

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

Organisation: Sydney School of Education & Social Work

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Upper House Inquiry

Submission to the Upper House Inquiry into the provision of education to students with a disability or special needs in government and nongovernment schools in New South Wales

We thank the committee for the opportunity to provide a submission to the Inquiry into the provision of education to students with a disability or special needs in government and nongovernment schools in New South Wales. This is a timely inquiry in an area of high interest to many students, their families, and their teachers. This submission covers a number of recommendations under point (c) of the terms of references: *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*. In particular it addresses recommendations eight, 20, and 30.

Background: Since the 2010 Upper House Inquiry, there have been a number of policy developments at the international, national and state level. In 2010, Australia submitted its initial report as part of the reporting requirements of the UN Convention on the Rights of Persons with Disabilities and received the Committee's concluding comments in 2013. 2017 sees the commencement of Australia's next reporting cycle. The timing of our international report is particularly significant, as last year the [General Comment No 4 Article 24: Right to inclusive education](#) was adopted in order to clarify the responsibilities of States Parties under Article 24. The meaning of inclusive education has been discussed and debated in a number of national policy documents, and it is something that we will return to in the future.

Policy developments at the national level include, the 2012 and 2015 reviews of the Disability Standards for Education 2005, the Nationally Consistent Collection of Data on School Students with Disability, as well as the Review of the Australian Curriculum and the 2016 Senate Standing Committee on Education and Employment report Access to real learning. Finally, significant changes in the funding formula to all education sectors, the introduction of Every School Every Student and Local Schools Local Decisions initiatives and the New South Wales Auditor-General's Report related to public schools serve as evidence of state level policy developments.

While all aforementioned national and state reviews and inquiries have acknowledged that there is **tension between inclusion and the provision of a continuum of settings**, there hasn't been an attempt to resolve this tension, as the principle of providing choice to parents prevails. However, the reporting of schools curtailing parental choice by 'gatekeeping' and setting low expectations and learning outcomes for students with disabilities across all settings serves as a cause for concern for students and their families in our schools.

Key Issues:

Recommendation 8

That the Department of Education and Training:

- acknowledge and accept that there is widespread concern about the unmet demand for special education places in NSW Government schools
- undertake an immediate investigation into the level of unmet demand for special education places and classes and publish the results of this investigation
- increase the number of special education places and classes to ensure that there are adequate places to cover demand for all students with disabilities and special needs [..]

Recommendation 20

Special and Inclusive Education Team, The Sydney School of Education & Social Work

That the Department of Education and Training increase resources for students with identified disabilities in mainstream classes.

Evidence

Changing landscape. Since 2011, there has been a significant increase in the number of students enrolled in special education settings; 19% for students in support classes and 12% for students in special schools (SSPs) according to the recent New South Wales Auditor-General's Report:

- From the available information in the Department of Education's Annual Reports, this rate of increased enrolments seems to be almost double for support classes in secondary schools (17%) when compared to those in primary schools (9%). Part of this disparity could be justified by the increase in the school leaving age in 2011, but it still begs the question of whether there is an increased tendency for students with disabilities to be transitioned to more segregated settings in secondary school. It is also of concern that these practices can be driven not by actual parental demand, but rather by schools managing 'challenging' students in this way.
- A further issue is the increased number of enrolments in multicategorical classes. Enrolments in multicategorical classes between 2011 and 2015 have more than doubled from 863 to 1830 students in primary classes, and almost tripled from 491 to 1394 in secondary classes. There is little evidence of any added educational benefits of multicategorical classes compounding the general concerns about the use of support classes.
- Finally, there seems to be increased concentration of support classes in individual schools and regions potentially reinforcing teachers' and schools' attitudes that a different setting is more appropriate for students with disability. For example, one rural high school has 10 support classes including a "school within a school" of four classes for students with behaviour and emotional disorders.

Point 1

From anecdotal evidence from parents and teachers, it would seem that a deficit approach to students with disability, based on diagnosis of 'impairment' and 'level of need', drives enrolment decisions and expectations of outcomes. Such an approach contravenes the principle of parental choice, as choice becomes conditional to the level of disability. It also contravenes the principles of anti-discrimination legislation.

Point 2

Avoiding addressing the tension between inclusive education and a continuum of settings doesn't constitute a long term solution. There is evidence of increased resources being allocated in mainstream schools and special education settings, but limited evidence of students with disability actually receiving a quality education and having education outcomes that ensure their full participation in society after school.

Recommendations

1. NSW Department of Education to make publically available more detailed information and statistics about special education settings and in particular support classes.
2. Strategic direction of resources to support schools to develop models of inclusive teaching practice with an emphasis on high expectations and learning outcomes. This is applicable to all sectors.
3. Reporting mechanisms of learning outcomes and post school outcomes of students with disabilities. This is applicable to all sectors.

Key Issues

Recommendation 30 from the 2010 inquiry by the General Purpose Standing Committee No 2 stated:

That the Department of Education and Training offer additional opportunities for teachers to undertake retraining programs in special education facilitated by the Department.

Evidence

The Sydney School of Education and Social Work (formally Faculty of Education and Social Work) at the University of Sydney has conducted the **NSW Department of Education Special Education (General) Retraining** program since 2009. Since 2011, approximately 150 teachers have graduated from the program. The retraining, in existence for more than 30 years, has been instrumental in supporting teachers to become **leaders in the field**. There is increasing evidence that graduates from this program have gone on to be Head Teachers, Principals or Assistant Principals, and Senior Offices in Learning and Wellbeing.

In 2011, the Department of Education challenged training institutions to provide the 40 weeks program to teachers in locations outside of the Sydney metropolitan area. The University of Sydney developed a program that allowed for teachers from **rural and remote areas of NSW** to participate in the program. Over the past five years, 25 teachers from rural and remote areas have graduated from the program and gone on to take full time, permanent positions in the local areas.

Point 1

In 2014 the Department of Education made **a significant change to the conditions** that teachers undertook the retraining program. Retraining teachers from 2014 have been offered .5 of a salary plus tuition fees (instead of a full time salary plus tuition fees) while completing the course. As a result of this change, the **academic standing of teachers entering the program has fallen**, as evidenced by an assessment of academic writing, and the observation of staff within the program. An emerging consequence of this is that the Department is not benefiting from the leadership that has resulted from the graduates of this program as in the past. That is, initial savings for retraining costs results in **significantly diminished return on the investment over time**.

Point 2

A key part of the special education retraining is the completion of **70 days professional experience**. Staff conducting the retraining program have developed strong relationships with many schools that cater for students with disability and additional learning needs. An emerging issue for the program, however, is the limited number of places available that demonstrate quality education practice. The sources of this issue includes:

- Educational settings that **do not uphold key educational processes** set out by the NSW Educational Standards Authority (NESA) and the Department of Education. Example: limited awareness and/or adherence to the collaborative planning process set out by NESA [see: <http://educationstandards.nsw.edu.au/wps/portal/nesa/k-10/diversity-in-learning/special-education/collaborative-curriculum-planning>]. School-based observations provide evidence students in secondary settings are offered programs developed from the Life Skills syllabus “because they are disabled”.

- Retraining teachers encounter professional experiences where trained and untrained staff in the field of special education aggressively **refute evidence-based practices** addressed within the Masters level course. In all cases, the contentions are around practices that are clearly linked to the Australian Teaching Standards.
Example: Retraining Teachers are required to demonstrate how they could make adjustments to ensure all students could access age-stage appropriate materials; school staff have confronted retraining teachers working with students with high support needs to say that these students could not achieve such outcomes.
- Professional experience contexts where Principals are concerned about the **quality of education programs** being delivered, and cannot recommend teachers working with students with disabilities and additional learning needs to supervise and mentor retrainees. This context has been particularly evident in rural and remote areas of NSW.

Recommendations

1. The NSW Department of Education considers reinstating the full-time salary for teachers undertaking the special education retraining program to attract the highest quality candidates.
2. The practices in educational contexts be closely scrutinised for their adherence to evidence-based practices within the field, alignment with teaching standards, and be accountable for learning outcomes for students with disabilities and additional learning needs.
3. The NSW Department of Education establishes centres of excellence, in conjunction with training providers, to exemplify current evidence-based practices. Further, that the Department develops a process to accredit teachers to be mentors for retraining teachers.