

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

Name: Name suppressed (PC)

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Partially
Confidential

Submission to the provision of education to students with a disability or special needs in government and non-government schools in NSW

26 February 2017

We make this submission to the General Purpose Standing Committee No 3 Inquiry into the provision of education to students with a disability or special needs in government and non-government schools in NSW, as parents of a child with a disability who is in Yr 6 at a government primary school. We are both members of Family Advocacy and are past and current Family Advocacy management committee members. We wish to comment on the following points from the Terms of Reference.

TOR b) the impact of the Government's 'Every Student Every School' policy on the provision of education to students with a disability or special needs in New South Wales public schools

Our comments are based on experiences with this policy since it was first introduced. "Every Student Every School" was a welcome initiative for NSW schools in what looked like an attempt to try and ensure every student had access to learning support that was needed. In my opinion this policy has not greatly contributed to the provision of education to students with a disability or special needs in NSW public schools. The demand for learning support most often outstrips the time under the algorithm which is allocated to the individual schools, thus spreading the service of the learning and support teacher (LAST) much too thin to really be of real benefit to the teachers or students. The quality of experience and education of the LAST employed under this policy is extremely variable, and I am not aware that there is any requirement specifically for these teachers in terms of Continuing Professional Development (CPD), for example, in the areas of Universal Design for Learning or in the evidence based research for teaching children with disabilities in the regular classroom.

Lastly, these teachers (LASTs) are primarily occupied with assisting teachers in supplying learning support to those children who do not get integrated funding support (the funding for children with disability in the regular class), and therefore whose needs are actually the highest, leaving those children with diagnosed disabilities who get integrated funding not really any better off in terms of expert support from the LAST.

Recommendation: Every Student Every School is a good policy but needs to be reviewed, more funding allocated to increasing the hours or numbers of LASTs, and they must have CPD requirements to make sure they are up to date with best evidence based practice of the education of children with disabilities and special needs in the mainstream classroom.

TOR c) developments since the 2010 Upper House inquiry into the provision of education to students with a disability or special needs and the implementation of its recommendations

My child started kindergarten in 2011 so I was not aware of the 2010 Upper House inquiry into the provision of education to students with a disability or special needs or its recommendations. On review now of its 31 recommendations, I would like to offer these comments on specific recommendations of that inquiry based on my experience for the past 7 years since.

“Recommendation 4

That the Department of Education and Training examine ways to reduce the requirement for those students whose disability and level of need is unlikely to change dramatically in the space of a year to reconfirm their disability status on an annual basis in order to receive disability funding.”

In my experience this has happened. We have only needed to reconfirm my daughter’s disability status at the end of Infants before moving to Primary and will again on the move to High School. This was a very welcome change.

“Recommendation 6

That the Department of Education and Training move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.”

I believe this has happened (under the acronym PLASST), though it is still largely unknown to the teaching community it would appear. It is usually parents who are telling the teachers or learning support that this tool is now available. The counsellor at the school my daughter attends still recommends cognitive assessment, though it is now well recognised that that is very unhelpful at identifying support needs. I am not aware that PLASST is independently monitored or assessed.

Recommendation: that the committee ensure that all DoE staff and parents are made aware of the functional assessment tool now available and encouraged to use it.

“Recommendation 13

That the Department of Education and Training require all mainstream NSW Government schools to establish or be resourced by a school learning support team.”

In my experience this did happen, but not before the “Every Student, Every School” policy was enacted. Thus our first contact with a learning support team at my daughter’s school was in 2013, after commencing in 2011.

“Recommendation 15

That the Department of Education and Training publish guidelines on the functions and outcomes of school learning support teams, including the role of parents in these teams, for distribution to school communities.”

I have not ever seen guidelines for the functions and outcomes of the learning support teams and have not ever seen a document which outlines our role as parents in this team. I have found a document now on the NSW Department of Education website on the “Roles and Responsibilities of learning and support team (<https://education.nsw.gov.au/disability-learning-and-support/personalised-support-for-learning/roles-and-responsibilities>) but you will note there is no mention on the role of the parent. There is also no mention of outcomes for the school learning support teams. In my opinion this recommendation has not been fully implemented and should be required of the Department of Education (DoE).

Recommendation: that the committee inquire as to why this previous recommendation has not been implemented by the DoE or previous ministers, and recommend that the Department of Education publish guidelines on the functions and outcomes of the school learning support teams, including the role of parents, and that this is distributed to all staff and all parent communities, regardless of ability.

“Recommendation 17

That the Department of Education and Training include a clear statement on the role and appropriate use of School Learning Support Officers (teacher’s aides) in the proposed guidelines on the functions of school learning support teams.”

Again referring to the above page on the DoE website on the roles and responsibilities of learning support, this is the section related to the School Learning Support Officers (SLSO):

“School learning support officer

School learning support officers works under the direction and supervision of the classroom teacher. They provide assistance to students with disability and additional learning and support needs enrolled in special schools, specialist support classes in regular schools and regular classes. They can provide assistance with:

- school routines
- classroom activities, and
- the care and management of students with disability and additional learning and support needs.”

I do not believe that the inquiry’s recommendation has been fully implemented, as this is not a clear statement on role and appropriate use of the SLSO, and needs to very much more expanded to make it clear to schools how best the SLSO can provide support. Best international evidence based practice is that the SLSO supports the teacher so the teacher can provide the most expert level of educational support to the students with disability.

To have the SLSO, as this statement says, be the one providing the support to the students directly means that the students with the most need have the least trained person assisting them. The aide working at my daughter’s school is a hairdresser and has no teaching education or disability experience. Clearly this is not in the best interests of the student with the highest need. SLSOs are

employed as casual staff at school, have no expertise in what they are asked to do (though they may have or gain experience), and have no requirement for training (see item below) or continuing professional development (CPD). This is not the best person to be made most responsible for the best education for children with disability. One example from my daughter's experience has been frequent times the SLSO has actually just done my daughter's work for her as she (the SLSO) has been directed by the teacher to assist my daughter to complete the task, and so the focus has been on the completed task, not the learning. Clearly an adult writing sentences on my daughter's behalf, instead of my daughter learning to write the sentences, completely inhibits my daughter's learning.

“Recommendation 31

That the Department of Education and Training review whether there is a need for formal training for School Learning Support Officers.”

I do not believe this recommendation has been implemented as it should be. SLSOs are auxiliary school staff who are often directly assisting the children with disability in school, yet have no training and only work according to what the teacher or school recommends. This is highly unsatisfactory for the children with disability and frequently can be detrimental to the children's education. The SLSOs all need some sort of formal educational based training at a minimum.

Recommendation: that the committee inquire as to why this previous recommendation has not been implemented by the DoE or previous ministers, and recommend that the Department of Education looks at evidence based best practice for how the SLSOs function in schools; and that the DoE implement formal training in best practice for SLSOs.

“Recommendation 24

That the Department of Education and Training publish guidelines on the development of Individual Education Plans for students with disabilities and special needs. These guidelines should:

- **include information on when an Individual Education Plan is required, who should be involved and what it should contain**
- **be distributed to the school community, including parents of students with disabilities or special needs.”**

I have not ever seen any guidelines on the development of Individual Education Plans (IEPs) for students with disabilities and have been in the school system since 2011. When I enquired about IEPs in 2011 when my daughter first started school, I was informed by our school that an IEP was no longer a requirement for funding and therefore the school no longer did them. I questioned this at the regional level and was told that my daughter did not qualify for an IEP as she was in mainstream, not a special school. In 7 years attending a government public school my daughter has never had an IEP. It took us over a year of advocating to have some sort of similar goal setting meeting undertaken at the school and that was finally done with a new deputy principal in 2015. Clearly in my experience this recommendation has not been implemented and should be.

Recommendation: that the committee inquire as to why this previous recommendation has not been implemented by the DoE or previous ministers, and recommend that the Department of Education publish guidelines that clearly define Individual Education Plans, the requirements in the process and plan, and that these guidelines are distributed to the school community – both staff and parents.

“Recommendation 27

That the NSW Institute of Teachers review the content of pre-service teacher education courses, including:

- the mandatory unit in special education
- incorporating additional content regarding teaching strategies and practical skills to cater for the learning needs of students with disabilities or special needs
- embedding special education throughout pre-service training.

Recommendation 28

That the NSW Government promote through the national reform agenda that special education be embedded throughout pre-service teacher training.”

I am not aware that either of the above recommendations have been implemented. It would appear that special education in pre-service training is still viewed as an elective. It has not been embedded in pre-service teacher training. The student teachers that come to our school (from 2 or 3 universities) state that they have had no teaching with regards to strategies to help teach children with disabilities in the classrooms. For anything to change for the education of students with disabilities, it is imperative that the pre-service teacher training requirements change in line with evidence based practice.

Recommendation: that the committee recommend that the Department of Education work with both the NSW Institute of Teachers and the NSW University Education programs to progress this past recommendation as soon as possible.

TOR (d) complaint and review mechanisms within the school systems in New South Wales for parents and carers

I have had personal experience with the complaint and review mechanism in the school system and have found it entirely unsatisfactory. The first person in the complaint system chain is the principal and many parents do not even get to that first step. Parents with a child with a disability often feel in a very vulnerable position that their child will be subjected to “bullying” by the school staff and executive because such bullying frequently happens. Therefore they do not raise a complaint, no matter how justified it is. If parents do complain to the principal, the usual response is for the principal to stand by and defend the member of staff, not to be sympathetic to the issues the parent has raised.

If the parent has not had satisfactory resolution from the principal and decides to take it to the regional director, again the regional director’s usual response is to defend the principal. And so it goes on. The current system is geared against parents and children and is set up to be biased in favour of the Department of

Education employees. This is completely unacceptable and does not allow for a fair and unbiased process for any party. Unless there is an independent body which is established to oversee the complaints process for parents, especially for those with children with a disability, with the Department of Education, parents and children will continue to feel vulnerable and have no recourse for when kids are wronged or the Disability Standards in Education are flagrantly disregarded.

Recommendation: That an independent body be established to oversee complaints about the Department of Education. The body should have power to recommend and oversee implementation of consequences for breach of Department policies and the Disability Standards for Education.

TOR (e) any other related matters

1. Assessments and school reports for children with a disability

The Disabilities Standards for Education (2005) states in Section 6.3 with regards to the Standards for curriculum development, accreditation and delivery that

- (a) the curriculum, teaching materials, and the assessment and certification requirements for the course or program are appropriate to the needs of the student and accessible to him or her;

In my experience there is little compliance to this standard. For the last 3 years I have been told that my child is not able to be assessed as her peers are, and the school reports that she receives do not report on progress in line with any goals. My school and many others do not seem able to apply reasonable adjustments with regards to assessments which are appropriate to the needs of the student and accessible to them, at their level. This is in breach of the Standards and needs to be reviewed and recommendations given to the Department of Education on compliance with the Standards with regards to assessment and reports.

Recommendation: I request the committee specifically review assessment and reporting for students with disabilities in schools, so that students with disabilities receive assessments and reports that are accessible (in line with the Disability Standards in Education) and are relevant and reflect their learning and goals.

2. Difficulties with enrolment into mainstream classes in schools with a support unit

Schools with support units frequently breach the Disabilities Standards for Education with regards to enrolments. The Standards state:

4.2 Enrolment standards

- (1) The education provider must take reasonable steps to ensure that the prospective student is able to seek admission to, or apply for enrolment in, the institution on the same basis

as a prospective student without a disability, and without experiencing discrimination.

The local catchment area high school my daughter should be attending has a support unit. When I approached the school to discuss enrolment, I was told my daughter could not enrol in the mainstream class as we and she desired, but if she attended that high school, she would have to enrol in the support unit. This story is repeated time and again, it is not just with our local high school but throughout the DoE schools. This is not, as per the Standards, taking reasonable steps to ensure the prospective student can apply on the same basis as a prospective student without a disability. This is straight denial of enrolment on an equal basis and is in breach of the Standards.

Recommendation: that the committee investigate the enrolment of children with disability in mainstream classes within schools with support units, including looking at the percentage of students with disability within the regular classroom of these schools versus the number with their support unit. I believe most of these schools are denying enrolment in the mainstream class to those children with disability, stating they will only receive support if they agree for their children to be put in the segregated support unit. I also propose that the committee recommends the Department of Education require schools with support units to freely and equally accept the enrolment of students with disabilities into the regular classroom and provide the appropriate level of support for the students to be educated in this setting, in line with the Disability Standards for Education.

Conclusion

The education of children with disabilities in NSW has only progressed minimally since the last inquiry of 2010. Many of the recommendations in that inquiry were not at all, or only partly, implemented by the Department of Education. It is not unusual to experience resistance to change for large organisations, so it is important to have strategies and accountabilities that will push through resistance to implement the recommended changes. First and foremost the Department of Education needs to look at research based evidence on the education of children with disabilities, not just their historically based practice. The evidence from educational research, in Australia and internationally, for the last 40 years, has unequivocally found that children with disability have a better education and a better lifelong outcome when educated alongside their peers in the mainstream classroom. The Disability Standards for Education (2005) set out the standards by which children with disability should be able to enrol, be taught and participate with reasonable adjustments made, be supported, and receive assessments all “on the same basis of a student without a disability, and without experiencing discrimination”. Students with disability in NSW frequently experience discrimination in areas such as enrolment - being told as we were that they cannot enrol in a regular class, or in the area of support - being told the support is only available within the support units or special schools. These are only 2 of many examples.

We urge the committee to review and pass recommendations to the Department of Education on these specific areas:

- that the DoE require schools with support units to enrol students with disability in the regular classrooms, with the same curriculum as the nondisabled peers, and the appropriate level of support in the regular classroom.
- that the DoE require LASTs to undertake ongoing CPD specifically in the area of education of children with disability.
- that the DoE review the use of SLSOs and require that they obtain an educational qualification certificate prior to their employment and that they also have a requirement for continuing professional development.
- that an independent body is set up to oversee complaints about the Department of Education with the power to recommend and direct outcomes.