ensures good communication.”*

The Department continues to provide and display on its website such documentation to stakeholders in the form of the “Special Education Handbook for Schools” and the publication “Who’s going to teach my Child”. The Department admits that the information contained in these publications is not current and states that this is due to the implementation of regional reorganization restructure within the Department. This reorganization took place in 2004.

Six years later we still do not have a set of clear and current guidelines for staff and parent/carers.

At the present time, asking any Departmental staff member how the process works is like finding two naughty little boys down behind the toilet block and asking them what they have been doing – you won’t get a straight answer.

Disability Policy

Within three months of the eventual passing of the Commonwealth legislation Disability Standards for Education 2005 – the NSW Department of Education scrapped its well written and prescriptive Special Education Policy 1993, a handbook of some 15 pages and replaced it with a single piece of A4 paper consisting of a mere four motherhood sentences.

This sole piece of paper is their present Disability Policy. [see append doc]

The Department justifies the brevity of this “new policy” by saying that it is linked to the guidelines contained in its Special Education Handbook for Schools. Yet it now admits that the guidelines in this publication are out of date.

Scrapping of main Disability Principle

The DET publication "Transition to Schools" given to parents when they express an interest in enrolling their disabled child in a Departmental school stated as the Main Principle to be used during the process of enrolment was that :-

" Every child who has been identified as having a disability, or severe learning or behaviour has the right to an appropriate educational program designed to meet his/her needs. "

This publication was withdrawn and reprinted. The only change in this reprinted handbook was that this Principle had been removed. [see append doc]

Parent/carer participation in the process

If a parent/carer wishes to provide feedback to the Department about the process there is no formal mechanism for this to take place.

With the Regional reorganization within the Department all previous District Disability Consultative Committees which had previously provided an opportunity for parent/carers to provide feedback were scrapped and not replaced.

The Regional system has we are told a Regional Student Services Consultative Committee, which according to the Director General of Education is comprised of parent, principal, NSW Health, DADHOC and student representatives.

In order to provide feedback to this committee we enquired as to who was the parent representative on this committee. The Department's legal section could not determine if there were any such parent representatives on this committee and if there was such a representative they stated that it would not be in the public interest for the public to know who was representing us as parents.

In it's published guidelines states that there is a District Committee which also is required to have parent/community representation. Again no such representation exists despite an undertaking made to the NSW Ombudsman that the Department would remind it's staff of their own guidelines in relation to this committee.

The Department now states that despite it's written guidelines parent and healthcare representation on these committees due to *"the need for confidentiality."*

The Department's guidelines still handed out to parents and displayed on their website states that at the local school level, parent/carers are able to participate on a team at each school called the Learning Support Team. [see append doc]

The Department's own guidelines "who's going to Teach my Child" describes parent/carers and healthcare professional and school staff as "equal partners" on this team. On page 12 parent/carers are described as "core members" of this team and it goes on to state that :- *" Your involvement [on the Learning Support Team] at each stage [of the support cycle] is essential to ensure co-ordination and successful outcomes for students with special learning needs. "*

The process of school staff, parent/carers and healthcare professionals all working together on the same Learning Support Team at the school is described in DET publication 'Physical as Anything' as:-

“ a collaborative teamwork approach where all aspects of the student’s assessment [are] conducted jointly, information and expertise are shared actively among team members, relevant programs are discussed with all team members [with] decisions being made by consensus and families are actively involved in planning and decision making and that their involvement is not to be token or just administrative.”

Unfortunately the Department, despite all these published guidelines has determined that parent/carers and healthcare professionals cannot participate on the one Learning Support Team at the school.

The School Education Director states that *“ There is no parent representation on the School Learning Support Team due to confidentially [sic] issues.”*

The letter goes on to state that instead “Parents are encouraged to participate in individual student review meetings.”

These “individual review meetings” are a far cry from the original intention of their still published guidelines and in reality means that once a year you can talk to your disabled child’s class teacher and sign a funding request for the following year.

Such a system of having separate team meetings disempowers the parent/carers, prevents the parents and healthcare from meeting the other members of the Learning Support Team participating in the planning and decision making process and doing so by consensus with the other members of this one supposed collaborative team. The Department states that it is now *“being left to each school to determine how their team operates.”*

Participation in a manner appropriate to the needs of the disabled person and full participation in the planning and decision making process - are *fundamental* disability principles. The Department’s current published guidelines reflect these principles, but as these staff members have no training in disability legislation and disability principles they now have a process whereby they can discuss the needs and make decisions without the direct involvement of the disabled and their associates and worse still override any agreements made at these “individual team meetings”

Previous Auditor-General Reports

Acting upon public disquiet over the attitude of the Department towards educating the disabled in this state, The NSW Auditor-General conducted a performance audit in September 2006 into the way the NSW Department of Education conducts itself in relation to **“ Educating Primary School Students with a Disabilities.”**

The audit report made sixteen key recommendations including :-

- The need to establish service standards
- The need to develop minimum standards
- The need to establish performance indicators
- The need for a consistent approach to the operation of Learning Support Teams

- The need for better training and professional development of staff -- and
- The need for greater parent/carer involvement in feedback

Despite assurances that these recommendations would be implemented – **three years later** and nothing has changed.

In another performance Audit conducted in 2008 by the NSW Auditor- General into the way extra support is provided to improve literacy and numeracy – “ **Improving Literacy and Numeracy Skills in NSW Public Schools**” – it was stated that despite the Department accepting the recommendations of 2006 Auditor- Generals report , this new audit could not find that [the Department] had adopted such measures as even developing and putting in place any performance indicators.

This new Auditor- General Report went on to make another nineteen recommendations for improvement – including giving the Department until July 2009 – “to provide by July 2009 more specific guidance to parents on what support students can expect and how they can be involved in helping schools.”

Again despite the Director General for Education and Training Mr Michael Coutts-Trotter accepting and promising to implement these recommendations, parents/ carers and other stakeholders have seen no changes.

Other promised government reforms

In 2006 the NSW State Government released it’s “**Better Together 2007 – 2011**” and “**Stronger Together 2006 – 2016**” Ten Year Plans – which they stated was :-

“ A new direction to make NSW Government services work better for people with a disability and their families.”

The NSW Premier states in the plan’s forward that these plans :-

“ builds on the NSW State Plan’s commitment to deliver better services and promote fairness and opportunity for all citizens, by providing better services for families. I want to make our state a better place by finding new and more effective ways to provide services.

My Government has a clear set of values at the heart of it’s programs. One of those is to provide everyone in our community with the opportunity to participate. [this will be achieved through] better planning, management and coordination across Government.”

The Director- Generals of twelve State agencies, including the NSW Department of Education and Training, were asked to commit their departments to the following:-

In the Better Together Plan – under “what we will do now” -- the NSW Department of Education is suppose to :-

- “ *Expand carers’ access to information about, and their voice in the treatment of, the people they are caring for.*”

In the Stronger Together Plan – under improving accountability, practices and policies - the NSW Department of Education is suppose to :-

- “*Ensure Accountability by regular evaluation of outcomes to ensure services remain responsive and appropriate*”—and
- “*Effective consultation with people with a disability, their families and carers.*”
- “*Further development of consultative strategies and communication with people with a disability*”— and
- “*Formalize existing consultative structures, clarifying roles and responsibilities.*”

Three years later ---parent/carers of the disabled have seen **none** of the above commitments implemented by the NSW Department of Education.

Funding

Funds provided specifically for the use of disabled students is not always used for the purpose for which it was intended.

Under the Department present process disabled students receive support funds based on their individual assessed needs according to the use of a “matrix” evaluation process.

Parent/carers are asked to sign forms which only contain seemingly meaningless numbers which fail to detail what level of support has been assessed and will be provided.

This set of numbers is then sent off to the Disability Directorate at Head Office in Sydney where it processed using a secretive statistical formula - and eventually a monetary figure is then provided in that child’s individual name to the school.

In the Department’s own 2002 report into this funding process “ **Review of support for students with low support needs enrolled in regular classes**” the report’s author Wayne Parkins District Superintendent Tweed Heads/Ballina - states in his report into this statistical formula process that :-

“ A number of teachers, principals and parents made reference to this part of the procedures. All believed that it was confusing, vague and aimed at hiding how decisions are made. One principal indicated that it was the best example he had seen of departmental jargon.”—and

“ The lack of transparency associated with the limited understanding of how this process works leaves the program open to criticism.”

The notion and interpretation of the guidelines at the regional level when it comes to the use of these individual support funds is that despite these support funds being based on a strict assessment of that disabled child's ability and individual needs, being supplied to the school in that individual child's name and the rule that all the unused balance of that individual child's funds is to be transferred with that child if they move schools- somehow according to the Area School Education Director – such funds are *not* a child's individual support funds.

Once they arrive at the school such funds meant for the support of an individual child can be “*pooled*” and now said to be “*a class resource*” and can now be used for “other purposes” from what they were intended.

The Department's Director of Disability Programs stated verbally that he condoned such a process of pooling of funds, but when asked to explain this same process in writing he declined to do so and stated that the use of such funds was left up to each principal.

The Department states that it strictly audits these funds – but schools merely charge up the hours of a support aide against an individual child's funds and then reassign that aide to “other duties”.

We observed as our disabled child was scheduled at that time of the day for assistance was left without the support they needed while the support aide was directed to be in another part of the school looking after another student who had behavioural problems but did not have their own funding for the support they needed.

When questioned the principal stated that he “*had to do a fishes and loaves with the funding.*”

Another parent at another school described how their child who had a hearing disability was granted three hours support each week from an itinerant specialist teacher but the parent found that no such support was being provided as that itinerant teacher was being directed to take the whole class while the normal class teacher had that time as a scheduled break each week.

Parents ask- why bother putting them through an time consuming , expensive and onerous process of assessing their disabled child's individual needs before funds can be calculated, if it's not based on such a process and is merely an allocated “class resource.” If it is such a “class resource” then why isn't the whole class included in this assessment?

Evaluation

All organizations providing services to the disabled who receive public monies from the State Government are required to abide by a set of disability standards to ensure they are providing a proper level of service to their clients.

One of the most important disability standards is the need for a regular evaluation process that involves the direct input of clients by the use of regular service user satisfaction surveys.

NSW Disability Service Standards state :-

“Service users have the opportunity to and support to take part in the planning, management and evaluation of the service.”

The Agency monitors its activities and regularly evaluates whether it is meeting it’s objectives [of it’s three year plan] and the NSW Disability Service Standards.”

When it comes to evaluating the service provided by the NSW Department of Education to it’s disabled client’s and their carers – there *is* no formal way that individual disabled student’s and their associates can provide feedback about the integration process in a confidential –yet, let alone independent way.

As detailed previously there are a number of ways according to the Department’s own guidelines that individual parent/carer can supposedly provide feedback to the Department through various committees – but sadly all these options are not available –according to the Department –“*due to the need for confidentiality.*”

On the Department’s website is promotes the “Self Evaluation Process” at each school where according to the Department’s own guidelines each school is required to have a Self Evaluation Committee comprised at least half by parents and students. This committee is required to use readily supplied survey kits to gain feedback from the school regarding aspect of the schools functions and performance. This information is then to be published in the schools Annual Report.

However yet again such an Evaluation Committee and it’s report exists only on paper and not reality. Many schools fail to have any such parent student composition, nor do the bother to survey the parents at the school. At many schools the process is restricted to input only from the school’s P&C president or based only on survey results from certain parents that have been “selected” by the principal and invited to participate.

The school annual report is merely a generic pro forma document received from the Department where the wording is virtually identical between all school and the principal is only required to fill in the missing statistics and spaces.

What many parents find strange is that this state wide generic pro forma School Annual Report received from Head office has a blank spot for the reporting on the process, advancements and achievements made in Multicultural Education and Aboriginal Education – yet there is *no* such spot for reporting on the same for Special Education or Disabled Education within each school.

As one parent put it – it’s as if any notion of commitment, improvement in process and all those participating in Disabled/ Special Needs education themselves have been “airbrushed” from the reporting process, the schools responsibilities and their consciousness.

Dealing with complaints

There is no independent specialist authority to which parent/carers can turn to have complaints investigated and resolved.

With virtually every other service provided to the citizens of this State for that specific area of service whether it be hospitals, police, communications, power, transport, banking – there is a Health Care Complaints Commission, a Police Integrity Commission or an industry specific Ombudsman that clients can turn to for assistance.

With Education, there is *no* such watchdog organization that can ensure that schools abide by legislative obligations, guidelines, standards and provide a fair service. If you have a disability or the carer of such a person, there is also no authority Federal or State to whom you can turn to have your complaints addressed without having to resort to litigation.

The NSW Department of Education exploits this lack of such oversight by such authority and has adopted the position that rather than comply with such legislation, standards and guidelines- **it is far cheaper** instead to bully into silence any parent/carer who questions the present process- than it is abide by such obligations.

Parent/carers of disabled students have the need and the right to fully understand the process by being provided with documentation that is current, that reflects current best practice industry standards and is provided in a manner that is appropriate to the needs of the disabled and or their parent/carers.

Parent/carers have the right to participate in the process of educating their disabled child at schools and to do so according to disability standards and in a meaningful way.

Parents also have the right to peace of mind when their disabled child is enrolled at a Departmental school and that support appropriate to the needs of the child will be provided and such support will be laid out in a written agreement.

Parent/carers who wish to understand and participate in a meaningful way are labelled as being “demanding” and those who point out where the Department is in breach of legislation, Disability Principles and it’s own written guidelines are said to be being “adversarial”.

When we as parent/carers asked why the school was not following the Department’s published guidelines we were told on more than one occasion by separate principals that if we didn’t like the way that the school was run then we should go and find our disabled child another school and we were then advised that if we continued to question the process our disabled child’s support funds would be “reviewed.”

Such is the current way of “service provision” to those with a disability enrolled in NSW State schools.

Total lack of best practice approaches

We hardly think that it is a “best practice approach” to have an organization :-

- that has such a conflict of interest
- that fails to have or follow any set of disability service standards
- that fails to provide adequate training to staff
- that fails to provide clients with clear and current documentation as to it's processes ----
- and that fails to properly evaluate the service that it provides.

Any such similar scenario of any other organization would surely result in fines, loss of funding, loss of accreditation and it's licence to practice.

RECOMMENDATIONS

Conflict of interest

That the problem of the Department's conflict of interest be solved by the introduction of a separation of power or responsibility into the process. Ideally the only area the NSW Department of Education would be responsible for would be the provision of the “service” itself to those students with a disability and/or Special Needs.

Assessment of the disabled child's support needs would be undertaken by a separate independent body.

Evaluation of the Disability/ Special Education process including performance of Departmental staff would also be undertaken by a separate independent body.

Disability Service Standards

It is hypocritical of this State Government to require others organizations supplying services to the disabled and receiving public funding to abide by a set of Disability Service Standards and yet not follow or require it's own Education Department to do the same.

That the hypocritical situation regarding the Department of Educations failure to follow set disability service standards be rectified and that the Department be required to abide by the same set of disability service standards that this State Government requires of/ and is used by other organizations- namely the DADHC devised “Standards in Action.”

Disability Action Plan

That the Department be required, by a set date to be nominated by the Standing Committee - to abide by it's legislative obligation's under the Disability Services Act

1993. That the Department devise and publish the Disability Action Plan that is required under section 9 of this Act.

Disability Policy

That the Department be required to revise and publish its Disability/Special Education Policy to ensure that it current, comprehensive, detailed and meaningful disability policy.

Publication of Guidelines

That the Department be required by a set date to be nominated by the Standing Committee - to abide by its legislative duty to publish guidelines on how the integration process works in public schools.

To abide by its legislative obligations such a document must contain guidelines that reflect the prescribed Legislated Disability Principles and Application of these Principles, they follow current industry best practise Disability Service Standards, must be current, and be designed to ensure good communication to staff and all stakeholders.

Parent/carer participation in process

In line with legislated Disability Standards that require service providers to have written policies and procedures which maximise consumer participation in the planning and decision making processes - that the Department distribute prescriptive guidelines to all stakeholders and staff that allow parent/carer full participation on a single Learning Support Team at their child's school. Such guidelines will prevent "interpretation" or need by staff to arbitrarily develop their own procedures. Having single Learning Support Team where all stakeholders are equal partners on such a team would allow the consensus and collaborative teamwork approach that is needed.

Training of Staff

That the Department abide by industry best practice and ensure that all teaching staff receive adequate training to ensure they understand of the disabled and their condition.

That the Department abide by industry best practice and train all staff in Disability Legislation, the obligations imposed on their employer and themselves regarding such legislation and training in Disability Principles, the rights of the disabled and the rights of their parent/carers as their associates in explaining their needs.

Charter of rights and responsibilities

That the Department abide by industry best practice and reintroduce the prescriptive description of Rights and Responsibilities of all the relevant levels of Departmental staff and including the Rights and Responsibilities of parent/carers. Such a description was contained in/ and the cornerstone of the now scrapped Special Education Policy document.

Complaints

The problem that parent/carers have with the present system that causes them the most stress, besides the lack of openness and transparency, is the lack of accountability.

Nobody wants to be, or ever is “responsible”, and there is no independent oversight of the review, assessment, self evaluation and complaints processes.

In an ideal situation there would be a dedicated ombudsman specifically concerned with dealing with the education service sector.

There would also be a dedicated watchdog authority concerning itself with all the services received by the disabled and their carers to ensure they did comply to set standards.

It would take an enlightened State Government to introduce – let alone discuss such independent scrutiny into this sector of service provision.

At present due to the fact that there is no way that individual parent/carers and other stakeholders can provide feedback in regards to performance of the process, this has resulted by default in a “complaints based and driven” system.

Before stakeholders are forced to complain about a situation the Department should ensure that a proper best practise approach is adopted by having a proactive and robust evaluation process.

Individual stakeholders should be provided with survey questionnaires on a regular basis to elicit feedback on performance of the school regarding the process of providing education to enrolled students with a disability. Such survey should be provided to all parent/cares of students with a disability at the school and be done so that feedback can be provided in a confidential manner.

The Department should ensure that all Regional and school committees including Consultative Committees, Review Committees the Self – Evaluation Committee at each school does follow the composition of each such committee as detailed in the Departments own guidelines.

Such composition especially that of parent/ community representation should reflect requirements of relevant disability legislation.

The identity of each member of, especially that of the parent representative to be provided to the public.

The Department to reintroduce the Area or Regional Disability Consultative Committees that were scrapped with the 2004 reorganization. The representation on such a committee to be provided by local healthcare providers and parent/community representation to be provided by a parent/carer who is the parent/carer of a child with a disability.

Conclusion

As shown in this submission we have a system that has practices and processes that are rooted in the past and that are in desperate need of an overhaul so as to drag the Department and its practices into the twenty first century.

The past president of a peak disability made the statement to us that the reality of the present situation is *"whether your disabled child gets the support they need from the school or gets neglected - all depends on how well you get on with the school principal."*

If we had a frail and aged grandmother and needed to put her in an aged care facility and were told "whether she gets the care and support she needs or gets neglected all depends on how well you get on with the manager – there would be public outrage! Why the difference for vulnerable disabled children?

What is needed is for organizations providing services to the disabled including the NSW Department of Education is for **all** these organizations to have set service standards and to follow industry best practices.

The last thing that parent/carers of the disabled want need or deserve in their already sad and stressed lives – is further stress, especially when such stress is totally avoidable.

The implementation of such best practice approaches as outlined in our above recommendations should go a long way to improving a situation that currently not only reflects badly on the NSW Department of Education but on this State Government as well.

Unless we provide clarity, direction and understanding to the present process or develop a fairer and better process, education of the disabled will continue to be a self reinforcing prophecy whereby disabled children are destined to be just that- and always remain disabled.

Yours sincerely

Brett Bowyer&/for Susan Pullen

Supporting documents

Appended documents

Appended doc 1

Sydney Morning Herald Article July 2003 – quoting a spokesman for the then NSW Minister for Education – stating that “*NSW feared the participation rate of disabled students could rise to 18 per cent.*”

Appended doc 2

Copy of NSW Department of Education current “four sentence” Disability Policy.

Appended doc 3

Main Principle of educating Disabled Students that was scrapped and deleted from Departmental Publication “Transition to school –for young children with special learning needs”p8

Appended doc 4

Current Departmental guidelines stating that parent/care givers are Core Member of the Learning Support Team at schools who’s involvement at each stage of the planning and decision making process is essential to ensure co-ordination and successful outcomes for students with special learning needs.

As contained in current Department publication “Who’s Going to Teach My Child – a guide for parents of children with special learning needs.”

Currently interpreted by the Department to mean that parent/carers cannot participate on this single Learning Support Team due to need for confidentiality.

News

Thousands of taxpayers are likely to miss out on tax refunds because they don't know about medical and dental rebates they can claim. Page 3

The Prime Minister, John Howard, has admitted the Philippines Government failed to inform him of a key terrorism suspect's escape. Page 4

World

Street cleaners and other council workers will range inside Sydney Airport as part of a new contract with Botany Council. Page 5

Nelson Mandela has appealed for Europe to put more money into fighting HIV/AIDS. Page 8

Opinion

The ease with which a bomber escaped from a Manila jail highlights the formidable challenge of confronting terrorist threats outside Australia. Page 10

Australia is right to support US plans for international co-operation to intercept exports of weapons of mass destruction. Hugh White, Page 11

Business

Falling petrol prices and a rising dollar will deliver negative inflation for the June quarter. Page 19

Yahoo is to buy advertising firm Overture Services for \$1 billion in shares and cash in one of the biggest internet takeovers of the year. Page 20

Sport

State of Origin coach Wayne Bennett may reconsider his future after a match with NSW. Page 36

Strallans will tee off at this week's British Open

Disabled-student laws will cost \$1.8bn, says NSW

Linda Doherty
Education Writer

NSW is resisting a national move to new standards for disabled students, saying it is impractical and will cost \$1.8 billion to implement.

The measures, to be introduced into Federal Parliament in the next few months, will cover disabled students' enrolment and participation in all tiers of education, from pre-school to university.

The NSW Government agreed to the policies in principle, but refused to endorse their introduction without extra federal funding, at a meeting of education ministers in Perth last week.

The federal minister, Brendan Nelson, will now introduce legislation "to eliminate discrimination" with the backing of only Tasmania and the ACT. "These

students need to be assured of their right to participate in education and training on the same basis as other students," he said.

A spokesman for the NSW Education Minister, Andrew Refshauge, said the potential legal implications meant that "if a blind student wanted to do carpentry, you would have to look at all the changes that need to take place".

The standards are to be incorporated into the Disability Discrimination Act and complement state anti-discrimination laws. It is already illegal to discriminate against a student on the grounds of disability, but the standards have been written to clarify student and education employers' legal rights and obligations.

Graeme Innes, deputy disability discrimination commissioner with the Human Rights and Equal Opportunity

Commission, said the standards would cut court challenges by 9000 disabled students are in non-government schools.

NSW's estimate of \$1.8 billion to bring in the standards and the \$1.4 billion claimed by Victorian compares with the South Australian implementation figure of \$19.4 million and the Queensland one of \$1.6 million.

An independent report to the ministers' meeting estimated that standards compliance would cost NSW \$18.8 million. Dr Refshauge's spokesman said Dr Nelson had "not done his homework" and NSW feared the participation rate of disabled students could rise to 18 per cent. A Senate committee last year also recommended that governments share the cost of disability services but no extra funding had been offered by Dr Nelson.

schools, or about 5 per cent of public school students. Another 9000 disabled students are in non-government schools.

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Focus

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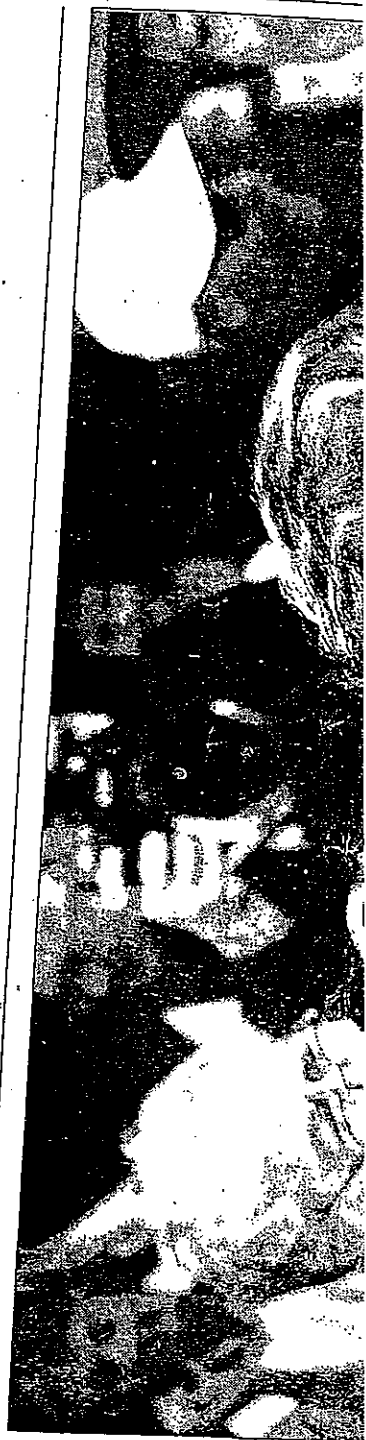
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NSW Department of Education & Training

People With Disabilities - Statement of Commitment

Implementation Date:
01/01/2006

Reference No.:
PD/2005/0243/V01

- ✓ The policy outlines commitment to people with disabilities, education objectives based on the principle of "normalisation" and responsibilities at state, regional and school levels. It also articulates the rights of parents, caregivers and students.

1. Objectives - Policy statement

1.1 The NSW Department of Education and Training will assist people with disabilities to gain the knowledge, skills and understanding they need to successfully participate as citizens by working with its staff and students to achieve the following goals:

- 1.1.1 Students, staff and customers with disabilities will be provided with the same opportunities as other people to take advantage of the range of education, training and employment opportunities provided by the Department.
- 1.1.2 The Department will report on its progress in developing and implementing policies and practices to improve access, participation and outcomes for people with disabilities.
- 1.1.3 The Department will strengthen strategic alliances and have a coordinated approach to the delivery of services for people with disabilities.

2. Audience and applicability

- 2.1 This policy applies to all staff employed in NSW public schools, regions and state offices. It also applies to students who attend public schools and has implications for each school community.

3. Context

- 3.1 The policy reflects commitments within the NSW Charter for Education and Training, (1999).
- 3.2 The policy complies with requirements of the NSW Government Disability Policy Framework (1998) and the

Implementation documents

[Special Education Handbook for Schools \(1998\) \(pdf\)](#)

[Transition to school for young children with special learning needs \(1997\) \(pdf\)](#)

[Who's Going to Teach My Child?\(Revised 2005\) \(pdf\)](#)

[Vision Impairment Handbook \(1997\) \(pdf\)](#)

[Students with disabilities in regular classes: School Support Document 2004 \(pdf\)](#)

[NSW DET Disability Action Plan 2004-2006 \(pdf\)](#)

Related information

[Early Intervention Operational Guidelines \(2000\) \(pdf\)](#)

1. Introduction to the transition guidelines

1.1 Aim

This document aims to describe clear, systematic guidelines for the transition of young children with disabilities or severe difficulties in learning or behaviour, from early childhood settings (including the family setting) to school.

1.2 Principles

In line with the NSW Department of School Education, Special Education Policy, the guidelines and procedures for the transition of young children with disabilities or severe difficulties in learning or behaviour from early childhood settings to school, will encompass the principles that:

- (i) Every child who has been identified as having a disability, or severe difficulty in learning or behaviour has the right to an appropriate educational program designed to meet his/her needs
- (ii) The Department of School Education will work in a systematic and collaborative way with other personnel and agencies involved with the education and development of the child to ensure that high quality educational programs continue during the transition from early childhood settings to school.

1.3 Rationale

Beginning school is a big step for all children and their families. This transition may present many challenges for a child who has a disability or severe difficulty in learning or behaviour, as well as for the child's family and teachers.

The speed and ease of adjustment for all concerned can be facilitated through careful planning and preparation. This is addressed in these guidelines through the establishment of an early learning support team whereby families and professionals plan and work together to ensure the best outcomes for children.

The guidelines presented here describe a systematic and co-ordinated process which may be adapted to suit the needs of individual families, schools and the range of professionals who may be involved.

The learning support team

A school learning support team co-ordinates planning and decision-making so that the educational needs of individual students are addressed.

Key members of the learning support team are those people who are essential to the planning process including yourself, your child's class teacher, the principal or other people interested and involved in planning for your child's learning needs. You may nominate or request an advocate, interpreter or other support person such as a grandparent or friend to join the team.

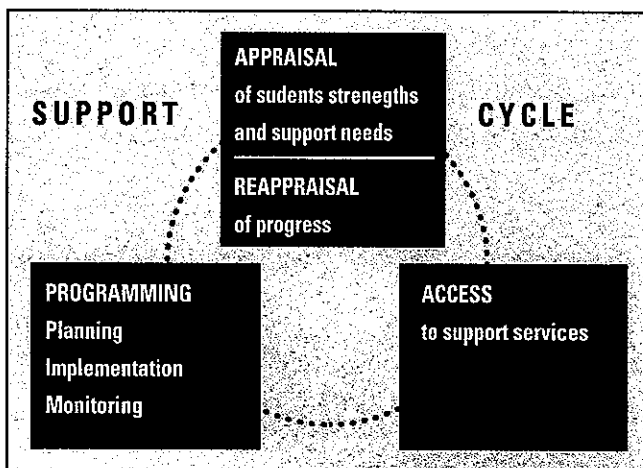
The following diagram lists some of the people who may be involved in the team:

The support cycle

The *support cycle* is a method of planning to assist schools to meet the needs of individual students. Your involvement along with school and district staff and other relevant people at each stage is essential to ensure co-ordination and successful outcomes for students with special learning needs.

The key processes of the support cycle are:

- appraisal of student support needs
- access to support services
- programming for educational needs
- reappraisal of programs and services.



Advisors

Special Education Consultant

Special Education Teachers

Itinerant Support Teachers

- early intervention
- hearing impairment
- vision impairment
- integration
- transition

Teacher's Aide Special

Support Teacher Behaviour

Specialist Personnel

Core members

- ❖ Parent/Care giver
- ❖ Principal and/or Nominee
- ❖ Teacher/Support Teacher
- ❖ School Counsellor
- ❖ Student

Physiotherapist

Audiologist

Paediatrician

Psychologist

Community Nurse

Speech Pathologist

Occupational Therapist

Community Support Worker