

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

Name: Name suppressed

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Submission for 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.**

3/3/17

Introduction:

I am writing this submission from the perspective of a mother of four children ranging in ages from 20 down to 13 years. All of my children have been or are currently being educated in the public education system. My youngest daughter Ros was born with Down Syndrome and it has been our family's vision to ensure that she has the same opportunities as her brothers and sister. To this end, she has been in a mainstream setting from Day 1 of her schooling.

I am also writing this part of my submission at 4.00am on a Friday morning. Unable to sleep for the past hour while I stew over the conversation I am needing to have in a considerate and respectful way with one of Ros' teachers today. All the staff we encounter in the education system are generally, typical, lovely well-meaning Joe/Jo Blows but our experience has taught us that they live in a completely different paradigm to us. Getting angry and frustrated with misguided, ignorant and often discriminatory attitudes we face on a constant basis will not serve anyone well, least of all Ros.

I have a concern that has arisen over the past week, that Ros has been sent out of the classroom to play tic tac toe with the aid on more than one occasion. It is week 4 at a new school where she has just started Year 7. The work she has been bringing home for her language class is not adjusted adequately for her needs and I suspect she is struggling to access the lesson plan easily. The font size needs enlarging for her mild vision impairment which is too small for her to read even with her glasses. If this accommodation were made and she also had access to some additional visual supports and technology of a calculator or even just the use of a ruler to count on/back she would potentially be able to work independently or with a peer. During homework, with these accommodations, she could perform some simple maths problems and translate them into French fairly readily after I modelled the first example. With some home-made sight words I have prepared and a useful app on the iPad she is also learning to count to 20 in French. Presently I have been told not to send her iPad to school as a learning adjunct because it is thought this will add to the layers of difficulties the school claims they are already facing while settling her into the new school year. Essentially, they don't know how to include our daughter in the mainstream setting. Most kids like Ros are expected to go to one of the support classes. Added to this, the school's Learning Support Teacher, (LST) who has responsibility for overseeing Ros' inclusion has been on sick leave since Week 2.

Although a reasonable transition process to familiarise Ros with high school was organised at the end of last year, we knew that there was going to be a lot of misunderstanding of what she needed to be included in a mainstream setting. We are already hearing a monologue about high school being different to primary school, it is too hard, too this, too that. These barriers are not new to us and there is a lot of déjà vu experiences that keep coming up time and time again.

Ros has experienced the best and the worst of education. At the age of 13 she is becoming an increasingly proficient reader and writer. As described above she is on a continuum of numeracy learning. This is all a testament to inclusive education. She has a large social network of caring, considerate peers and was nominated as a class SRC Rep for the Student

Representative Council at the beginning of last year. She has many interests and talents that are extracurricular including being a proficient gymnast and dancer.

Sadly, I have many more anecdotes I could share about the worst of her experiences. In an effort to give an overview I can say that unlike other people's stories you may read, the restrictive practice of being locked in a cupboard is one of the few things that has not happened to Ros, at least to the best of my knowledge. However, when she was younger she has been dragged to the Principal's office on many occasions while emotionally overwhelmed and in 'meltdown' in order to try and instigate compliance. I also know that she has spent the best of a year regularly being withdrawn by an aid into a side room and peers have reported her coming out from these sessions crying at times. She has experienced significant breaches of the Disability Standards for Education that has occurred in terms of being unable to access the curriculum or to have learning support plans developed, recorded and implemented in consultation with us. Instead of having these rights met, she has fallen victim to misinterpretation and use of the School Discipline Code, experiencing procedural unfairness with regards to application of the Suspension and Expulsion of School Students Procedures.

This has all added layers of effect upon her which only exacerbates the status quo. People are quick to attempt to label her with Challenging Behaviour rather than get to know a child who has been scarred by a system that is 'not quite there yet' in terms of providing access for all or Universal Design for Learning. Ros needs to be listened to, understood and treated with dignity and respect. When this happens, she shines. Interestingly the core values that schools always champion and expect of her, that are inherent in our family values are often not shown back to her.

Equitable access to resources for students with a disability or special needs in regional and metropolitan areas

We live in regional NSW. Our children's primary school experience was at a small school 15 minutes drive from our home. Student numbers were around 50 students when our eldest started school down to 20 when our youngest left 2 years ago. Secondary education required 2 hours bus travel per day to attend the local high school of numbers fluctuating between 650-700 students.

Ros' attendance at our local small school from kinder to year 4, where we had a strong community connection and lots of school involvement was generally successful. However it was a steep learning curve for all to understand what was required to enable her to access the curriculum by the time she reached the age of 8 years. Ableist practices of holding her back in ability groups with younger peers needed to be questioned for its contravention to inclusion. While the competent students including those who were younger than her were participating in the fun activity of baking bread for science she was elsewhere doing the intensive literacy program with the kinder kids and other learning disadvantaged students. This sent a contradictory message to her same age peers. We wanted them to appreciate that she belonged and would be going through her schooling with them. Fortunately, we mostly had good relations with teaching staff and they were motivated to reflect and change their practices.

In 2014 we made an intentional move from the bush into town for Ros to have a larger school experience of around 350 students before commencing high school. We started this transition process by making contact with the School Principal 9 months before. There were numerous transition meetings that included a promising timeline of steps to prepare for this move. Yet the essential reality was that nothing on the timeline was considered or implemented, other than by us, apart from the details of putting Access Requests for transfer of Integration Support Funding. In hindsight, we've realised that the new school culture and leadership had no commitment to or understanding of inclusion. I attribute this to the subculture of the newly established Support Class. At our point of first contact in a phone conversation the principal proudly offered this to me as their latest achievement under the banner of 'choice' for educating students with learning disadvantage.

Ros embarked on her new schooling opportunity with confidence and enthusiasm. Within the first week I was having conversations with Ros' teacher about the dilemma she was experiencing in how to teach her in the classroom. I supplied some reading material and encouraged her to request some mentoring from Ros' previous teacher at her old school, (something that was on the previous year's timeline but did not occur).

By week two I was informed by a relief teacher about the behaviour record book that had been commenced to record Ros' responses to what was rapidly emerging as a hostile environment. There was no reflection on challenging behaviour being a form of communication that required changes in teaching practices. Clearly, staff were ill prepared and way out of their depth. Unfortunate, given the robust timeline that went predominantly unimplemented.

By week three I was told by Ros' classroom teacher that she couldn't include her all of the time without a full-time aid despite the fact she had an aid titled as School Learning Support Officer (SLSO) for all but the last lesson of the day. She also suggested that perhaps Ros would be better off over in the support class for that time. Our clear vision meant that I could very quickly articulate why that was not an option.

The year at this school did not improve and too many punitive measures were applied to her while we were trying to get some learning support planning in place. Interestingly, we did not actually meet the LST until late in term 3 despite her being the school's designated learning support specialist allocated by the Principal for implementing our tokenistic timeline in our transition planning. By Term 4 there was still no documented learning support plan and Ros' confidence had plummeted from such a lengthy time of misunderstanding, disengagement and inability to access the curriculum. She was under enormous stress.

RECOMMENDATIONS:

1. Inclusive education for all students is a fundamental human right. To realise this right, the NSW Department of Education should make progress towards full inclusion in the regular class for students with disabilities an agenda item each and every time they plan educational provisions for students with disability and special needs.
2. Disability Awareness Training that includes inclusive enrolment, inclusion oriented adjustments to curriculum and assessments, and comprehensive understanding and rights based interpretation of the Disability Standards for Education must be mandatory at all levels of Schools

Complaint and review mechanisms within the school systems in New South Wales for parents and carers

For too long we were too cooperative which allowed this to happen. It was not for want or lots of effort in trying to steer things in a different direction with a desire to develop a partnership. The crunch came in September when a Formal Caution to Suspend was issued after an incident. It quickly became apparent that the Principal was completely unaware of the neglect that had occurred to Ros' educational needs. It was unimaginable that things could get worse, however we decided to seek guidance and bring in support from a higher (regional) level and to question the fairness of applying sanctions without first providing to Ros' learning support needs. As this challenged the Principal's authority and questioned her actions, a greater down-hill spiral occurred where Ros was subjected to more extreme discrimination, bullying, victimisation and harassment by education staff.

Meetings were numerable and intense. The Principal was hostile with us and said outright that she was not happy with our actions of seeking support elsewhere. We expected that taking things to a higher level would enable reason to prevail, insight and understanding to be gained and Ros' rights to be upheld. Consultation with staff in the Department of Education's (DoE) Learning and Engagement Department at the Head office had validated our expectations that the formal caution needed to be rescinded. However, we were still determined to work with the good nature of these people at hand and persisted. Aware of the retribution that had occurred when we first questioned the Principal's authority we did not want to worsen things by making a formal complaint. We also wanted to remain at this local school where Ros had established a large network of acquaintances and friends.

At the start of the next year things did not get any better. In only 10 days of the first term I had received 5 phone calls, two requests to take Ros home early and it later became apparent in the next Formal Caution to Suspend letter that we received there were five minor and seven major negative behaviour reports lodged against her. When I walked into the classroom as a parent helper on Day 11 Ros was in the most extreme state of duress I have ever witnessed. It was not a welcoming classroom to me either.

In conversation with the teacher at recess she told me that if Ros continued to experience the stress she was under right at that time she would have a 'nervous breakdown.' She was right, but it was said in a way as though it was something we were responsible for. There was a total lack of awareness of her obligation to follow the policies that protect students who have disabilities like Ros to ensure that that didn't happen. By this time, we had still not had our first Formal Caution rescinded. However, since our request to Learning and Engagement, guidance from the Assistant Principal of Learning and Support had directed the Principal to initiate some Disability Awareness training and this had occurred at the Staff Development Days of the new school year. Unfortunately, there was still absolutely no capacity for Ros to receive any positive behaviour support or to be included. The 'one size fits all' school behaviour code and culture was just too intransigent. Instead, copious amounts of information were being recorded about our bewildered and distraught little girl. It was then put into a matrix for the Learning Management and Business Reform System. When I had the opportunity to read these records it was evident that people were at her and on her back constantly for every little thing. No other typical child would be subjected to this much scrutiny.

I believe this was part of a bigger agenda that was being flagged by the Principal at the Parents and Citizens association meeting. There was a push to get another support class. The more reports of student misbehaviours that could be recorded, the more justification for a need for students to be directed somewhere else. I heard from more than one teacher during our time there that they were reprimanded by the Principal if they were not submitting enough minor or major behaviour reports about students each week. As if there were a quota system happening.

Ros came home on Day 11 of term 1 and did not return. I sent an email to her teacher the following day questioning her assumptions and requesting information about her commitment to Ros' education. I did not ever hear back from her but rather received another Formal Caution to Suspend emailed from the Principal as referenced above.

Ros was unofficially home schooled for the remainder of Term 1. At the same time, I managed our family business and navigated a maze of phone calls and enquires in the pursuit of the incredibly busy and often elusive Regional Learning and Engagement Officer we had been dealing with since the first Formal Caution. I needed assistance to get an exemption from school to avoid sanctions from absenteeism and we submitted a Formal Complaint. We were gutted and had retreated from the system to heal and reconsider our options. It was clear that we would be unable to return to the local school. Previous recriminations made that apparent. We also felt like the system had failed our daughter and us. We were now facing an imposed need to relocate Ros to another school out of our local area. We also couldn't help wonder whether a timelier response to our request to have the first Formal Caution letter rescinded might have influenced the Principal to re-evaluate her punitive approach to Ros' needs.

Indeed, the Learning and Engagement Officer told us later when we finally met face to face that she felt she had failed us. She knew our commitment to trying to make things work and she was limited by the system.

From submission of the formal complaint on 24/2/16 it took 3 weeks until we could meet face to face with the Learning and Engagement Officer and the Regional Director. It was not until 6/6/16 that we received a letter of response supporting all our claims the outcome being:

The Assistant Principal Learning and Support to work with the school to review the:

- school's Learning Support Team policies and practices;
- processes around implementing Personalised Learning Plans for students with additional learning needs;
- The School Student Discipline Policy
- Suspension and Expulsion of School Students Procedures, are followed ensuring that no student is discriminated against on any grounds.

I know of another family whose son had been placed in the support class at this school from the early weeks of his kindergarten education because of behavioural issues that were cited. His grandmother tells me he was bullied in week 1 and became reactive. He did not have any identified disability or diagnosed emotional disorders that warranted his placement in this setting. After four years they gave up on their repeated attempts to have him placed in the mainstream classroom fulltime making the move to enrol him in an out of town Catholic

Primary school this year. There had been no change in culture by the end of 2016. It is also important to note that students in the support class were not exempt from the Discipline policy either and I heard this did not change after our complaint.

It was not until the 21/6/16, eight months after the first formal disciplinary action, that we had both the formal caution letters rescinded and we could feel vindicated. In Term 2 Ros had started at a new school in our next town, 25 kilometres and 25 minutes drive from home. Having lost so much trust in the system this was very daunting and required a leap of faith. I am relieved to say though that we experienced three school terms of bliss, a successful partnership and a completely different culture. While Ros' teacher was exceptional, we experienced welcoming and nurturing attitudes throughout the school and were able to feedback praise of the Principal's leadership to the Education Director. We now refer to this time as the 'honeymoon period' before our next adventure with high school. We enjoyed this time because now we are back to more of the same ol' same ol'.

RECOMMENDATIONS:

3. The committee should investigate the increase in support classes and the motivations for this increase on the part of schools, including funding advantages.
4. All complaints should be made to and investigated in a timely manner by an independent body external to the NSW Department of Education to reduce the conflict of interest that currently exists and exacerbates issues.

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

It is now Sunday. I did leave a message for Ros' French teacher Friday morning but she didn't get back to me. I was told by the Deputy Principal who happened to be on bus duty that afternoon, there has been many recordings of Ros' "naughty" behaviours. This same person recorded our first transition meeting notes with an opening reference which I quote:

"Ros to leave school as functional member of society-parents expectations."

This is the paradigm I referred to in my introduction. We know that these expectations are not widely held by everyone or for everyone.

Clearly the Deputy Principal has given no regard to the comprehensive written information I provided to her upon her request, regarding Ros' unique behaviours she exhibits as stress responses when in overwhelming, unwelcoming environments.

Only the previous week I was in awe and praise for the Year 7 Advisor's wonderful consultation and planning for what was a week of varied routines including an excursion and school swimming carnival. Preparation for change benefits Ros' participation. In a brief phone conversation regarding the excursion, we strategised a peer group who knew Ros well and linked her with them for the day's activities. I was given feedback that the excursion had been successful and staff were impressed with how well these kids worked together and included Ros. Similarly, the simple act of providing a copy of the swimming carnival program the day before gave us the opportunity to talk with Ros about what would be happening. We could help her make some choices and then provide feedback to the

teacher. She had a great day and ended up joining in many events to contribute to house points.

Inclusive Education works and can be successful, yet it requires a golden lottery ticket to find leadership that can guarantee this without living life like you are constantly riding a roller coaster. Now that there is a focus on Ros' behaviour I know we have to be vigilant.

Over the past 15 years I have observed an increasing trend in our region towards segregation of diverse students. This is particularly the case for students who are identified or perceived as posing challenging behaviours.

In 2012, when the DoE of the time known back then as DET (Department of Education and Training), publicly released the policy of Every Student Every School, I was flown to Sydney to champion it as a parental face to the media. Our small isolated local school had benefited from the pilot trial that lead up to this change and the whole school culture had seemingly benefited from access to this increased funding. I was also in favour of all schools having ready access to specialist support staff. However, I now know through our own experience that the quality of people in these positions have been disappointing in our area. In principle, it was a good policy shift especially beneficial to students who had 'hidden' disabilities, learning differences or other additional needs. I had seen parents desperately trying to get their children diagnosed with 'something' to acquire the label they felt they needed in an effort to have their child's difference understood.

My positive viewpoint at that time on this matter was appreciated by Senior DET personnel at Head Office. Change is always controversial. Many people in SLSO positions then were concerned for loss of their jobs. Indeed, some schools benefited from increased funding and some had a loss. There was an approach applied to manage this loss by increased grouping and segregation. In addition, many specialist positions or faculties of specialist support arose. However, the expertise of people appointed to these positions was ad hoc. For example, at our small school the then Principal of the day appointed herself to the specialist role required. She had no expertise whatsoever and she was the person who actually made the decision to discipline our daughter using methods that were restraining. I have also referred in the previous section to the specialist at the school of 350 students who did not adequately fulfil her role to provide for Ros. Instead she focused on running programs.

In 2009, our eldest daughter started at our local high school where Ros and her brother now attend. There were a diverse range of students then being included in the regular classroom. There was no other educational option apart from the special education school in a different town just over 50 kilometres away. I know other submissions will explain the historical background of how these separate schools came to be.

The establishment of ED support classes for students regarded as having Emotional Disturbances had become apparent to me by about 2008. A year 6 peer of my eldest son from our primary school was enrolled and bussed into town to attend a primary school ED class as transition planning for high school. The need for these settings were framed as necessary under the guise of 'Occupational Health and Safety.' At the time our school had a young and ambitious Principal who was out to make an impression and was particularly concerned about the ensuing pressure at that time of the emerging focus on NAPLAN results and a culture that was progressing towards League Tables. Living in a small community I

knew this child well, his challenges and of his family background that enhanced his vulnerability. This young man is now 18 years of age still living, unemployed in the same home of generational disadvantage. He spent the remains of his education in ED only to be expelled from the school in Year 12.

This boy is not the only child I know who has been railroaded here. There are three brothers who went to primary school with our other children. When the eldest, who has a hidden disability I recognise, knowing his family background, started in the mainstream high school setting he was hit with the school's behaviour code and was promptly placed on 'monitoring'. This required him to go and get a card signed by the Head Teacher every recess and lunch. I used to give him a ride home from the school bus. When asked about what was happening for him, he said he just couldn't remember to do this all the time. If this were expected of Ros she would struggle also. Every time he forgot, larger sanctions were applied. He was apparently digging his heels in because the work was also too hard for him. He had an SLSO who was unable to help engage him either. He was promptly moved across to ED. His younger brothers automatically followed suit at their time of high school transition. The eldest of this family left school as soon as old enough and has been in some dark places including self-harming as a young adult. The question to be asked is what are these specialist educational settings achieving for these most vulnerable children?

By 2011 our local high school moved towards extending this culture of segregation to establishing a MC Multi-Categorical and an additional ED class. They appointed a Head Teacher for Special Education and formed a Special Education Faculty. Six years on there is still limited capacity at this point in time to manage my daughter's transitioning time into high school.

I believe that a misconception evolved out of Every Student, Every School Policy where at base level attitudes floundered around equating inclusion with dollars. Inclusion is not a fiscal decision it is a moral one. Training was available but poorly taken up. The trend towards segregation undermines our daughter's opportunity of an inclusive education today. While this parallel setting is in place systemically, negative and potentially harmful experiences will be replicated time and time again by so many people to so many children.

RECOMMENDATION:

5. We must start to respect all children with disability and value the contributions they can make to our society when given real educational opportunities. In my lifetime, I wish to see the full inclusion of 100 per cent of students with disabilities in regular classes 100 per cent of the time.

Conclusion:

There is a host of research evidence which supports better educational and social outcomes for all students with and without disability in the regular classroom or mainstream school environments. A submission to this Inquiry from Family Advocacy will provide you with references to these. This is an organisation our family are members of where we seek information and advocacy advice to enable us to advocate on behalf of our disabled daughter.

Separate segregate settings are far-reaching in our region framed under the banner of 'choice.' Yet I do not know one parent who has ever been fully informed or provided up to date evidence based information or encouraged to think anywhere but separate when seeking enrolment of their disabled children. This shortcoming stems from a limited vision, broad lack of understanding or awareness of disability issues or rights from senior management level or even across disability specialist positions, filtering down to grassroots level.

The barriers and gatekeeping I have attempted to describe are immense. It is time for schools to practice the values they align themselves with and preach to our children day after day. To ensure student wellbeing for all is fundamental to their ethos, not just rhetoric.

Summary of Recommendations:

1. Inclusive education for all students is a fundamental human right. To realise this right, the NSW Department of Education should make progress towards full inclusion in the regular class for students with disabilities an agenda item each and every time they plan educational provisions for students with disability and special needs.
2. Disability Awareness Training that includes inclusive enrolment, inclusion oriented adjustments to curriculum and assessments, and comprehensive understanding and rights based interpretation of the Disability Standards for Education must be mandatory at all levels of Schools.
3. The committee should investigate the increase in support classes and the motivations for this increase on the part of schools, including funding advantages
4. All complaints should be made to and investigated in a timely manner by an independent body external to the NSW Department of Education to reduce the conflict of interest that currently exists and exacerbates issues.
5. We must start to respect all children with disability and value the contributions they can make to our society when given real educational opportunities. In my lifetime, I wish to see the full inclusion of 100 per cent of students with disabilities in regular classes 100 per cent of the time.