

Submission  
No 549

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

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## **General Purpose Standing Committee No. 2 Inquiry into the provision of education to students with a disability or special needs**

NDS welcomes the opportunity to provide input to the NSW Legislative Council's *Inquiry into the provision of education to students with a disability or special needs*.

Education is fundamental to the development of all children, providing an array of academic and social opportunities and experiences. Just as for all children, the role of education in the lives of children with disability is of critical importance. Best practice evidence shows that educational settings that effectively link with specialist disability services and supports deliver quality outcomes for children and young people with disability.

Students with disability or special needs deserve the best possible education in settings most appropriate to their individual requirements. The UN Convention on the Rights of the Child states that "children who have any kind of disability have the right to special care and support... so that they can live full and independent lives".<sup>1</sup>

Article 24 of the UN Convention on the Rights of Persons with Disabilities is explicit and comprehensive in its recognition of the rights of people with disability in education, stating:

States Parties shall ensure an inclusive education system at all levels and lifelong learning... In realising 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;

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<sup>1</sup> UN Convention on the Rights of the Child, accessed at [http://www.unicef.org/crc/files/Survival\\_Development.pdf](http://www.unicef.org/crc/files/Survival_Development.pdf) on 14 February, 2010.

- e) Effective individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion.

Currently around 63 per cent of school children with disability and special needs experience difficulty at school. Learning difficulties, fitting in socially and communication difficulties are reported to be the most common difficulties faced<sup>2</sup>. The incidence of these negative experiences for children and young people with disability as well as their flow on effects to family, carers and friends must be reduced.

### ❖ Funding and places

In order to provide quality education for all students, schools need to be able to utilise their resources efficiently and effectively. For schools to be able to operate in this manner, adequate funding is essential. Funding for children with disability and special needs in schools is currently reported to be inadequate, with 78% of public school principals in NSW rating funding levels as either poor or very poor<sup>3</sup>. Inadequacy of funding is reported to impact over 30,000 students with disability and special needs throughout NSW. In some cases children with disability or special needs are reported to receive as little as \$605 per semester or only 12 minutes of aide time per day<sup>4</sup>.

#### ***Choice of educational setting, free from fiscal barriers***

Adequate levels of funding for children with disability in both special and mainstream schools is of critical importance and should be distributed equitably regardless of the setting, so as to ensure one school type is not seen as having an advantage over another. The central principle of choice in educational settings for children and young people with disability and their families should prevail, free from the barriers of funding inequities or inadequacies.

#### ***Recognition of multiple disabilities in funding formulae***

NDS members have also identified a serious funding issue regarding children with multiple disabilities who receive funding for only their primary disability. Failure to take account of multiple disability and its impact often results in these children being significantly under resourced at school.

### ❖ Integrated support services

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<sup>2</sup> National Disability Services, 'Children First: Policy on Children, Young People and their Families', 2009, pp. 1-5

<sup>3</sup> Public Schools Principals Forum, 'Provision of Services for Special Needs/Disabled students in NSW', 2009, pp. 1-14

<sup>4</sup> *ibid*

An estimated 23% of students who are just starting school are considered developmentally vulnerable<sup>5</sup>. This vulnerability is only increased for children with disability and special needs. For this reason, the integration of support services are of vital importance to their development.

### ***Identification of children at risk of disability***

The role of education in the lives of all children is of central importance. It is through the longevity and consistency of the school environment that children and young people are often identified as being at risk of disability. As such, it is critical that schools forge and maintain strong linkages with local disability services to ensure that supports are put in place as soon as possible.

In ensuring that identification of risk can be made accurately, it is critical that teachers and school staff undergo disability awareness training at regular intervals and that they have access to adequate and appropriate resources to assist in identifying children at risk of disability.

### ***Greater collaboration with specialist disability services***

Where a child presents at school with a pre-diagnosed disability, it is essential that schools identify and collaborate closely with whatever other support services that child and their family may be accessing.

Upon enrolment and with the consent of the family, linkages should be made by the school with any relevant early intervention, therapy, and/or respite services to ensure the transfer of information about the child so that their needs can best be met in a holistic way. Creating this collaborative environment assists greatly in achieving quality outcomes for children and young people with disability.

To underpin such collaboration, NDS recommends that a Memorandum of Understanding (MoU) be developed between the NSW Department of Education and Training (DET) and Ageing, Disability and Home Care. This should apply equally to government and non-government services, forming the basis of a shared commitment to achieving quality outcomes for students with disability, through the provision of joint training, shared resources and holistic planning frameworks.

### ***Recognising and supporting the critical role of counsellors***

Within the school environment, counsellors provide important support for children with disability and special needs at school. However, there is a severe shortage of school counsellors available. In some cases there is as little as one counsellor for 1500 children. Counsellors may only have the time to make assessments and have no time to conduct therapy or give support to children with disability or special needs

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<sup>5</sup> National Disability Services, 'First national snapshot of early childhood identifies developmentally vulnerable children', 2009, pp. 1-3

where necessary<sup>6</sup>. Many schools have expressed a need for a full time counsellor so that children with disability and special needs can build a relationship with them and receive the amount of therapy and support they require<sup>7</sup>.

Where having a counsellor dedicated to one school is not possible, collocation of services should be utilised. Schools in reasonable proximity to one another can share support resources such as therapists and counsellors so that students with disability and special needs receive the support they require.

### ***Supporting smooth transitions within, to and from school***

Smooth transitions to and from school are also of critical importance for children and young people with disability, their families and carers. Currently, a number of specialist disability services operate a number of transition to school programs aimed at ensuring that the step from early intervention to kindergarten is a smooth one.

### ***Supporting families and carers of students with disability***

The school environment is equally as important for families as it is for students with disability. Schools should be sensitive to, and supportive of the potential additional needs of families and carers of students with disability.

This is particularly the case where siblings of a child with disability may attend the same school. When developing individual education plans, schools should be aware of the needs of siblings and teachers should be provided with resources to assist in their understanding of the school experience for children who have a brother or sister with a disability.

Research indicates that whilst at school, siblings of children with disability may experience:

- difficulty finishing homework or homework being spoiled;
- tiredness or poor concentration;
- social isolation;
- teasing or bullying by other students;
- extra responsibility for their brother or sister with disability.

These concerns are shown to potentially result in excessive misbehaviour or attention-seeking, isolation from peers or ongoing physical complaints such as stomach or head aches.

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<sup>6</sup> Public Schools Principals Forum, 'Provision of Services for Special Needs/Disabled students in NSW', 2009, pp. 1-14

<sup>7</sup> ibid

A sibling's school experience can be a good indicator of how he or she is coping. For example, if a child enjoys school, keeps up with the work and makes friends, it is generally a good sign they are doing well both socially and emotionally.

Schools may provide help to families by assisting them to meet other families who have a child with a disability and, in most cases, siblings. This might be done informally or through formal arrangements like allocating siblings to the same class or a school-run sibling program.

Schools should also have up to date information on hand to suggest community programs that provide family and sibling support. Schools should also consider having a range of sibling-related resources, such as books and movies.

## ❖ Curriculum

The Disability Standards for Education stipulates clear rights and standards in relation to curriculum development, accreditation and delivery for students with disability, stating:

The effect of the following standards is to give students with disabilities the right to participate in educational courses or programs that are designed to develop their skills, knowledge and understanding, including relevant supplementary programs, on the same basis as students without disabilities.

Standards for curriculum development and accreditations and delivery:

- 1) The education provider must take reasonable steps to ensure that the course or program is designed in such a way that the student is, or any student with disability is, able to participate in the learning experiences (including the assessment and certification requirements) of the course or program, and any relevant supplementary course or program, on the same basis as a student without a disability, and without experiencing discrimination.
- 2) If a student is enrolled in the course or program, the provider must:
  - a) consult the student, or an associate of the student, about whether the disability affects the student's ability to participate in learning experiences of the course or program, or any relevant supplementary course or program; and
  - b) in light of the consultation, decide whether an adjustment is necessary to ensure that the student is able to participate in those learning experiences on the same basis as a student without disability who is enrolled in the course or program.
  - c) if:
    - i) an adjustment is necessary to achieve the aim mentioned in paragraph (b); and
    - ii) a reasonable adjustment can be identified in relation to that aim;make reasonable adjustment for the student in accordance with Part 3 (Making Reasonable Adjustments)
- 3) The provider must repeat the process set out in subsection 2 as necessary to allow for the changing needs of the student over time.

In addition, the Disability Standards for Education set out measure for compliance:

- a) the curriculum, teaching materials and the assessment and certification requirement for the course or program are appropriate to the needs of the student and accessible to him or her; and
- b) the course or program delivery modes and learning activities take account of intended educational outcomes and the learning capacities and needs of the student; and
- c) the course or program study materials are made available in a format that is appropriate for the student and, where conversion of materials into alternative accessible formats is required, the student is not disadvantaged by the time taken for conversion; and
- d) the teaching and delivery strategies for the course or program are adjusted to meet the learning needs of the student and address any disadvantage in the student's learning resulting from his or her disability, including through the provision of additional support, such as bridging or enabling courses, or the development of disability-specific skills; and
- e) any activities that are not conducted in a classroom, such as field trips, industry site visits and work placements, or activities that are part of the broader course or educational program of which the course or program is a part, are designed to include the student; and
- f) the assessment procedures and methodologies for the course or program are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed.

NDS supports the Standards and subsequent compliance measures as articulated in the Disability Standards for Education. However, feedback from members would suggest that

### ***Strengths based individual education plans***

Students with disability and special needs should have individual education plans that identify their strengths and need for additional supports. These plans will assist students to perform to the best of their ability and ensure a smoother progression through primary and secondary schools<sup>8</sup>. It is imperative that, where possible, support services accessed outside the school (such as therapist, behaviour support specialists, are given the opportunity to provide input into a child's individual education plan. This sharing of information will assist in the holistic development of the child and will also ensure that strategies implemented by disability service providers are reinforced in school settings. There is great scope for the development of continuum of care models and holistic approaches to planning in NSW schools for children and young people with disability in NSW schools.

### ***Facilitating communication and the provision of accessible information***

Participation and communication are fundamental to the achievement of positive educational outcomes for all children and young people. For students with disability, there are often barriers to achieving effective participation and communication.

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<sup>8</sup> National Disability Services, 'Children First: Policy on Children, Young People and their Families', 2009, pp. 1-5

However, solutions are at hand through the effective use of assistive technology to make classrooms more inclusive and accessible, both physically and academically.

It is therefore critical that school invest in assistive technology to ensure the full inclusion and participation of students with disability. Teachers should be aware of developments in assistive technology and schools

The provision of information in accessible formats is also of importance. The UN Convention on the Rights of Persons with Disabilities is explicit in its articulation of accessible information formats, stating:

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 maximise academic and social development.

### ***Empowering students with disability as contributors***

When designing a curriculum, it is vital that clear and realistic objectives are identified. These objectives should include outcomes for children with disability and special needs. Children with disability and special needs should be directly involved in the process of setting goals for themselves. This will mean that they are more willing to meet these goals. Allowing children with disability and special needs responsibility for their own outcomes regarding education gives them independence and can create a sense of achievement<sup>9</sup>.

It is vital that children with disability and special needs build upon knowledge they have already gained, ensuring them a more holistic, strengths based learning experience<sup>10</sup>.

### ***Equitable assessment processes***

Children with disability and special needs should have assessments based on the curriculum in line with all other children. Teachers will be able to examine how the

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<sup>9</sup> Public Schools Principals Forum, 'Provision of Services for Special Needs/Disabled students in NSW', 2009, pp. 1-14

<sup>10</sup> *ibid*



children are developing in different areas and make a clear assessment as to whether or not they are meeting the objectives that have been set<sup>11</sup>.

### ❖ **Teacher training, resources and support**

All too often children with disability and special needs are being taught by teachers without disability and special needs education qualifications. Children with disability and special needs require qualified staff who are able to assist them in the best possible way with their education and other developmental needs. Without suitably skilled teaching staff, children with disability and special needs will miss out on basic education necessities and life skills, causing them serious harm in the future.

#### ***Ensuring teachers are appropriately qualified and trained***

Article 24 of the UN Convention of the Rights of Persons with Disabilities explicitly addresses the need for teacher training and resources, stating:

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.

School attendance also represents the best opportunity for children to learn key social skills that will benefit them for the rest of their lives.

Schools that do not have adequate numbers of teachers who are qualified to teach children with disability and special needs are in breach of the Disability Standards for Education. Children with disability and special needs deserve the same right as any other child to the best possible education and the best possible chance of a successful future.

An inadequate number of teachers means that class sizes are too large. The ratio of students per teacher should be lowered so that all children in the class can receive a higher amount of personal contact teaching.

#### ***Greater employment of teachers with disability***

NDS supports the greater employment of teachers with disability in the NSW education system.

Parents want to see their children growing up safe, happy, healthy, well educated and equipped to take their place as adults in the community. Children and young people with disability and special needs, regardless of ability, need non-

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<sup>11</sup> ibid

discriminatory access to schooling that provides integrated, inclusive and holistic experiences<sup>12</sup>.

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## **About National Disability Services (NDS)**

NDS is the national industry association for disability services, representing over 650 not-for-profit organisations. Collectively, our members operate several thousand services for Australians with all types of disability. NDS's members range in size from small support groups to large multi-service organisations, and are located in every State and Territory across Australia

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<sup>12</sup> National Disability Services, 'Children First: Policy on Children, Young People and their Families', 2009, pp. 1-5