

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

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Partially  
Confidential



As public school teachers and NSW Teachers Federation members we continue to campaign for the right of every student to receive a public education of the highest quality and for all students to become successful learners.

We are committed to equity and excellence for every student and in doing so assert, as was confirmed in The Review of Funding for Schooling (Gonski Review) that it costs more to deliver on these values for students with disability.

We will not stand by the currently inadequate provision of education to students with disability and the lifelong implications this inequity has.

The National Education Reform Agreement (NERA) and Australian Education Act 2013, acknowledge the requirement for, and commitment to additional funds for students with disability. The NSW government's unwavering commitment to the Gonski funding model paves the way for this investment to be realised.

We stand ready to work with our employer and NSW government in delivering equitable quality education but can only do so effectively when equipped with the necessary tools and supported by a system that is responsive to need.

We offer the following submission as an index of unmet need and a call for equity for every student.

#### **A) Equitable access to resources for students with a disability or special needs in regional and metropolitan areas.**

1) For those students who need additional support, including adjustments to teaching, learning and assessment activities: a) Do students receive adequate and timely access to this support? • No. The current demands on teachers makes it almost impossible to cater for such diverse learning and wellbeing needs (NCCD) has approximately 233 out of (900 approximately) students that require adjustment due to a disability of some sort. (NCCD 2015). This allocation of students to 2.7 LAST positions is ludicrous. b) Do teachers feel equipped, confident and supported to provide this support? No. Many mainstream teachers do not have the experience or training to provide suitable educational frameworks for individual students with additional needs. This failure has long lasting ramifications for both mainstream students who require no adjustments and students who require significant adjustments. For example, a student who is placed in a mainstream setting that has come from a Multicategory class in the primary setting that has transitioned to a high school environment with no additional funding support is set up to fail. The failure does not stop there. Often these students have significantly higher behavioural issues along with an inability to maintain mainstream educational goals. This in turn places significant pressure on both the teacher and mainstream students with the teacher spending up to 85% of teaching time trying to control undesirable behaviours. The ramifications are huge with mainstream students only receiving 15% of teaching time. Is it any wonder that Australia's global education ranking is on the decline? c) What inhibits and enables access to this support? is 1. A major inhibitor is having students with significant individualised needs whether it be for learning, behaviour or wellbeing (Mental Health) that are on waiting lists for Multi Category class placement that make the transition from a primary Multicategory class to a high school mainstream setting with no additional funding or support from district office. This flaw in the Departments policy directly allows children to fail at a crucial time in education (Transition points) 2. Time is a major inhibitor to this process. Take for example 1 lesson of a regular mainstream class that has a least 25% of students requiring an adjustment to enhance learning; this

equates to 7.5 students out of 30 who need individualised treatment by the teacher. 3. Time to collaborate with LAST is a major inhibitor to this process. 4. This requires the teacher to: a) Investigate Individualised Education Plans, Behavioural plans, and risk management plans for each individual student. b) Follow up with Learning and Support Teacher for guidance and hints. c) Prepare a curriculum based activity to satisfy the needs of students who have no need for adjustments. d) Prepare, in some cases, 7 curriculum based adjusted activities to satisfy the needs of the individual students with higher support needs. e) Prepare in some case 8 different assessment tools. 1 for students who have no need for adjustment and another 7 individualised. An enabler in this process is a functioning Learning Support team that has simple and easy to follow guidelines to enable the above process to be realised. However, I will demonstrate that it is almost impossible for a Learning and Support Team to satisfy all student needs due to other work load commitments and lack of time. 2) For those students who need access to in school specialist support (i.e. support from Learning and Support Teacher, School Counsellor, School Learning Support Officer, Learning and Support Team guidance/intervention): o Do students receive adequate and timely access to this support? The availability and consistency of School counsellors at Schools is a major concern. Many counsellors are split between schools and are not replaced when on leave due to the unavailability of counsellors. At we were working with a counsellor at 0.4 for more than a year for a population of over 900 students. This situation was completely untenable when you consider the expectations of counsellors within schools. (Expand duties involved for a counsellor) This in turn placed enormous pressure on other staff such as the Welfare Head Teacher and the Head Teacher Special Education to take up the shortfall. Students do have access to school specialist support, however there are many factors that need to be considered as to how timely the support is realised. Often there needs to be significant issues surrounding the student and often the Learning Support team is playing catch up. Consider this scenario that continues to occur year after year at

that takes enormous amounts of time in an attempt to give students with additional needs the best start to a major transition point in their education. Several year 7 student transitions from a Multicategory primary school setting into a mainstream high school setting and continue to fall educationally behind their peers and disrupts the class constantly. Referrals have been made after four weeks to the Learning and Support Team. To put additional support in place. The Learning and support team after exhausting all other avenues of support now have to make application through an Online Access Request for Funding Support to support each of these students. This is a very time consuming process for all member of the Learning Support team. (Support should have been established well before the students make the transition to High School to ensure they have the best possible start to school. Who is responsible for ensuring this happens? I believe that the student services personnel, is to oversee this process and assist primary school teachers to ensure applications are made to district office for processing. Applications were submitted by the Primary schools for all of these students and each of them have been placed on a waiting list for Multicategory classes. This is due to an overwhelming need and not enough resources to keep up with growing demand. However, no Funding Support allocation was given to the students to assist in his or her education. If we consider that these students are eligible for a Multicategory class but are given no additional funding the Department of Education and Communities are willingly breaking policy surrounding ratios of student with special needs. Students who are placed in an Multicategory class have the ratio of a maximum of 7 students to a Teacher and a Student and Learning Support Officer. This being the case we can establish that a student who has been placed on a waiting list to access a Multicategory class has the right to the same ratio as in the specialised class. Each of these students should be counted as the equivalent of 4.2 students in a mainstream setting who do not require significant adjustments. Therefore, a class in mainstream that has 30 students 1 of which is on a waiting list for Multicategory placement is over quota by 3.4 students. This is occurring all over the state and is very conservative as the ratio only takes into account the teacher alone. This situation also occurs for the multitude of students who have been diagnosed with a mild intellectual disability who are placed on waiting list for an IM class as there is not enough resources to provide for student's needs. Again these students who are waiting on placement are entitled to a 18 students to 1 teacher ratio as well as a full time School Learning Support Officer. Each of these students

should carry a weight of 1.66 in a mainstream setting. Due to lack of resources provided by the Department of Education and Community students and teachers are not given the appropriate resources to be successful in any education setting provided by them.

- o Do teachers know how to access this support? Systems are in place for teachers to access this support. In-school training has been provided for teachers on processes and where to find forms, referrals, IEP's, behaviour programs, and risk assessments as well as documentation of how to support individuals within the class.
- o Do teachers find this support effective? This differs for individual teachers. Expand, knowledge of how to adjust, knowledge of the individual circumstance, Use of SLSO's etc.
- o Is the professional judgement of teachers acknowledged and respected when accessing this support? Yes
- o What inhibits and enables access to this support? Clear and effective procedures enable the process to be as effective as it can be. However, the weight of numbers that require adjustments within the school is increasing at an alarming rate.
- For those students who need Integration Funding support:
  - o Do students receive adequate and timely access to this support? Yes, support is provided but is grossly inadequate. Support is delivered within the means of the funding supplied to each individual. This area is very complex as students receive an entitlement handed down by State office with no explanation as to how they derived the funding amount. There is no recommendation as to how the funding is to be distributed to the student and there is no accountability on the school's behalf as to how the funding has been spent. All of these decision rest within the school and how to best manage the funds. This has the potential for mismanagement and the loss of support to students who have gained Integration Funding Support. Students who have gained the threshold of \$6400 are offered in most cases the assistance from a School Learning Support Officer to assist both the student and the teacher reach individual education goals. When the minimum threshold has been reached and a student is given \$6400, the assistance in a High School setting equates to no more four periods a week for a student who has significant needs demonstrated in their successful application for Funding Support. Students are then unsupported for the other 21 lessons in a week! Many of the student on funding support also pose greater risk within the various lessons that are undertaken within a week and School Learning Support Officers are commonly used as a risk minimisation strategy particularly in dangerous areas such as the Science Department and TAS department. This scenario is hardly adequate.
  - o Do teachers/the school know how to access this support? Yes, through a Learning Support Team referral and subsequent application to district office. However, average teachers would not understand the complexities associated with such applications and there are only a few specialised teachers such as the LAST, Counsellor and Head Teacher Special Education that has the expertise to write such applications.
  - o Do teachers/the school find this support effective and is it received at levels adequate to deliver equitable access to education and improved learning outcomes? Teachers do find the assistance beneficial. However, many mainstream teaching staff do not have adequate training in how to use a SLSO effectively within their classroom. Also, as mentioned previously, School Learning Support Officer are used to minimize the risk associated with high risk student within high risk subjects such as Science and TAS, however all other subject areas will miss out on assistance due to the limitations of support offered. Is the professional judgement of teachers and that of others directly involved with the student, acknowledged and respected when accessing this support? No. Every Online Access Request that I submitted as the author was returned by District office stating that I had to lower access domain rankings as there was limited evidence provided by specialists such as Paediatricians, Psychologists and Psychiatrist. This policy clearly demonstrates discrimination towards families that do not have the capacity to follow up these referrals. Many of these families are from Low Social-economical backgrounds and lack the resources to make costly appointments with a team of specialists. Take for example

Another important factor in this process is that a Student Service Consultant at District Consultant is making so called informed decision about the Domains a student will receive without even meeting the student or their family. In the last four years I have seen the Student Service Office annually for a review meeting. In this meeting paper work is reviewed; such as Disability Confirmation Sheets, Behavioural/Risk Assessments, Individual Education plans and whether students are correctly placed. At no time did they meet students, or gain an understanding of the lack of resources in the form of suitable accommodation provided by the Department of Education. The Support Unit had been placed on the second floor of a building for many years with clear breaches of the Work Health and Safety regulations. It was only moved after an audit was done highlighting the potential dangers for all students particularly this with Mental Health issues. The support Unit has now been moved downstairs with one class in a demountable. This continue to be inadequate as there is no purpose built facility to educate students with severe learning and behavioural disorders as well as students that have significant Mental Health issues. o What inhibits and enables access to this support?

Inhibitors: 1. Time for Collaboration in high school settings. Collaboration is vastly different in a primary school setting compared with a high School setting. In a Primary setting there is often a base teacher that is responsible for delivering all KLA's to students, whereas in a high school setting that same student could have more than seven different teachers. 2. Lack of a transparent process from District and State office for both teachers and parents as to the reasons why a tagged funding number in dollars was granted and how best to use the funds for the benefit of the child. 3. The confidentiality of the Online Access Request and the lack of access to mainstream staff. Especially when dealing with violent students. As teachers only have information from a risk assessment developed collaboratively by the Learning Support Team but mainstream teachers have no knowledge of specific incident from other school's or the nature of the violence. 4. The capacity of parents to engage in Specialist care to gain Documentation as evidence to support teachers gain Funding Support, particularly the most vulnerable. 5. Timely Access to Outside Specialists such as Psychologists, Paediatricians Psychiatrists. This is a major concern as some parents need to travel because the resources are not readily available in the District, with long waiting lists. 6. A District panel that consists of representatives of a cross section of schools within the area but not all. Therefore, a panel is only making informed decisions as to the students they know. How do they make decisions on the students they have had no contact with??? 7. Students Service Consultants rejecting applications and suggesting domains Levels need to be lowered without even meeting the student. 8. Not respecting the professional judgement of a Learning Support Team and front line teachers and dismissing the individual knowledge that teachers have on students. • For those

students requiring a support placement: o Do students receive adequate and timely access to this support? • No. The current process that has been undertaken by the Department of Education and Communities has major flaws that impact directly on students and staff, particularly in the area. • Firstly, the district does not have the means and resources to satisfy demand in the District. District Office has known about this situation for many years but failed to act. Each year for the last 4 years has had no less than 5 students placed on a waiting list for MC placement who were transitioning from a primary Multi Category class settings. These students were then placed in mainstream settings with no funding support. This caused many of these students to fail. One of these students failed to attend school as a direct result of no placement availability and no additional Funding Support provided. As a result, the student has repeated in 2017. The student still awaits Funding Support that now needs to be done again by the Learning and support Team. • Secondly, the issue dramatically increases when students who been recognised by the Department of Education and Communities as being eligible for Support placement but placed in a mainstream setting with no Funding Support where teachers are ill-equipped to deal with significant challenges in learning, behaviour and welfare. • o Do teachers/the school know how to access this support? Are they familiar with and supported through the Access Request process? Again, only specialist teachers are familiar with the process. o Is the professional judgement of teachers and that of others directly involved with the student, acknowledged and respected when accessing this support? No. Take for example a student who was placed in the Support Unit at by the Minister of Education after being excluded from many schools in the area for excessive violence towards both students and staff. This placement was demanded by the Minister even when the Student services consultant and Head Teacher Special Education found the placement to be unsuitable due to a host of reasons. 1. No purpose built facility to assist in the students Education 2. Support Unit placed on the second floor of a building with no safe area or way of containing dangerous behaviour. 3. No additional funding to support the transition even though he had been excluded from the school environment for over 12 Months. I was told that district office had not been given their budget as yet. 4. Out of Date Risk and Behaviour Assessments. 5. No recent psychological reports.

The school held this expense for over 18 months until an application for Funding Support was applied for and successful. This cost endured by the school directly took funds away from other students who have additional support needs. It was clear that a placement at a purpose built facility was the safest way to ensure the students safety and the right to an education. The school made application to have the Disability confirmation sheet updated to reflect Mental Health issues and a Behaviour disorder. This application was dismissed

This is an extreme example of the Department not recognising or ignoring the professional Judgement of staff that have direct contact with students and their families. o Has the school been asked to resubmit Access Requests, re-assess the domain level for the student and/or make changes that do not reflect the professional judgement of those directly involved with the student? This happens on almost every application to the point where domain threshold is not

reached, but students are on waiting lists for specialised classes. Interestingly, the need for Multicategory placement is increasing but resources are staying the same. The process / policy only allows student to be on a waiting list for 12 months then the application expires and needs to be resubmitted. This often occurs 12 months after the student has transition to high school and a new crop of applications have come through for the new year 7 and placements become full again. Is there any point reapplying when all suitable placements are taken? o When students have not been deemed eligible or suitable for a support placement, has the school been provided with a timely and satisfactory rationale for the decision and alternative support to meet the student/s' needs at their current school? There is no explanation or satisfactory rationale as to why an application has been successful or denied. Both parent and teaching personnel are informed of placement through a letter of placement whether the application is successful or the student is placed on a waiting list. Furthermore, no assistance is given to students who are on waiting list to support them in the mainstream environment. How can a student who is eligible for IM or MC placement not reach threshold to be considered for Funding Support?

The process is not transparent and there is no avenue for appeal in this situation for teachers and parents alike. District office has final say on placements. I have had many issues with how the District runs their operation and have also written letters of concern to my Principal for investigation but the issues are continually swept under the carpet. Below is a letter to my Principal.

On both of these occasions there was no interaction with the students, both were interested in up to date paper work with review. 10. A panel that can make major decisions about student placement which have not even met the families or the child that they are providing an education for through their own district resource. Have students been deemed suitable and eligible for support placement and not been offered a placement? Yes, on many occasions How long did these students have to wait for placement? Some students wait indefinitely. What support was offered to the school in the interim? None Were these students transitioning to Kindergarten/High School/new school? Yes, all students were transitioning from a primary to a secondary setting. Were any of these students already in a support setting? Yes, many of the students came from a MC class setting. o Does your school have a support unit? Yes. o Has it sought to establish or expand its number of support classes? These request have been made to District office on many occasions. However, has very limited room. As mentioned the Support Unit was placed on a second floor of a building that posed significant risks to both staff and students for a period of 6 years. It was only moved to a safer setting when I demanded an audit. The support unit was deemed at high risk through this process and was subsequently moved. The Support Unit is not purpose built and one class has been moved to a demountable. does not have the facilities to house another class. o Have these requests been successful? No o What inhibits and enables access to this support? Inhibitors: 1. A significant difference in the supply of facilities such as IM, IO, IS, BD, ED,



and MC classes compared to the demand or need. 2. A bias of Panel personnel from selected schools. 3. Open and transparent rationale for decisions. 4. MC students placed on waiting list that are only valid for 1 year. 5. No face to face contact with students and panel members. 6. No purpose built facilities to assist in the learning of students with special needs. • For those students who require specialist equipment and/or environmental adjustments: o Do students receive adequate and timely access to this support? Yes, however chasing up support documentation creates a time lapse. o Do teachers know how to access this support? Yes, through the LST. o Is the professional judgement of teachers acknowledged and respected when accessing this support? All applications have to show just cause through external specialists before an application is considered. o What inhibits and enables access to this support? Inhibitors: 1. Parents / carers capacity to follow up on costly Specialist appointments. • For those students whose needs require support and intervention from the relevant personnel in the Educational Services team: o Do students receive adequate and timely access to this support? o Do teachers know how to access and get the necessary access to this support? o Do teachers find this support effective? o Is the professional judgement of teachers acknowledged and respected when accessing this support? o What inhibits and enables access to this support? • Consider whether your workplace has the adequate resources to: o Support genuine ongoing consultation with parents and carers o Identify the needs of and necessary adjustments for students o Provide the required reasonable adjustments to students o Implement and maintain assessment of need and efficacy of adjustments o Run an effective Learning and Support Team o Provide teachers time to develop personalised learning and support o Provide teachers access to specialist support and special education expertise o Provide teachers access to relevant professional learning o Provide teachers access to in class support o Provide every student with equitable access to teaching and learning o Establish processes to engage in effective transition planning for students

**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.**

**C) Developments since the 2010 inquiry by General Purpose Standing Committee No. 2 into the provision of education to students with a disability or special needs and the implementation of its recommendations.**

**D) Complaint and review mechanisms within the school systems in New South Wales for parents and carers.**

This system is in place but then the Placement panel makes a quick fix by place students in support environments. " The squeaky wheel gets the most grease" This makes the process extremely hard for other deserving placements. • is there any further student/teacher/school/system need that your workplace wants to put on record to the Inquiry's Committee? Yes. 1. Inadequate resources provided in and outside the Department of Education and Communities.

The past four years has seen without a full-time counsellor on premise to deal with issues arising. This has continued to pose many problems for our school population as the school counsellor is not readily accessible at all times. Currently, has a population of 947 students. At we have approximately 8% with a diagnosis of a Mental Health disorder and this is conservative side as many students and their families do not inform the school of issues that many individuals have. A recent study into Mental Health in adolescents has indicated that the numbers are rising significantly and that our community is now seeing 1 in 7 with a Mental illness of some sort between the age of 13 and 17. It also indicated that fewer than half are receiving the treatment they require to make significant recovery. Furthermore, the resources to deal with Mental Health issues in are stretched to their limits

with waiting list at CAMS and other organisations. For Example, one student who had significant Mental Health issues had started experimenting with ICE as well as cannabis and was at considerable risk to himself and others. Staff at                      took the student to CAMS to get an assessment as the school counsellor was unavailable on the day.

Further evidence that the                      District has very limited resources to deal with homelessness, mental health and the ability to keep young people safe can be seen in yet another example of a government who fails to deliver.



**E) Any other related matters.**

is there any further student/teacher/school/system need that your workplace wants to put on record to the Inquiry's Committee? Yes. 1. Inadequate resources provided in and outside the Department of Education and Communities.

The past four years has seen [redacted] I without a full-time counsellor on premise to deal with issues arising. This has continued to pose many problems for our school population as the school counsellor is not readily accessible at all times. Currently, [redacted] has a population of 947 students. At [redacted] we have approximately 8% with a diagnosis of a Mental Health disorder and this is conservative side as many students and their families do not inform the school of issues that many individuals have. A recent study into Mental Health in adolescents has indicated that the numbers are rising significantly and that our community is now seeing 1 in 7 with a Mental illness of some sort between the age of 13 and 17. It also indicated that fewer than half are receiving the treatment they require to make significant recovery. Furthermore, the resources to deal with Mental Health issues in [redacted] are stretched to their limits with waiting list at CAMS and other organisations. For Example, one student who had significant Mental Health issues had started experimenting with ICE as well as cannabis and was at considerable risk to himself and others. Staff at [redacted] took the student to CAMS to get an assessment as the school counsellor was unavailable on the day.





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