

**Submission
No 13**

**INQUIRY INTO STUDENTS WITH A DISABILITY OR
SPECIAL NEEDS IN NEW SOUTH WALES SCHOOLS**

Name: Name suppressed

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NSW Legislative Council
General Purpose Standing Committee No.3

Inquiry into Students with Disability or Special needs
New South Wales schools

Date: 15.11.2016

Background:

My son is a Bilateral cochlear Implant recipient who started Kindergarten in 2015 at a School on the Mid North Coast in NSW. My sons hearing loss is complicated by a condition called Auditory Neuropathy so his hearing fluctuates throughout the day and he has moments of good hearing followed by times when he can't hear at all. He also has difficulty with processing of the information he hears and he needs lots of visual support to gain better understanding.

When I first found out my son was Deaf I was asked by our itinerate support teacher for hearing(ISTH) what path we wanted to follow and I said that we wanted to give him everything so we choose total communication(signing, AVT and visual supports). Even though we made this choice we found that ISTH really didn't support this approach even encouraging us to not to sign with our son as they said it would affect his ability to learn to listen with his ears. As a new mum I didn't know any differently and although I still did a bit of key word signing with my son I didn't put things in place to make sure my son had a fluent language model in his life and this has caused lasting affects on his language development. In my experience I found that we were given Bias information about our son which has now fractured his language foundation due to the impact of his Auditory Neuropathy on his hearing in the critical language period and the lack of exposure to a visual language.

when my son was 5 years old we were told by professionals that he needed Auslan in order to develop language so we delayed school start and drove the 4 hours to Sydney each week so he could attend a bilingual preschool at north rocks. Once my son was immersed in sign language we noticed very quickly that my sons language was improving and by the end of that years he went from having a severe language delay to falling within the Low Average range.

My son has multiple disabilities including Mild Hypotonic Cerebral Palsy, High Functioning Autism, Profound Hearing loss and Auditory neuropathy but with the recommended supports in place he can function at the level of his peers.

Synopsis of Experience in NSW Schools:

we decided to delay school start in 2013 so we could work on my son skill's and prepared him for school but we were met with resistance from our early intervention provider who told

us that if I didn't send him then I would be getting a visit from the Department of child services who would show me that I was making the wrong decision. after talks with Disability Advocacy they informed me that this was my right to make this decision for my son and as long as he was in school by his 6th birthday we were not breaking any laws.

Not only did we have to advocate for the delay in school start but we also needed to advocate for our choice of inclusion Support as our early intervention provider told us we didn't have a choice and that my son could only go into a Support unit. I was devastated but after a chat with Disability Advocacy we soon found out that we did have a choice for inclusion support so now we only needed to choose a school.

First we went to our local Catholic school but we were shocked to find out that my sons needs were too high and we were told that this school would not be able to accept our enrolment.

feeling disheartened we contacted our local Public school and set up a meeting. This school was very welcoming and promised us that once they received all the reports and recommendation my son would have a very smooth transition. over the next couple of years we got reports from all our providers with various recommendations including the need for a qualified interpreter, Acoustic adjustments, sensory diet etc

Compliant

at the end of 2014 we started our transition into Kindergarten only to find out that the school had not made any preparation for my son coming into the classroom. once my son entered school it didn't take long for the cracks to start appearing so I asked the ISTH to step in and advocate for adjustments for my son only to be told "unfortunately some adjustments are made and some are not"

this was the first of many barriers we came up against in our school including the school hiring unqualified people to fill the role of the interpreter, the ISTH not advocating on behalf of my son and the acoustic adjustment not being made until the end of 2015 after a Ministerial complaint was lodged.

When we tried to discuss the issues with the school we were often met with resistance and were surprised at the language that was being used;

- " some adjustments are made and some are not "
- " the interpreter cannot stand at the front as its too distracting"
- " the Department of education doesn't hire Qualified interpreters as it's an Equity issue because the person supporting your son cannot be paid more than the Teacher"
- " the school just doesn't have money to make adjustments"
- " as your son gets older he will learn to lip read and won't need sign language"
- " we don't follow reports from specialists as we like to use our own observations"
- " we can't advertise for an interpreter as its only an expression of interest"
- " no one is going to come into our school and tell us what we should or should not be doing"
- " PLPs are just about ticking boxes for the Department so they don't need to be measurable"
- " we should think ourselves lucky that we get what we get as there are principals I know who really discriminate against kids in their schools"

- " there is no point making a complaint against the school as the Department will only come back and tell us what a wonderful job we are doing"
- " why would you want to learn about Deaf Culture as the Deaf community is nonexistent these days"
- "maybe you should think about putting your son in a special unit or move to another State"
- " if you want the support staff trained in Auslan then maybe you should start applying for government grants or speak to quota or the lions club to get some funding as we won't be funding anymore training"
- " I cant force staff to do further training"

after 12 months of advocating with the school about the lack of access my son was experiencing we eventually brought in support from RIDBC, parents of the Deaf and the Deaf Society. this was initially met with resistance so we decided to make a ministerial complaint outlining the difficulties we were facing.

we initially thought that the Ministerial complaint would give us a voice when we were constantly being shut down but throughout that whole process not once did the Department contact us to discuss the situation.

We heard back from the Minister who told us what a wonderful job our school was doing and that we had no reason to make a complaint. I was so shocked by this process because I couldn't understand if I had a complaint why they contacted the school and didn't contact the person who made the complaint in the first place which makes it a very bias process.

Challenges with the system:

Although we were having challenge at a school level we were also running into Systemic issues which I have listed below.

- Why doesn't the department of education have a protocol for how sign language is to be used in a classroom environment?
- Why is there not a standard for Educating a Deaf child?
- Why are our Itinerate support teachers not recommending a bilingual approach to language acquisition between 0-3 years as a safety net for a Childs language development?
- Why do our itinerate support teachers have very little/ basic Auslan training as they are the front line when it comes to Deaf kids?
- Why is there very little funding going into training Auslan interpreters?
- Why are the Auslan SLSO positions only advertised as Temporary or casual positions?
- Why is there not a minimum requirement for Auslan Educational interpreters as per the ASLIA guidelines?

<https://aslia.com.au/wp-content/uploads/2015/09/ASLIA-Educational-Interpreting-Guidelines.pdf>

- Why is the Department of education and our government not encouraging interpreters into these position by paying them appropriately?
- why is there very little funding going to the schools to support our Deaf kids?
- Why is Auslan still not encouraged or approved as a LOTE language and taught throughout NSW?

- Why are Victorian, Queensland and south Australian service far superior to NSW Deaf services. Why are we being penalised because of the State we live in?
- why does the NSW government not consider the framework that other states have put in place to support Deaf/ HOH students eg: Queensland use of Auslan as the language of instruction for Deaf and hearing impaired students in their schools.
- Why are our Deaf/ HOH kids constantly being disadvantaged and indirectly discriminated against due to the lack of understanding about the hearing loss? why do families have to fight so hard to have equal access?
- Why is the human right of a family taken away due to the Department of education not being to support the child and the families language choices?
- Why is there limited Funding going towards Deaf Advocacy, Deaf Support and mentoring programmes in NSW?

Policy/ Procedure/ Law breaches

not only do I believe that my son has been directly or indirectly discriminated against by our school but I also believe that my son has been Discriminated against by the Department of education NSW. My sons rights are protected under these laws:

[Disability Discrimination Act 1992 \(Federal\)](#)

[Disability Discrimination Regulations 1996 \(Federal\)](#)

[Australian Human Rights Commission Act 1986 \(Federal\)](#)

[Australian Human Rights Commission Regulations 1989 \(Federal\)](#)

[Fair Work Act 2009 \(Federal\)](#)

[Anti-Discrimination Act 1977 \(NSW\)](#)

[Industrial Relations Act 1996 \(NSW\)](#)

the fact that my son has been recognized as needing Auslan in order to have equal access and that this is being provided by a person who is not qualified under the ASLIA guidelines proves that my son is being Discriminated against under federal and state Law.

Ongoing impact of this Experience

Over the past couple of years I have spent my time researching and advocating on behalf of my son. The constant barriers we encountered caused a high level of stress which has impacted my physical and emotional Health.

I feel that the relationship with the school was fractured and that this caused a breakdown in communication which ultimately affected my sons experience at the school.

My son also has been impacted by the lack of understanding and awareness around his Deafness which has resulted in a decline in his language acquisition going from a Low average to Moderately delayed overall.

not only do I worry about my sons language but I am also concerned for his future identity as a Deaf Person. Due to my sons kind of hearing loss he will never fully identify as a hearing person but without access to a visual language he will also not have the fluency to fully identify with his Deaf community which could potentially affect his mental health in the future.

I am currently doing all I can at home to support my son including taking him to community events, hiring a Deaf Mentor weekly, completing certified courses to eventually become an interpreter for my son, attending a Deaf school one week a term in Sydney, weekly RIDBC Teleschool sessions, taking my son to speech therapy, Occupational therapy, psychologist and Physiotherapy and having a very rigorous home program.

This has been a tremendously stressful time because my son needs a fluent Auslan language model in his life and I feel that due to the fact he doesn't have a Qualified interpreter at school that the pressure is on me to become that person at home. I am learning a language whilst supporting two children with special needs and the burden that has been placed on me has caused an emotional and financial hardship that becomes overwhelming at times.

I feel that most schools across NSW adapt an old model of integration rather than the current model of inclusion and this is the main reason why our kids are being let down by the current system.

I also feel that the online access request does not really cater for kids who are Deaf or Hard of Hearing and that they are Discriminated against because this process does not allow school the funding that they need to better support our kids.

there is also no standard for educating a Deaf child here in NSW and although there is a policy for ITSH there is no mandating of these policies and our kids are falling through the cracks.

I found out that in the history of our District not one Deaf/HOH child has gone onto further education and I think this is testament to the poor state our Deaf education system is in.

Recommendations

- There needs to be an overhaul of Deaf Education NSW
- There needs to be a Deaf education Standard for our Public and Private schools.
- There needs to be a section on the DEC NSW website that states the adjustments needed to support a Deaf or HOH child.
- There needs to be mandating of our ISTH Policies.
- ISTH should have at least a Certificate 3 in Auslan in order to best support Deaf Kids.
- The DEC NSW needs to look at what is working in other states and Develop similar standards in NSW.
- There needs to be a separate funding package set up for children that require interpreters in NSW school so school can access money for Interpreters, language models, Deaf awareness training and Acoustic adjustments.
- the Education Department should follow the Guidelines that ASLIA has set out for Educational interpreters.
- There needs to be more thought put into the National curriculum for Auslan and how that will roll out at a ground level.
- LOTE Auslan needs to be encouraged in our NSW schools
- The DEC really needs to look at their complaint process and an independent body needs to be established so these institutions can have some accountability.

I feel totally disheartened by what my family has experience over the years and I hope that this enquiry can be the change that our Deaf and HOH hearing kids need. My child has just as much right to education as the next person but without these adjustments those rights are taken away.

The Department of Education NSW really needs to look at this situation we currently face and make changes so that every Deaf child can grow up with confidence and be a contributing member of society .

Regards