

Submission
No 654

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

Organisation: Disability Council of NSW

Name: Mr Andrew Buchanan

Position: Chair

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Ms Beverly Duffy
Director
General Purpose Standing Committee No. 2
Parliament House
Macquarie St
Sydney NSW 2000

Friday, 26th February 2010

Dear Ms Duffy,

The Disability Council of NSW welcomes the opportunity to submit its views on the provision of education to students with a disability. We hope the Committee will find our comments helpful.

About the Disability Council of NSW

The Disability Council of NSW was established under the terms of Section 16 of the Community Welfare Act 1987 as the official advisory body to Government in NSW on issues affecting people with disability and their families. We also give advice to the Australian Government on the effect of policy on people with disability living in NSW.

Council members are appointed by the NSW Governor on the recommendation of the Minister for Disability Services. Members are selected on the basis of their experience of disability and their understanding of issues, their knowledge of service delivery and their ability to reflect and advise on government policy. The majority of Council members are people with disability.

Introductory remarks

We begin with the premise that all people with disability, including children, have a right to education. On the 18th June 2008, Australia's Parliament ratified the United Nations Convention on the Rights of Persons With Disabilities. That Convention and its Optional Protocol are binding legal instruments in all Australian jurisdictions, including New South Wales.

Article 1 of the Convention states:

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."

Article 3 of the Convention further states:

The principles of the present Convention shall be:

- a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;*
- b) Non-discrimination;*
- c) Full and effective participation and inclusion in society;*
- d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;*
- e) Equality of opportunity;*
- f) Accessibility;*
- g) Equality between men and women;*
- h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

With specific regard to education, Article 24 of the Convention states:

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.*

Furthermore, the Disability Discrimination Act of 1992 and the DDA Standards for Education set out in Australian law the right to be educated free from disability discrimination and (through the Standards) how that right is to be realised.

The situation of children with disability inside the NSW education system is being transformed through a reform agenda in favour of inclusive education in mainstream settings. Like Rome, however, integrated education cannot be built in a day. The agenda for systemic change is clear and the direction of the trend in education in NSW is unambiguous but the transition our State education policies are directed towards is generational in nature not immediate. All of what we say here must be understood within that context.

We believe the policy in favour of mainstream and / or inclusive education is the right one. We believe that successive State Governments should be commended for recognising the need for reform and putting in place policies, programmes and funding mechanisms that will result, over time, in the wholesale transformation of education of children with disability; moving away from segregated schooling (often misnamed as "special") towards inclusive education for all. We believe that benefits all children.

We understand, however, that this has been an area of social policy reform that has not gone uncontested. We acknowledge that some stakeholders remain (at best) sceptical of 'mainstreaming' and at worst openly hostile to the principles and practices of inclusive education. We recognise that this tension at times places Government and the Department of Education and Training in a difficult, contested arena.

Our view is, we hope, clear. We believe that the State's resources should be ever-increasingly directed to inclusive education. The end point of the transition we are commenced upon as a State should be that no child with a disability is segregated from children with no disability during their education. We cannot tell you when that end point will be reached but we do affirm the need to work progressively, over time towards it.

We recognise too that the precise form of educational setting and set of relationships will vary from place to place and over time. The key determinant (for every child) must always be to take decisions about education practice in the best interests of individual children.

To that end it is vital that the education of children with disability be understood in education terms – learning, growth, development – and not confused with or used to mask other no less vital matters such as personal support (often referred to as care), family respite or behaviour management. It is vital, of course, that the necessary ancillary, community care and learning supports be adequately available, well-funded and provided in a timely manner so that parents of children may exercise genuine informed choice.

But we must continue to move away from the euphemism that surrounds the education of children with disability. Their educational needs are no more or less special than children without disability. How their educational needs may be met to realise their full potential (whatever that may be) will vary from child to child but it is clear from the growing body of evidence in NSW, Australia and overseas that inclusive educational practices deliver the best results in the most cost-effective manner for all children.

The comments we now turn to, which focus on some of the key barriers to inclusion, should be read in the light of our remarks above.

Patterns of enrolment of students with disability

- The NSW State Budget Papers¹ show there have been significant shifts in the pattern of enrolment of students with special education needs over the past 2 decades. The two main developments in enrolment are:
 - There is a significant increase in the number of "students with special education" needs who are enrolled in integrated classes.
 - There has been a substantial increase in the number of identified "students with special needs."

Table 1 Enrolment of students with disabilities in support classes, SSPs and in integrated settings, TOTAL PRIMARY AND SECONDARY

¹ NSW State Budget Papers & D.McRae, The Integration/Inclusion Feasibility Study, Department of Education & Training, June, 1996 p23 Family Advocacy <http://www.family-advocacy.com/>

(This table was originally produced by Family Advocacy Inc)

Year	Students in support classes and SSPs	Students in government schools receiving special education support in integrated settings	TOTAL
1988	13,353	1,135	14,488
1990	14,060	1,983	16,043
1992	14,092	3,335	17,427
1994	14,500	4,478	18,978
1996	13,758	3,976	17,734
1997	13,630	5,133	18,763
1998	15,396	11,900	27,296
1999	15,370	12,580	27,950
2000/01	15,804	14,850	30,654
2001/02	15,180	15,158	30,338
2002/3	15,150	18,747	33,897
2003/04	17,052	22,815	39,867
2004/5	16,277	24,906	41,183
2005/6	17,552	25,487	43,039
2006/07	16,862	25,903	42,685

Source: NSW State Budget Papers & D. McRae, *The Integration/Inclusion Feasibility Study*, Department of Education & Training, June, 1996, p23

The figures given in Table 1 are open to differing interpretations, some of them contested. Nevertheless we believe the following observations are valid:

- In 1988, almost 90% of students with an identified disability enrolled in NSW schools were not taught in integrated settings.
- In 2007, almost 40% of students with an identified disability enrolled in NSW schools were not taught in integrated settings.
- Between 1988 and 2007, the number of enrolled students with an identified disability rose by 28,197 to 42,685, which is an increase on the 1988 base of 295%. In short, the number almost tripled in size. We are certain, however, that the population of children with disability has increased only modestly throughout that period. Depending on the age of the child, the rate of disability sits at between 4% and 7% of all children, according to the Australian Bureau of Statistics.

Given there has not been a near-three hundred percent increase in the population of children with disability in the last 25 years, the increase of students identified with disability suggests a range of possibilities (all of which can apply simultaneously). These include:

- There has been modest increases in the prevalence of some disabling conditions among children;
- Some disabling conditions are now more readily recognised;

- More children, perhaps with milder and / or more moderate disabling conditions, are being identified and reported as children with disability today as opposed to twenty years ago.
- The number of children with an identified disability educated outside integrated settings has increased by 3,509 or 26%

The Disability Council of NSW does not have access to a detailed breakdown of current figures that would inform the Committee of the 'stories' that lie behind these figures. We believe, however, that it would not be wide of the mark or reckless speculation to infer that the figures probably indicate something like the following:

- More children are being identified as having a disabling condition (mild and moderate in classification) and most of them (60% of the total) are being educated in mainstream schools.
- The more profound and severe a child's disabling condition the more likely he or she is to be educated in a special / segregated setting.
- Over the last ten years in particular, as schools have upgraded their built environments, children with mobility impairments have increasingly been educated in mainstream settings. Their places in special / segregated settings have been taken in up (in greater numbers) by children with complex, multiple disabling conditions often associated with behaviour identified as challenging or disruptive.

Barriers and Difficulties experienced by students with a disability

- **Requirement for more significant inclusion of students into mainstream classes**

The *Inquiry into the provision of public education in NSW, Report of the Vinson Enquiry*² provided insight in depth into the key education issues experienced by people with disability in NSW. It made several recommendations about assisting students with disability and learning difficulties, which the Disability Council of NSW believes to be still valid.

The report for the inquiry³ states that in relation to the provision of education for students with disability,

"It would be desirable to work towards the more significant inclusion of students now in support classes and units, in mainstream classes. This involves the barriers between support classes and mainstream classes being broken down over time, and the reinforcement of more permeable arrangements for individual placements."

The report recommends the nexus between students in Schools for Specific Purposes (SSPs) and students in mainstream schools be encouraged, and acknowledges that families want to retain choice in relation to service options from fully supported classes, to partial or fully integrated classes.

² NSW Teacher's Federation. *Inquiry into the provision of public education in NSW Report of the Vinson Inquiry* (Pluto Press Australia, 2002)

³ NSW Teachers Federation, Disabled students and the continuum of services
http://www.nswtf.org.au/journal_extras/contin.html

It is clear to us, nevertheless, that the trend towards 'mainstream provision' with adequate levels of in-class support is both desirable and necessary. We believe that the short-term and long-term educational and social needs of children with and without disability are best served by being educated together.

- **Staffing levels in Schools for Specific Purposes (SSPs) are inadequate**

Teachers in Schools for Specific Purposes have reported that the level of severity of students now enrolling in their schools is greater than in the past, creating new challenges for SSPs, as staffing levels remain unchanged to adapt to the new demand. For as long as such schools remain a component of the NSW school system we believe that they should be adequately supported to meet the educational needs of children enrolled in them.

We re-iterate the fundamental observation of this submission. The historical trend away from segregated schooling is the right one. Current support for SSP should be viewed within the context of a long-term strategic goal of moving towards a fully inclusive education system in NSW.

- **Insufficient Funding**

The Vinson report states that the Department of Education and Training provides more than \$500 million per annum on special education services for students with disabilities and/or learning difficulties, which has increased from \$280 million in 1995/96.

We believe that more funding is required, in particular to support students with low and low-moderate support needs as the expectation on teachers for this group of students is high.

We note that the Department of Education and Training estimates that 95 percent of funding support is currently spent on teaching aides for special needs support. Professor Vinson's Report states that this amount "is very high and leaves virtually no funds for the employment of more specialised staff".

- **Lack of Resources for people with disability attending mainstream schools**

According to consultations held by the Department of Families, Housing, and Community Services and Indigenous Affairs (FaHCSIA) with young people with a disability⁴, many indicated the lack of supports, equipment and adaptive resources in mainstream school settings created many barriers to full participation. Lack of adaptive resources such as captioning, note taking and speech recognition software, are regarded as impediments in student's learning.

Submissions received in the lead-up to the recent publication *Shut Out: the experience of people with disabilities and their families in Australia*⁵ highlights

⁴ Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA). *National Disability Strategy Youth Roundtable Report*, December 2008

⁵ Australian Government. *Shut Out: the experience of people with disabilities and their families in Australia*, 2009

the issue of inadequate funding in mainstream schools. Lack of funding rather than any expressed preference, it is argued, forces parents to seek alternatives to under-funded mainstream provision, including placing their children in specialist education settings despite the desire to attend a regular school setting.

Students indicated that many teachers were unwilling to adapt to their needs in the classroom and teachers do not understand how this would impact negatively on their education. One example that demonstrates this was highlighted in the *Shut Out* Report in which a student failed Year 8 science as a result of her teacher failing to use a microphone because she thought it would put holes in her clothing.

- **Inadequate framework for assisting with student integration**

The *Vinson Report* reinforces the responsibilities of principals for managing the framework of integrating students with disability into mainstream classes. As our Council's work with the DET demonstrated (around the *Critical Bridges* series of forums on transition points and education) the commitment and leadership of principals is critical.

Principals must become (many are) inspirational drivers of the policy in favour of integration. But during what still can be described as a period of transition between old traditions and new arrangements, principals have a key role as sensitive administrators of change. This includes matters such as the processes of assigning students with disabilities to teachers, recommending that the optimum number of students with disability in given one class (commensurate with the availability with adequate provision of support and training) and by situation-specific decision-making such as not giving the most immediately challenging students to relatively inexperienced teachers. Such an approach, it is argued, would remove additional pressure placed on teachers who are already under stress by virtue of recent admission to the profession. We would expect that as the trends in favour of inclusive education become more deeply embedded in the mainstream some of these transitional sensitivities will become redundant.

With regard to the kind of sensitivities required of principals as able administrators of policy reform the Vinson report advises;

'It may also include providing mentoring and other specialist assistance from a special education teacher in the school, or from district resources where there is lacking. In some circumstances, it may involve reducing class sizes in one or two classes, if this is deemed necessary. In addition, in schools with a considerable number of students on Funding Support, giving one person a time allocation to enable them take on a co-ordinating role in relation to students on Funding Support, especially in secondary school, seems highly desirable'.

- **Need for transitional supports and accountability in schools**

As we have reported the Disability Council of NSW worked closely with the Disability Programmes Directorate of DET and TAFE Central Office staff to organise three forums on key transition points for people with disability at various life stages:

- Pre-school to school;
- School to post-school; and

- Acquiring a disability as an adult.

The series of forums, entitled Critical Bridges, involved people with disability (including school students), parents, education sector professionals, non-government organisation leaders, advocacy groups and Departmental policy planners and managers. The Critical Bridges sessions were recorded and six half-hour programmes on transition were produced. (A copy of the DVD has been supplied to the Committee of Inquiry).

The key message of the Critical Bridges series is that points of transition inside the education system can be stressful and difficult unless preparation, planning and commitment to tackle the challenges of transition are in place, understood by all and effective. Moving from Primary to High School is a stressful transition for any child and parent. Graduating from High School to enter adult life is a key moment of transition for every teenager. What Critical Bridges confirmed is that these normal 'rites of passage' are fraught with uncertainty, challenges and difficulties for families of children with disability if insufficient thought is given to them. What is no less true, however, is that with planning, partnership and goodwill such transitions can become springboards to growth and development through which children with disability may be assisted to realise their full potential.

Ensuring the timely availability of support during the transitional stages of schooling is critical for people with disability moving from primary school to high school, from special support settings to mainstream school, or from high school to post-school options.

A number of submissions received for the *Shut Out* report highlight failures of the current education systems (not necessarily NSW) to adequately prepare the transition for students to post-school life. Low participation rates in higher education suggest there are inadequate supports for students completing high school giving them fewer opportunities to secure independent futures.

One of the issues expressed in FaHCSIA's consultations is the lack of appropriate systems to ensure schools are held accountable for providing effective support mechanisms to students with disability.

- **Inability to access funded attendant support during post-compulsory education**

The inability to access funded attendant support for personal care assistance during post-compulsory education creates a barrier to young people with disabilities accessing higher education. This is a key issue for young people who attend institutions, such as TAFE or University, who become disadvantaged if they cannot provide their own means for personal support.

- **Attitudes of School Teachers and Principals**

It is clear from evidence and in the stories we heard during Critical Bridges that if a teacher or principal of a school has an attitude that is negative or resistant to placing students with a disability in a mainstream school setting the student will be adversely affected. Whilst the Department of Education is promoting integration of students with disabilities as a policy directive, there are clear indicators that not every school provides a supportive environment.

An issue of major concern for people with disability accessing education and their families is suspension, with an increasing number of students placed on short and long term suspension. The student is currently blamed, and often excluded for long periods leaving the student feeling further isolated. One recent case of suspension is a Year 6 student who is blind and has physiological problems⁶ was suspended from his Sydney primary school for one month for alleged violence. The student's father said, "He has the right to a full education as much as the next student".

- **Disability unrecognised or undiagnosed**

Participants at the *National Disability Strategy Youth Roundtable*⁷ consultations raised concerns about the lack of support in compulsory education for recently recognised disabling conditions, such as diabetes and mental ill-health. Participants said they were not able to access support until attending post compulsory education, including TAFE or university.

The *National Disability Strategy Youth Roundtable Report* states that lack of support in early intervention compounds the issues people with disability already face, leading to many difficulties such as increase in stress, further isolation and exclusion. These factors contribute to the student most likely to fall behind in their studies than other students becoming seriously disadvantaged. The participants also cited lack of teacher training as contributing to an increased number of young people with learning difficulties going unrecognised.

- **Women accessing education are doubly disadvantaged**

The report *Double Disadvantage – Barriers facing Women with disabilities in accessing employment, education and training opportunities: a discussion paper*⁸ outlines how women with disabilities are doubly disadvantaged in accessing education and training in all levels of the education system.

- Schools for Specific Purposes (SSP)

There is a reported lack of advice about possible career options available to students in schools for specific purposes. Female students often receive inadequate career advice which encourages them to enter traditional 'female' occupations such as clerical jobs, secretarial, hairdressing and child care, and not pursue 'male' careers or other possible options. These 'female' jobs may be inappropriate for women who do not have the right skills or education, or the nature of their disability prevents them from performing this type of work.

⁶ Baker, Nicholas. 'Blind Pupil suspended' *The Leader*, 14 August 2008
<http://www.theleader.com.au/news/local/news/general/blind-pupil-suspended/1243580.aspx>

⁷ Youth Disability Advocacy Service. *National Disability Strategy Youth Roundtable Report*, December 2008

⁸ Tomas, Natalie. Disability employment Action Centre (DEAC) *Double Disadvantage – Barriers facing Women with disabilities in accessing employment, education, and training opportunities: a discussion paper*, 1991.
Women With Disabilities Australia (WWDA) <http://www.wwda.org.au/double.htm>

Another issue is that students in SSP settings mostly do not achieve an adequate level of education enabling them to compete with other school leavers for employment.

- Mainstream Schools

One of the barriers for women in mainstream schools are the attitudes of teachers and the broader school community, in particular the perception of whether they are employable, and if they are encouraged to pursue a career based on their personal preferences and skills opposed to traditional 'female' jobs.

As mentioned, lack of resources in providing integration assistance is a barrier affecting students in mainstream schools. The level of resources provided to women will determine the benefit received in a mainstream school setting.

Women who have moved from a special school to a mainstream setting require additional support to "keep up" with other students who have not attended a special school.

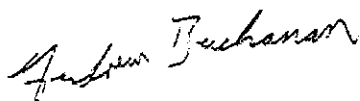
- Vocational Education and Training (VET)

According to the *United Nations Economic and Social Commission for Asia and the Pacific Questionnaire 2001*⁹, there has been an increase in participation in Vocational Education and Training by people who reported a disability from 38,968 in 1995 to 62,100 in 2000.

People with disabilities comprise a very small percentage of participants in vocational education and training programmes, making up 2.0% of all VET participants in 1995, to 3.5% of all VET participants in 2001. Specific data on the percentage of women with disabilities enrolled in vocational education and training is unavailable. However, there is evidence such as involvement in Commonwealth Government funded labour market programs which suggests that their participation rate in forms of education and training are low.

Thank you for the opportunity to submit our views. If you wish further information please contact our Executive Officer, Mr Dougie Herd.

Yours sincerely,



Andrew Buchanan
Chair
Disability Council of NSW

⁹ UNESCAP Questionnaire 2001- Australia's report to the United Nations Economic and Social Commission for Asia and the Pacific at the end of the Decade of Disabled Persons (1993—2002) Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) <http://www.facs.gov.au/sa/disability/progserv/govtint/policy-unescap/Pages/p6.aspx>