

Submission  
No 35

**INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH  
DISABILITY IN NEW SOUTH WALES EDUCATIONAL  
SETTINGS**

**Organisation:** Australian Association of Special Education NSW Chapter

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## **Children and young people with disability in New South Wales educational settings**

The Australian Association of Special Education, NSW chapter (AASE NSW) is a broadly based organisation that advocates for the provision of quality educational services for people with special educational needs. AASE NSW is actively involved in advocacy for, and delivery of, quality education to students with disabilities and special education needs. AASE has provided feedback and advice to the NSW Education Standards Authority (NESAs) regarding curriculum and regularly meets with education authorities regarding the education of students with disability.

AASE NSW welcomes the opportunity to contribute to this inquiry. AASE NSW is committed to supporting the education of students with disability, and their teachers regardless of educational setting. AASE recognises that students with disability are not a homogeneous group and that individual needs will differ, as will effective means of meeting those needs. Many students with disability may have their needs met in mainstream settings, while others may need a range of different services. The emphasis must always be on what is best for the student at any time, with decisions made collaboratively with parents/caregivers and the student (where possible). Special education and regular education are not separate entities but rather represent different aspects of educational planning and program implementation. Many skills in assessment, curriculum design and teaching that have been traditionally associated with special education are based on the results of research on effective teaching and are beneficial for all students.

We know from previous inquiries and the recent Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability that many students with disability do not have their educational needs met. Recent research in NSW schools also found that not all students with disability in inclusive settings were having their needs met. Although schools were committed to including students with disabilities the adjustments made were often insufficient to meet needs and there was often a reliance on School Learning Support Officers (SLSOs) to be the adjustment. Many schools were unaware of effective strategies that could be employed, and there was limited assessment and monitoring of student learning (Carter et al., 2022a; 2022b; Cumming et al., 2020). We recall that among the 39 recommendations from the NSW Legislative Council's 2017 inquiry concerning special education services, recommendation 18 stated:

*That the NSW Government only offer programs in New South Wales schools that the NSW Department of Education can certify are supported by peer-reviewed evidence of change in the trajectories of student outcomes over time (p xiii).*



Effective practices for students with disability include:

- Individualised or personalised planning and teaching of identified curriculum outcomes and content, along with the provision of adjustments to meet specific measurable goals. These goals should be based on curriculum-based assessment and be determined in collaboration with teachers, families and the student (where possible).
- Ongoing monitoring (formative assessment) of student learning and evaluation of programs and instructional strategies, with revision of curriculum content and adjustments as required based on the data collected.
- Explicit, teacher-directed instruction which includes presentation, modelling, guided and independent practice with ongoing review of learning.
- Practices drawn from applied behaviour analysis (ABA) including prompting strategies, antecedent interventions, positive behaviour support, functional assessment of behaviour and related programming and intervention.
- Use of assistive technology such as communication devices and text to speech software.

In this submission we note:

- Research-based practices to ensure the best educational outcomes for students with disability.
- The importance of data on student outcomes to allow evaluation of the effectiveness of individual adjustments for students with disability.
- Barriers to the provision of quality education to students with disability:
  - Lack of commitment to promoting evidence-based practices.
  - Disproportionately high levels of punishment, suspension and restrictive practices.
  - Lack of preparation of pre-service teachers.
  - Lack of appropriate support and professional learning for classroom teachers.
  - Shortage of qualified special educators for support roles in mainstream schools and classrooms.
  - Lack of qualified special educators in special classes and schools.
  - Inappropriate use of SLSOs.
  - Part-time attendance.
- Means of addressing these barriers
  - Identification and dissemination of effective practices in pre-service and in-service teacher education, including both academic and positive behaviour support.
  - Provision of more qualified special educators for Learning and Support Teacher roles (LAST) and teaching positions.

AASE NSW would like to acknowledge the significant initiatives being undertaken by the NSW Education Standards Authority (NESA) over the last several years to develop curriculum which take account of the full range of student needs. In particular, the development of outcomes and content for students with significant intellectual disabilities is seen as a very positive step forward. AASE NSW has had direct input into this curriculum development and is appreciative of the efforts of NESA in this important area. These new curriculum and support



materials will greatly assist teachers in both specialist and mainstream settings to meet the needs of students more effectively.

### **Lack of data on student outcomes**

In order to assess the degree to which current educational practices meet the needs of students with disability, we must have access to sound and robust assessment data on student outcomes. For typically developing students, data on outcomes are collected through the national NAPLAN assessments, but more than a third of students with disability do not participate (Dempsey & Davies, 2013). Dempsey and Davies comment (p. 9) that “the lack of NAPLAN data on the achievement of students with disabilities could easily give the impression that these students do not exist in the education system”. The lack of data means there is a lack of accountability for students, who if provided with appropriate programs and instruction and with suitable adjustments could complete NAPLAN assessments, as well as a total lack of accountability for those who are exempted because of significant intellectual disability. Student outcome data would provide one source of information to allow consideration of the effectiveness of the schooling and adjustments provided.

The lack of outcome data means that although schools may be making individual adjustments in attempts to meet student need, there is no way of judging the general effectiveness of these adjustments, or knowing whether additional targeted funding and supports for students with disability are effective. Data are required not only on the supports and adjustments provided (for example that collected through the Nationally Consistent Collection of Data on Students with Disability) but also on the outcomes for students. The educational progress of ALL students must be monitored.

The measurable achievements of many students with significant levels of disability, in particular, those students with moderate and severe levels of intellectual disability, have rarely been reported on, other than on an individual basis to parents and carers, and many thousands of students with special needs are exempted from any form of national or standardised assessment. A significant improvement would be the development and use of accountability measures for students with disability who are currently not included in NAPLAN. For lower-achieving students with mild disabilities or with severe learning difficulties, there is anecdotal evidence that schools suggest parents withdraw these children from NAPLAN and they then do not appear in the school data. Students who are judged unable to participate in NAPLAN, even with suitable adjustments, are exempted and simply included in the data as being below the minimum standard. This means, in effect, that there are no external accountability measures for schools educating students with disability.

There is a clear need for data collection to **provide accountability and transparency around educational outcomes for students with disability who do not participate in NAPLAN**, particularly those with more severe or complex disability.



## Barriers to safe, quality and inclusive education

Teachers report being inadequately prepared to teach and support the growing number of students with disabilities enrolled in their mainstream classrooms. Students with disabilities may present with learning difficulties and problem behaviours for which regular classroom teachers have not been prepared to plan and implement interventions. **Lack of teacher skills and knowledge to implement effective programs, instructional strategies and positive behaviour support is a major barrier to student achievement.** Related to this is the **lack of qualified special educators who can provide support regarding evidence-based strategies** to schools and teachers and specialist support to students with more complex needs.

The wellbeing and educational outcomes for students with disability is impacted by disproportionately high levels of punishment, suspension, and restrictive practices (Australian Parliament, 2023). Basic suspension data from NSW public schools utilizes the Nationally Consistent of Data on School Students with a Disability (NCCD) category of ‘students receiving an adjustment for a disability’ to access and participate in education. In the first semester of 2022, 7.7% of students received one or more suspension. More dramatically, of the 33,473 (short/long) suspensions issued in the same period, 17,983 were attributed to students with disability (NSW Department of Education, 2023a). While representing 18% of enrolments, students with disability accounted for more than 50% of the suspensions. In the non-government school sector, punishment, suspension, and restrictive practices continue to be opaque.

In the most recent version of the NSW DoE’s suspension policy, a suspension is now deemed ‘a behaviour management intervention’ (NSW Department of Education, 2024). This is problematic. Both the Legislative Council and NSW Ombudsman’s inquiry into behaviour management observed in 2017 that

*...that suspensions were being used as a general measure to reduce disruption to classrooms, despite there being no evidence to suggest that it would. (NSW Parliament, 2017, p 24).*

A suspension may sometimes be needed for the reasons of student safety. However, a suspension will likely increase the frequency and intensity of the behaviour of concern. Effective behavioural supports and interventions are educative, and require teaching and learning components (Walker et al., 2018; Australian government, 2023). The implementation of behavioural supports requires the workforce to be trained and supported with effective systems to enable implementation (Horner et al., 2017). In contrast, a suspension is an administrative procedure that removes the student from any such intervention (Freeman et al., 2021).

Additionally, the NSW Ombudsman report found that restrictive practices were being used in ways inconsistent with and contrary to the intentions and guidelines for their use (2017). A subsequent DoE review was welcomed by educators, especially special schools educating students with more significant and complex needs. It was revealed that some practices routinely



used in specialist settings and recognised as research-based and effective practices (such as hand-over-hand assistance), were perceived by others as ‘restrictive’. Special schools are generally aware of the need to eliminate or minimise restrictive practices through developing, implementing and reviewing health care and behaviour support plans. In some situations, school staff may need to intervene physically to protect themselves and other students or to provide physical support to a student with comprehension difficulties.

In 2023 the NSW DoE created a new restrictive practices policy and a series of resources to assist schools (NSW Department of Education, 2023b). The implementation of this policy has been delayed until 2025, and according to the DoE it remains under review. It also remains unclear how schools will be supported to effectively implement the policy. As restrictive practice usage is associated with workforce knowledge and skill, implementing the policy will require training, assessment and monitoring. A framework is available (NSW DoE, n.d.) and is also under review. The framework addresses some of the concerns reported to AASE NSW from specialist settings regarding the use of physical prompting and physical support or intervention to keep students safe by clarifying that these procedures are necessary and acceptable.

An issue related to restrictive practices raised by specialist schools was that the lack of understanding by some visitors (including therapists) to specialist schools of the need for some practices when teachers are educating students who can be violent, who may have limited cognitive understanding of safe behaviour, who do not comprehend spoken language and are non-verbal and who may have difficulty understanding when activities must be changed. In these situations, staff may need to intervene physically to protect themselves and other students or to provide physical support to a student who does not comprehend language (for example, if a student is violent, if a student attempts to eat non-food items, if a student needs to be guided away from an unsafe area). AASE NSW has been provided with the following examples of practices that have been reported as restrictive, but that are essential to providing a safe environment for vulnerable students:

- Utilising gates to different areas of the school and playgrounds which separate potentially violent students from students who are more vulnerable such as those in wheelchairs, those with complex medical conditions and students with physical impairments.
- Teachers and SLSOs providing support to students in the community to enable safety around traffic such as holding a student’s hand or guiding their elbow.

AASE NSW believes that definitions of restrictive practices in regard to students with complex communication needs and intellectual disability need to be clarified, and the new framework (NSW DoE, n.d) addresses this issue. These definitions and policy must be clearly communicated to visiting therapists. As the framework notes, physical supports are an integral part of educating students with severe disability and staff should not be concerned and stressed that they will be reported if they use them. They should not reach the point of wanting to decline the presence of a visiting therapist in the school out of concern that their actions will be interpreted as restrictive. Similarly, separation of areas within a school that caters both for very



vulnerable students and physically able students who can be violent and who have little understanding of safety is a necessary means of providing a safe environment.

AASE NSW recommends that NSW DoE continue to work towards:

- Clarification of what are acceptable teaching practices using physical prompting and physical support for students with more severe disabilities.
- Clarification of what are acceptable safety procedures for managing playgrounds and community access.
- Provision of clear guidelines to schools and those visiting schools (such as therapists) regarding acceptable practices.

## Summary

AASE NSW believes that access and attainment would be improved by ensuring all students with a disability are taught by teachers with the required skills and knowledge. It is crucial that mainstream class teachers are able to make adjustments and differentiate teaching strategies and curriculum to meet diverse needs. At times this will only be possible with the support of a specialist educator, but initial teacher education could certainly be improved.

A significant barrier to improved teacher practice and student outcomes is the failure to engage with high quality scientific research at all levels of education. The NSW Department of Education has moved in the right direction with the establishment of the Centre for Education Statistics and Evaluation (CESE), but it is worth noting that this section of the Department does not have a direct role in determining what programs and practices are adopted in NSW schools. AASE NSW believes that NSW DoE should support schools to implement effective practices as identified by CESE. More broadly, current attention to the science of learning is also a step in the right direction.

### **Addressing barriers – commitment to evidence-based practice**

There needs to be a change in mind-set in all education authorities, including education departments, and universities to start treating and valuing education as a profession built on a foundation of research. This move is unlikely to come from within university education departments or established state education bureaucracies. The failure of universities and education departments to equip teachers with evidence-based practices is well illustrated by the 50 year time span it has taken for education authorities to accept that explicit instruction and a research-based curriculum are essential elements of effective reading instruction for ALL students. As with medicine in the early years of the 20th century, change is likely to be driven by inquiries, such as this one, and evaluations from those outside the existing education system. The beginnings of this process may be seen in the recent inquiry into initial teacher education which recommended the inclusion of evidence-based pedagogical practices in initial teacher education programs (Strong Beginnings: Report of the Teacher Education Expert Panel). The Australian Institute for School Leadership (AITSL, 2023) has recently issued an addendum to the accreditation standards for initial teacher education programs in Australia. If adhered to this should mean means initial teacher education programs in future will contain much more



research-based content that will support the education of students with disability including specific instruction, research-based curriculum for reading instruction, positive behaviour support, formative assessment and content regarding unsupported practices. The current teaching workforce remains under-equipped in these areas.

When research-based practices are identified, there should be a requirement that these are taught in teacher education programs, professional learning courses and implemented in schools (see for example, What Works Best: Evidence-based Practices to Help Improve NSW Student Performance, CESE 2014). Where practices are unproven or disproven (such as the use of sensory integration-based approaches for students with disability), schools should be actively discouraged from using such approaches.

AASE NSW therefore recommends:

- That state education authorities take responsibility for promoting evidence-based special education practices and advising against disproven approaches. Currently, education authorities do not consistently provide this advice, and in fact promote and tolerate unproven and disproven practices.
- That state authorities, in consultation with special education researchers and knowledgeable professionals, develop a set of criteria or adapt existing standards relevant to Australian schools, for judging the standard of evidence available about special and inclusive education practices.

### **Addressing barriers – Adequately prepared and supported classroom teachers**

Classroom teachers must be adequately prepared to make individual adjustments for students with disability as required by the Disability Standards for Education. AASE NSW believes that teacher education courses must have **at least one stand-alone unit** that addresses pedagogy for students with disability and special education needs, preferably linked to a quality practicum in an inclusive setting with an effective teacher supported by a qualified special educator. Course content must include the legal obligations of schools and teachers, information on assessment (including curriculum-based assessment which provides individualised measures of student achievement related to specific outcomes), programming, instruction, positive behaviour support and making adjustments and collaboration with specialist teachers, SLSOS (teaching assistants) and families.

We note that NESAs have, since 1994, required initial teacher education courses to include **one stand-alone unit addressing special education and also embed content** across the course. We also note the ongoing concerns of teachers, that they are ill-equipped to teach students with disability. We strongly endorse the continuing requirement for a specialist unit but recognise that this may be **insufficient to fully prepare** teachers. Anecdotally, it is of some concern that special education units are devoting less time to evidence-based teaching strategies and more time on human rights and ideological driven arguments about special versus regular education.

AASE endorses the NESAs requirement that all units in content areas should include teaching methodologies for assessing and instructing students with disability. We also endorse the recent





AITSL moves to mandate research-based content such as explicit instruction in initial teacher education instruction as well as student-centred approaches. This is particularly important for key areas such as early literacy and numeracy instruction and gives regular teachers the tools for effective differentiation. The recent report on teacher education (Next Steps - Report of the Quality Initial teacher Education review) has recognised the need for all teachers to have skills in evidence-based practices for teaching, classroom management and supporting students with disability. Hopefully the addendum to the AITSL standards for initial teacher education following from the inquiry will help to ensure that future teachers will have the capacity make some appropriate adjustments to teaching and curriculum using research-based practices.

Given the concerns of practicing teachers, and the recognition that teachers need more grounding in research-based practices, it is clear that ongoing professional learning is needed. This should cover research-based approaches, and should include in-class coaching and feedback, from a qualified specialist teacher. Single shot professional learning sessions and online programs without a coaching component are likely to be ineffective in changing teacher practice. Part of the role of qualified specialist teachers in schools would be to co-teach and coach teachers and teacher assistants to increase their skills.

AASE is supportive of steps to be taken in relation to state and commonwealth funding of universities – particularly that the content of teacher education courses should clearly reflect research based best practices. Recently released research in relation to student reading levels clearly highlights the importance of consistency in implementation of research-based proven practices across all teacher education settings.

### **Addressing barriers – providing more qualified special educators**

NSW DoE has recognised the importance of additional support for teachers and students with disability through the creation of Learning and Support Teacher positions in every school. AASE NSW commends this initiative but notes that whilst the NSW DoE aims to have these positions filled by qualified special educators (teachers who have completed additional post-graduate education in special education/inclusion), at present many (maybe around half) of these teachers are unqualified. It was a recommendation of the 2017 NSW Parliamentary Inquiry (Recommendation 35) that DoE should work towards all LASTS having a qualification in special education. AASE acknowledges that NSW DoE offers scholarships for study in inclusive and special education but the progress towards having a qualified special educator in every school is slow. Just as a qualified special educator is the ideal for LAST positions, there should be the same requirement for teachers who are responsible for support classes in mainstream schools and classes in special schools, where again, many teachers are unqualified.

### **Addressing barriers – Inappropriate use of SLSOs**

At present SLSOs may be seen as a solution to the problems teachers may experience when they have a student with disability in their class. The presence of an SLSO is often seen as an adjustment with little thought given to the student outcomes related to SLSO support or how that support may be reduced to promote student independence.



AASE NSW believes that:

- The SLSO can be one valuable avenue of support for some students with special education needs, especially when they are trained to deliver evidence-based program to individuals or small groups.
- Responsibility for all students must remain with the class teacher, SLSOs are not equipped to plan adjustments.
- SLSOs should be assigned to support a classroom, that is the teacher and all students including the student with special education needs.
- Roles and responsibilities of teachers and SLSOs should be clear and unambiguous, with the SLSO working under the direction of a teacher.
- Regular and special educators should receive professional development to enable them to plan for, work with and supervise an SLSO as effectively as possible.
- Mentoring opportunities should be formalised as an essential component of professional development for teachers and SLSOs.

#### **Addressing barriers – part-time attendance**

AASE NSW is aware of reports that some students with disability attend school part time. We are also aware of reports that families are often asked to remove their child for the remainder of the day after problem behaviour. We recognise that for some students with health needs, part-time attendance may be the best option but for other student we believe it is lack of teacher skill and knowledge, particularly in managing behaviour that results in part-time attendance. At present we understand that no data are collected on part-time attendance or absences for part of the day due to student removal. The Audit Office (2022, p.12) report on student attendance and suggested “further work could be done to establish appropriate definitions for reporting on attendance for students with disability”. AASE NSW that these data be collected to ascertain the size of this problem.

AASE NSW recommends:

- Better preparation for ALL teachers so they know and can implement effective educational practices for students with special education needs.
- A requirement that all teachers in support and special education positions hold a special education qualification (that includes skills in collaborating with and coaching adults).
- A requirement that all regular class teachers have access to support from an appropriately qualified special educator.
- Effective on-going professional learning for in-service teachers (individualised with a coaching and feedback component).
- Support for schools to make adjustments other than providing a teaching assistant or teacher assistant hours such as more support from special educators, peer support and tutoring systems, better deployment of specifically trained teacher assistants, volunteers, buying in appropriate programs and materials and training teachers or SLSOs in their use.



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