

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

**Organisation:** Dr Sally Howell  
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## Response to the inquiry into the provision of education to students with a disability or special needs in government and non-government schools in New South Wales – Sally Howell

This submission has a particular focus on students with learning difficulties with reference to:  
**(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**

### Background

Every Student Every School (ESES) recognises students with learning difficulties as a distinct group of students requiring 'learning and support' resources:

"Learning and support resources are available in every mainstream school to help any student experiencing difficulties in learning in a regular class, regardless of the cause.

This includes support for students with:

- learning difficulties
- mild intellectual disabilities
- language disorders
- behaviour needs
- autism spectrum disorders or mental health disorders (with lower level support needs)." (*Learning and support* webpage 2017)

In determining the impact of ESES on students with learning difficulties as a distinct group, consideration has been given to the NAPLAN data provided on the final pages of this submission, taking into account that: "Students who are below the national minimum standard have not achieved the learning outcomes expected for their year level. They are at risk of being unable to progress satisfactorily at school without targeted intervention. It should be noted that students who are performing at the national minimum standard may also require additional assistance to enable them to achieve their potential." (NAP edu.au, 2017)

### NAPLAN 2016

2016	Year 3 %	Year 5 %	Year 7 %	Year 9 %
'At risk' Reading	>10	>15	>17	>22
'At risk' including 'exempt'	12.5	17.2	18.7	23.5
Absent/Withdrawn	3.1	2.8	3.4	6.5
'At risk' Numeracy	>13	>16	>15	>18
'At risk' including 'exempt'	14.6	17.9	17	19.9
Absent/Withdrawn	3.3	3.1	4.0	7.2

**Table 1: % of students included in NAPLAN data performing at or below minimum standard and hence 'at risk'. Exempt students are those with significant disability. (NB The 'Absent and Withdrawn' group will include 'at risk' students but are not included in any such data set.)**

Based on the 2016 NAPLAN data a conservative estimate is that 15- 20% of NSW students require either targeted intervention or additional assistance if they are to "achieve their potential". By Year 9, taking into account the number of 'absent and withdrawn' students, a reasonable estimate is that 25% of students are performing poorly. Given that there has been no significant change in NAPLAN data since the introduction of *ESES* in 2012, or indeed since the introduction of NAPLAN in 2008, it is clear that action to support students with learning difficulties beyond that provided by *ESES* is warranted.

### History of Learning Difficulty Provision in NSW Government Schools

In the 1970s the *Remedial Teacher Program* in NSW government schools had a specific focus on students with learning difficulties (as distinct from disability). At this time, while there certainly

were some students with disability enrolled in mainstream classes, this was not the norm. An evaluation of the *Remedial Teacher Program* in the 1980s resulted in the policy: *The Education of Students with Learning Difficulties from Pre-school to Year 12* (NSW Department of Education, 1987) and a change in name to *Support Teacher (Learning Difficulties) Program*. Remedial teachers became a *Support Teacher, Learning Difficulties (STLD)*. The *STLD* was to “work predominantly in a team teaching role within classrooms on the implementation of programs for students with learning difficulties” (NSW Department of Education, 1987, p. 9). From 1997 *Learning Support Teams* became part of Departmental “policy” with an expectation that all schools would have such a team. (Memorandum to principals: 97/238(s.217). The role of the *STLD* on a school’s *Learning Support Team* was explained in detail in the *Special Education Handbook* (1998).

In 2003 the *STLD Program* underwent evaluation and from 2004 it became known as the *Learning Assistance Program (LAP)* with teachers being called *Support Teacher, Learning Assistance (STLA)*. At this time students with a diagnosis of mild intellectual disability and students with language disorders became part of the group of students to be supported by the *LAP*. These students ceased to be eligible for discreet “funding support”. Teachers who had been working specifically with these two populations were added to the pool of *STLAs*. Allocation of *STLA* time to schools was calculated on the basis of *Basic Skills* (primary school) & *ESSA* and *ELLA* (high school) results. The school *Learning Support Team* continued to be the primary means by which schools were to determine the additional learning needs of individual students. The role of the *STLA* on the team remained the same as that of the *STLD*. Indeed *STLA* teachers were informed that all that had changed for them was their title.

In 2012, after a trial and ‘evaluation’ of a model of service called the *Learning Support Program*, the introduction of ‘*Every Student Every School*’ (*ESES*) saw a redistribution of *STLA* positions and a change of name from *LAP* to *Learning and support*. At this time students with ‘low level’ behaviour needs, ‘low level’ autism and ‘low level’ mental health needs ceased to be eligible for discreet “funding support” as they joined the ranks of students with learning difficulties, mild intellectual disability and language disorders. With *ESES* existing *STLA* positions, some specialist autism teachers and specialist behaviour teachers and a range of other *LAP* positions became known as *Learning and Support Teachers (LSTs)*. The *Learning Support Team* rebranded as the *Learning and Support Team* remain as the primary means by which schools are to determine the additional learning needs of individual students and the role of the *LST* on the team remains the same as for *STLDs* and *STLAs*. *LSTs* are allocated to schools on the basis of the *Student Learning Need Index (SLNI)*. A school’s *SLNI* is a needs’ based index drawn in part, from three years of longitudinal NAPLAN data. Precise details of how the *SLNI* is calculated are not available to the public.

In reality, increased enrolment of students with disability in regular schools over the last 30 years has meant a reduction in services specific to students with learning difficulties. With each rebranding of ‘learning support’ there has been a focus on containing the financial ‘burden’ of ‘funding support’ for students with ‘low level’ disability rather than a focus on provision of what students actually need to maximise their education outcomes. *ESES* has seen a reallocation of existing support positions to accompany the shift of students with ‘behaviour needs’, ‘low level’ autism and ‘low level’ mental health disorders away from integration funding into *Learning and Support*. This has not been accompanied by any real increase in specialist teachers. It is not possible to determine if funds that would have been allocated to students with mild intellectual disability, language disorders, low level autism, behaviour disorders and low level mental health disorders through ‘integration funding’ has seen its way into regular schools in the form of specialist teachers.

The rebranding of *LAP* as *ESES* mirrors the earlier rebranding of the *STLD* program as *LAP*, with both bringing additional students under the umbrella of learning support. What began in the 1970s as a program to support students with learning difficulties has become a program to support students with a range of disabilities as well as those with learning difficulties.

## Supporting Students in Reading and Numeracy

From the NAPLAN data provided as part of this submission it is apparent that more needs to be done to support many students to become productive and confident members of the workforce. Too many students are leaving school with inadequate literacy and numeracy skills. It is unreasonable to assume that a policy such as *ESES* can turn around the trajectory of some 15-20% of students who are struggling with the basic skills of literacy and numeracy. Teacher training has a crucial role to play, both at the teacher preparation level and at the 'specialist' level.

The importance of ongoing research based professional learning for existing teachers should not be underestimated. The current operational model of the DoE whereby silos of 'power' push agendas that reflect the personal philosophies of highly paid bureaucrats rather than research evidence is detrimental to the wellbeing of many students. One has to look no further than the Government's Literacy and Numeracy Strategy 2017-2020, to see the disconnect between advice provided by the Centre for Education Statistics and Evaluation (CESE) regarding evidence based effective teaching practice and the professional learning provided through the Learning and Teaching arm of the DoE as part of its Early Action for Success strategy (EAfS).

Despite the fact that it was the Government's intention that this multi-million dollar strategy support 'at risk' learners in Kindergarten to Year 2, EAfS program development and delivery has ignored the research evidence regarding effective instruction for 'at risk' students, most particularly those with learning difficulties. As a consequence EAfS has guaranteed that another generation of teachers is ill equipped to meet the needs of young students who find it difficult to learn to read and/or develop numeracy skills essential to future learning. The impact of this on individual students and society as a whole is impossible to gauge. It could be argued that EAfS, through its neglect of evidence based practice for students with learning difficulties, is contrary to the intent of the Disability Standards for Education 2005. The expectation that *ESES* and LSTs can work 'against' a tide of ill-informed and poorly trained literacy and numeracy 'experts' is unrealistic. It is a travesty that crucial evidence based early intervention continues to be denied to young 'at risk' students.

**Recommendation:** The DoE put in place processes to ensure that its literacy and numeracy programs and professional learning reflect the research base on effective instruction for students with learning difficulties and special needs. Such processes should require that literacy and numeracy materials developed and implemented by the DoE reflect findings reported in *"How schools can improve literacy and numeracy performance and why it (still) matters"* (CESE, 2016) and hence the research on effective instruction for 'at risk' students and students with special needs, including those with learning difficulties. Effective instruction from the beginning of kindergarten has the potential to significantly reduce the number of students with learning difficulties requiring services through *ESES*.

**Recommendation:** That the DoE take action to ensure that:

1. All teachers and especially 'specialist' teachers (including literacy and numeracy 'leaders' and consultants and learning and support teachers) have knowledge of effective, research-based instructional strategies for students with learning difficulties.
2. Professional learning be provided to principals so that they have appropriate knowledge to guide school programs.
3. All teachers working in a special education role, including learning and support teachers, have appropriate special education qualifications and are accredited or certified as special education teachers.

### Year 3 Reading 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6 and above	
NSW	8yrs 7mths 3yrs 4mths	97.0	1.7	1.4	1.6	2.6	8.3	15.6	21.2	22.3	28.4	95.8

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

12.5 % at or below minimum standard (includes Exempt students)

≤ Band 1 and Band 2 = 10.9% (excludes Exempt students)

3.1% of Year 3 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 10% of Year 3 students are at educational risk in reading**

### Year 3 Numeracy 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 1	Band 2	Band 3	Band 4	Band 5	Band 6 and above	
NSW	8yrs 7mths 3yrs 4mths	96.7	2.0	1.3	1.5	2.5	10.6	21.9	26.2	20.5	16.8	95.9

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

14.6% at or below minimum standard (includes Exempt students)

≤ Band 1 and Band 2 = 13.1% (excludes Exempt students)

3.3% of Year 3 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume over 13% of Year 3 students are at educational risk in numeracy**

### Year 5 Reading 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 3 and below	Band 4	Band 5	Band 6	Band 7	Band 8 and above	
NSW	10yrs 7mths 5yrs 4mths	97.2	1.7	1.1	1.4	5.1	10.7	20.8	26.0	21.1	15.0	93.5

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

17.2% at or below minimum standard (includes Exempt students)

≤ Band 3 and Band 4 = 15.8% (excludes Exempt students)

2.8% of Year 5 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 15% of Year 5 students are at educational risk in reading.**

### Year 5 Numeracy 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 3 and below	Band 4	Band 5	Band 6	Band 7	Band 8 and above	
NSW	10yrs 7mths 5yrs 4mths	96.9	2.1	1.0	1.4	3.9	12.6	24.0	26.9	18.2	13.1	94.7

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

17.9 % at or below minimum standard (includes Exempt students)

≤ Band 3 and Band 4 = 16.5% (excludes Exempt students)

3.1% of Year 5 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 15% of Year 5 students are at educational risk in numeracy.**

## Year 7 Reading 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 4 and below	Band 5	Band 6	Band 7	Band 8	Band 9 and above	
NSW	12yrs 7mths 7yrs 4mths	96.6	2.6	0.8	1.4	3.4	13.9	26.5	27.8	17.6	9.3	95.2

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

18.7 % at or below minimum standard (includes Exempt students)

≤ Band 4 and Band 5 = 17.3% (excludes Exempt students)

3.4% of Year 7 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 17% of Year 7 students are at educational risk in reading.**

## Year 7 Numeracy 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 4 and below	Band 5	Band 6	Band 7	Band 8	Band 9 and above	
NSW	12yrs 7mths 7yrs 4mths	96.0	3.2	0.8	1.4	2.8	12.8	24.1	27.4	18.0	13.3	95.8

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

17.0 % at or below minimum standard (includes Exempt students)

≤ Band 4 and Band 5 = 15.6% (excludes Exempt students)

4% of Year 7 absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 15% of Year 7 students are at educational risk in numeracy.**

## Year 9 Reading 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 5 and below		Band 7	Band 8	Band 9	Band 10	
NSW	14yrs 7mths 9yrs 4mths	93.5	5.4	1.1	1.4	5.5	16.6	28.3	26.5	15.4	6.3	93.1

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

23.5 % at or below minimum standard (includes Exempt students)

≤ Band 5 and Band 6 = 22.1% (excludes Exempt students)

6.5% of Year 9 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 22% of Year 9 students are at educational risk in reading.**

## Year 9 Numeracy 2016

State/ Territory	Average age/ Years of schooling	P%	A%	W%	Below national minimum standard (%)		At national minimum standard (%)	Above national minimum standard (%)				At or above national minimum standard (%)
					Exempt	Band 5 and below		Band 7	Band 8	Band 9	Band 10	
NSW	14yrs 7mths 9yrs 4mths	92.8	6.1	1.1	1.4	3.2	15.3	29.7	25.8	14.4	10.3	95.4

P = Participation, A = Absent, W = Withdrawn, Exempt = Significant disability

19.9 % at or below minimum standard (includes Exempt students)

≤ Band 5 and Band 6 = 18.5% (excludes Exempt students)

7.2% of Year 9 students absent or withdrawn

**Taking into account withdrawn and absent students one can confidently assume that over 18% of Year 9 students are at educational risk in numeracy**



## **Role of the Learning and Support Teacher (ESES)**

**The *Learning and Support Teacher* will, through the school's learning and support team, provide direct and timely specialist assistance to students in regular classes with additional learning and support needs and their teachers. Many of these students come from diverse cultural, linguistic and socio-economic backgrounds.**

**The *Disability Standards for Education 2005* provides the context for the role and activities of the Learning and Support Teacher.**

**Emphasis in the role will reflect the needs of individual students and school priorities and programs that support students with additional learning and support needs.**

**The role will be underpinned by a collaborative and consultative approach so that the student and/or their parent or carer are actively involved in the student's education.**

### **The *Learning and Support Teacher* will:**

- work collaboratively with the classroom teacher to support assessment for learning of their students with additional educational needs and identify specific learning and support needs
- plan, implement, model, monitor and evaluate teaching programs for students with additional learning and support needs in conjunction with regular classroom teachers
- plan, implement, model, monitor and evaluate personalised adjustments for learning where required, with the classroom teacher, student and/or parent or carer
- model exemplary classroom practice when tailoring adjusted learning programs for students with additional learning needs
- provide direct support for students with additional learning and support needs through a range of strategies (including direct instruction, delivery of adjusted learning programs, assessment and monitoring of progress) including the areas of social integration, language and communication, literacy, numeracy and behaviour. This may include students with confirmed disabilities.
- provide professional specialist advice, support and mentoring to classroom teachers on:
  - how best to cater for the diverse learning needs in their classrooms, and
  - how to effectively work in partnership with families to maximise learning opportunities for students at school and at home
- provide professional specialist advice and assistance about students with additional learning needs to the school's learning and support team
- assist with professional learning for class teachers and school learning support officers within their school and local network of schools where appropriate.

**Comment: This is clearly a role requiring a high level of specialist knowledge. The needs of many students with learning difficulties could be met by a teaching force trained and supported in evidence based practice.**