

*family*

A D V O C A C Y

Submission to the New South Wales Legislative Council  
Inquiry into the provision of education to students with a  
disability or special needs in government and non-  
government schools in New South Wales

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**Contact: Meg Clement-Couzner**

Senior Systemic Advocate

**[meg@family-advocacy.com](mailto:meg@family-advocacy.com)**

(02) 98690866

**[www.family-advocacy.com](http://www.family-advocacy.com)**

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## About Family Advocacy

Family Advocacy is a state and federally funded disability advocacy organisation in New South Wales (NSW) founded by families of people with disability. Our goal is to advance and protect the right of people with developmental disability to achieve meaningful lives and enjoy the same opportunities and living conditions as the majority of Australians. The organisation has a high presence and profile:

- building the capacity of families to undertake an advocacy role;
- auspicing a successful ongoing capacity building initiative, called Resourcing Families;
- developing leadership skills in families;
- making representations to Government regarding legislation, policy, funding, monitoring and practice and the extent to which they reflect the needs of people with developmental disability;
- and providing advocacy related information, support and advice.

Family Advocacy performs a combination of family and systemic advocacy in NSW. “Family advocacy is an independent, community-based model that usually involves family members acting on behalf of a son or daughter or sibling” (Weafer, 2003, p.39), and “systems advocacy lobbies for reform and change of social systems and structures that discriminate against, abuse and neglect people with disabilities” (Seymour and Peter, 2004, p.12). Advocacy is a cornerstone in the lives of people with disability and those that love and support them, ensuring that their rights are protected and they have natural safeguards.

Family Advocacy helps families to advocate on behalf of their child for a good life with the things most of us would expect in Australia: education in a regular classroom at a local school, a place in the community amongst friends and family, and the supports, informal and paid, necessary to make that happen.

### Case study

*A mum may call Family Advocacy because she is facing difficulty at her son or daughter’s school when asking the classroom teacher to make reasonable adjustments to the curriculum for her child with disability. Adjustments are needed so that he or she can continue to be included in the regular class at the local school. Family Advocacy staff would work through her concerns, provide her with information about relevant policies, including the Standards, support her to be assertive in asking for her child to be included, and to look for a mutually workable solution in dialogue with the school.*

## Summary of Recommendations

1. That the committee note and review the evidence from three research papers included in the appendix to this submission and listed in selected references on page 20, and make recommendations to the Minister for Education and NSW Department of Education accordingly.
2. That the committee request confirmation of the statistics shared above from the DoE. We also recommend that the committee seek information about the numbers of support units in NSW over the last five years, and updated information about the number of enrolments in support units.
3. That the committee recommend that the NSW Department of Education should transfer human resources from the enrolment of children in special schools and support units to supporting them to transition successfully into mainstream schooling.
4. That the committee recommend that funding for education must take into account the need for adequate release time and support for students with disability and their educators. This is crucial to inclusion.
5. That the committee recommend the NSW government, with the Coalition of Australian Governments, should commit to targets for increasing the number and percentage of children with disabilities in the regular classroom, with adequate supports for students and teachers.
6. That the committee recommend that schools must be required to enrol all local children in the regular class where families seek enrolment and the NSW Department of Education should direct all principals and staff that enrolment in regular class is best practice for students with disability, and develop support roles to transition special education staff into regular schools.
7. That the committee recommend that upon approaching a school to inquire about enrolment, all parents should be given information about the rights of all children to enrol in their local school.
8. That the committee recommend that information about the Disability Standards for Education should be included in all enrolment kits across Australia, and on the enrolment pages of the DoE website.
9. That the committee recommend that parents of children with disability should be given a fact sheet on the Disability Standards for Education, whenever the child's disability is identified. This may happen at various points in the process, including but not limited to enrolment, when adjustments are made by a class room teacher, at an Individual Learning Plan meeting or follow up.
10. That the committee recommend that the NSW Department of Education should engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom.
11. That the committee recommend completion of training on the Disability Standards for Education should be mandatory for new staff, and that update training also be mandated. In addition:
  - training on the Standards should be mandatory for all teaching and support staff, and training resources should be updated to show positive stories of substantive inclusion in regular settings,
  - and the Standards website should be updated to include positive stories of substantive inclusion in regular classroom settings.
12. That the committee seek information from the DoE regarding the number and proportion of regional schools with support units, regional special schools and in

particular, number of communities where the only school in the area has a support unit.

13. That all NSW Department of Education staff, starting with principals and school leaders and learning and support teams, should compulsorily undertake professional development on:
  - inclusive enrolment
  - inclusion oriented adjustments to curriculum and assessment,
  - and managing and interpreting challenging behaviour and the Disability Standards in Education.

As a first step, Family Advocacy recommend that all teachers involved in applying for additional funding for schools based on the needs of students with disability undertake training on the standards as a matter of urgency.

14. That the Department of Education include means by which it plans to increase the numbers of children with disabilities in regular class in its next inclusion plan.
15. That the committee recommend the Department of Education undertake further promotion of the PLASST tool and development of a similar tool as a replacement for cognitive testing take place.
16. That the committee recommend that the leaders of the DoE reiterate their expectations of engagement with parents, and include this in performance outcomes for teachers.
17. That the committee recommend that the SLSO role should be reviewed in consultation with families and people with disability, the details better publicised, and made available to all families whose children with disabilities receive additional funding support. Additionally, the Minister should prioritise its implementation in a consistent manner.
18. That the committee recommend that the NSW Institute of Teachers work with NSW university education programs to develop a consistent and evidence based teaching curriculum for pre-service teachers that includes substantial work on meeting the needs of students with disabilities, and that progress on this matter be made publically available.
19. That the committee recommend that like teachers, SLSOs should undertake training on student's rights under the Disability Standards in Education, as well as behaviour and communication interpretation and response and social facilitation that centres on the students, not the Officer.
20. That the committee recommend that explanation of complaints processes, including complaints within the Department of Education and avenues for complaints about the Department of Education to be made externally should be included in all enrolment kits across Australia.
21. That the committee recommend that the NSW Ombudsman be resourced to take on a more active role in complaints about the NSW Department of Education.
22. That the committee recommend that expansion of the role of the NSW Ombudsman could help track and provide a fuller picture of breaches of the Disability Standards in Education in NSW.

## Introduction

The terms of reference for this inquiry refer to a number of areas where students with a disability might experience inequality, such as those living in rural and regional NSW. Family Advocacy proposes two other key issues to the committee. These are, firstly, the organisation of schools into separate settings and pathways for children with disability and typical children, and secondly, the continued practice of encouraging parents to enrol their children with disabilities into special schools or support classes. In this Introduction, Family Advocacy will address the issue of separate educational settings for children with disability.

## What are inclusion and segregation?

The United Nations Convention on the Rights of People with Disability declares that:

*States Parties shall ensure an inclusive education system at all levels and lifelong learning...*

*2. In realizing this right, States Parties shall ensure that:*

*Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*

*Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*

*Reasonable accommodation of the individual's requirements is provided;*

*Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*

*Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion...*

*5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.*

In addition the General Comment on the Right to Inclusive Education, released in 2016, defines segregation as against inclusion, stating:

**Segregation** occurs when the education of students with disabilities is provided in separate environments designed [or used] to respond to a particular or various impairments, in isolation from students without disabilities. **Inclusion** involves a process embodying changes and modifications in content, approaches, structures and strategies in education, with a common vision that serves to include all students of the relevant age range.

*The Committee emphasizes that placing students with disabilities within mainstream classes without appropriate support does not constitute inclusion. Similarly, creating*

*discrete and isolated units for students with particular disabilities within a mainstream school environment remains a form of segregation, and cannot be defined as inclusive education.*

Inclusion is not a place, a service, or letting children with disabilities join typical children for particular activities.

In contrast to segregation or congregation, Family Advocacy defines inclusion as:

- a commitment to creating environments in which all students feel welcomed, accepted and honoured for who they are
- the belief that everyone benefits from knowing, interacting with and learning from a wide range of other individuals
- the understanding that we are ALL different - and ALL the same. We are all human beings seeking connections, affection, and opportunities to learn, grow and belong. We all have different strengths, challenges, and needs for support
- inclusion is also the recognition that if we want to make a better world for everyone we all need to learn to be comfortable, skilled and enthusiastic interacting with a wide range of people.

In school, inclusion has three main domains:

- **physical** - where students with disability are present in the same environments as all other students for the same amounts of time
- **social** - where all students are welcomed and seen to belong. Students with disabilities are not separated in the classroom or playground, including through being with the support staff during times when their peers are together
- **curricular** - where all students are included in the same lesson material, with appropriate adaptations.

Lyn, mother of Hannah, says:

*For me inclusion is about Hannah fully participating – not doing something else. Last term the school musical took place. This followed 3 terms of rehearsals and preparation. The kids involved would stay back every Monday until 7 and order pizza. It was wonderful for Hannah to have the opportunity to be part of that – to meet kids from other grades with the same interest and to share in the experience. There was a real bond between the kids by the time the musical took place. Kids still stop and talk to Hannah.*

*She did not have a stand out part but she was part of it. There was no expectation that the family would stay. She was just allowed to be part of the group. It was inclusion at its best – a real opportunity to be part of the gang. Other parents also saw her there as just one of the kids. Often, parents are the ones you need to win over as parents' attitudes rub off on kids.*

- Lyn

Many people argue against inclusive education on the basis that parents should have a choice to send their child with disability to whatever setting they see fit. However, while parallel systems exist, families are often pushed toward the exclusionary setting through an informal process of gatekeeping by school principals or staff.

### The current situation for school students with disability in Australia

Access to education for children with disability improved in NSW in the late 1980s, when schools first formally allowed access to the regular class. Subsequent changes leading to the introduction of the *Disability Discrimination Act* Disability Standards in Education, which provides a technical right for children with disability to access the regular class at their local school.

The opportunity for students with disability to experience physical, social and curricular inclusion in their local school, however, is still variable, and possibly getting worse. This is quantitatively evidenced in recent survey research by Children with Disability Australia, which found that one in four students with a disability has been denied enrolment (2015) and anecdotally evidenced in Family Advocacy’s contact with families of school aged children, of whom the majority appear to experience resistance from schools when seeking to enrol their children in the regular class. An experienced family advocate with adult children, Meaghan (Meg) Sweeney, notes in her submission that the same issues continue for parents today as when she advocated for her daughter at school a decade ago.

Discrimination continues in a much more subtle way than it once did. Education providers may not inform families of children with high support needs that they have a choice to be enrolled in the regular class and that there are special measures to provide appropriate support. Research suggests this is often about principal and teacher attitudes (see Cologon 2013). In the case of one family associated with Family Advocacy, it took seven schools and moving home before they found a place in a regular class for their son, who is now successfully being included and loves attending school.

Gatekeeping behaviour on the part of school staff is an ongoing issue and deterrent for parents seeking to enrol their child in the regular class. At a recent Family Advocacy event with twenty six parents, we asked parents to list the explanations they had been given by principals and other school staff for why their child did not belong at the school. The list is as follows:

But this is what we have always done	We already have a child with disability	We don't know how to teach children in mainstream
Teachers aren't therapists	We have done all we can for your child	Our teachers aren't babysitters
Special schools are best practice and this is reality	We only take children with high functioning disability	Our teachers aren't nurses
They are becoming mainstream but not there yet	You don't always get what you want in life	We have no specific disability knowledge
We do reverse integration	Your child is not disabled enough for individual funding	Your child is a risk to others
You have your head in the clouds	There is such a big academic gap so it won't work	High school the gap gets wider
You do realise your child has a disability	They are not a good fit	Your child excludes themselves
Our school is heavily unionised	This will be too exhausting	We are already dipping into the general budget
When they grow out of disability they can come	We don't have enough resources	Kids are cruel so they are better off somewhere else
You haven't accepted your child's disability		Their self-esteem will be affected
		Not in our area

We have no resources  
We don't have the skills  
We can't afford the  
modifications  
Your child won't get funding  
Our school is heritage listed so  
it's not a good idea  
When she is toilet trained  
My teachers don't have to teach  
your child  
You got lucky in primary school  
The gap gets wider so why put  
them through it  
They will take teacher's  
attention away from the  
students  
Will you be paying for this?

You don't realise how tired this  
will make the teachers  
We are not experts  
They won't identify with their  
peers  
You will get backlash from other  
parents  
We don't teach them  
She can't be educated  
He doesn't meet school  
requirements  
She can't come here because we  
can't lift her  
We have done all we can  
We can't solve all the world's  
problems  
Your child is not a good fit

There are special places for your  
child  
You are ruining your child's  
future  
You are not doing the best for  
your child  
Your child doesn't belong with  
adolescents  
We will get a teacher's assistant  
to teach them  
There is best practise and there  
is reality  
It will be an unjustifiable  
hardship

Abuse and neglect of students with disabilities also remains an issue in schools and can result in parents home schooling their children in order to keep them safe. We quote at length a member of Family Advocacy who home schools her autistic son, to illustrate the issues parents face in making this decision:

It took only two weeks after the cessation of my son's individual funding and the resulting loss of teacher's aide support for him to comment that things were harder. That may seem insignificant, but for my son it was a big thing as he doesn't verbalise concerns he has unless they are affecting him significantly. It took one term before he was consistently telling us he didn't want to go to school anymore.

He started to be a victim of bullying. He had possessions stolen, his bag urinated on, he was taunted, he was grabbed by another student then dragged into the shower cubicle in the change room and had the water turned on over him. He persisted through another eighteen months of attending school with minimal support. To be honest, in retrospect I wish we had removed him sooner, but homeschooling is an option that is not widely supported and comes at an emotional, mental, physical and financial cost to families that choose it. The specific situation that prompted us to remove him involved a teacher shaming and excluding him for being "disruptive" and asking too many questions (something my son does when he is anxious and trying to clarify what is expected of him).

There were staff at the school that did try. They did their best to support my son and make things easier for him. He was offered a quiet place to retreat to. The school principal responded appropriately and professionally to the complaint I made about his situation. I am a teacher myself, so I understand how hard it is for them. I know the feeling of helplessness and inadequacy when you just cannot help a child from within the constraints the system places on you as a teacher. For the teachers who "get it" the system is endlessly frustrating.

There are also teachers who do not "get it". Some teachers see students with atypical support needs as a problem to be overcome or a disruption to be silenced. This is a huge obstacle to real inclusion that could quite possibly be alleviated by dedicating funds and resources to providing appropriate ongoing education and training for staff (Sutton 2015).

While some families have a relatively successful experience of their child with disability attending school, and others like Michelle, a trained teacher and Director of Autistic

Families International, take the decision to home school her child, numerous other families continuously struggle for acceptance of their child, and still others are pressured into accepting a placement in a special school (discussed further in 'The source of demand for special settings', below).

### **International context**

While segregation of people with disabilities is unfortunately a global phenomenon, several jurisdictions overseas are doing inclusion well, and in some cases have been doing so for decades. New Brunswick in Canada moved to full inclusion in 2013 (Government of New Brunswick 2013). New Brunswick is a province in Canada that experiences relatively high levels of poverty, demonstrating that political will, rather than resources, is the key barrier to overcoming segregation.

Italy has practiced full inclusion since the 1970s. Prior to this period, Italy had segregated classes for 'handicapped' or sub-normal' students. Information on the Italian system is listed in the appendix at page 18 of this submission.

In the United States, the School Wide Integrated Program for Transformation (SWIFT) has been implemented in Maryland, Mississippi, New Hampshire, Oregon and Vermont. SWIFT helps teachers embrace inclusion by providing comprehensive, wrap-around resources. More information on SWIFT is also provided in links in the appendix.

### **Research and evidence**

Both international and Australian research shows that children with disability do better on all measures in inclusive settings, rather than disability-specific settings (Cologon 2013, Jackson 2008). This claim may seem hard to believe, given the widespread practice of special schooling in Australia and overseas. Yet in 2008, a rigorous review of literature comparing inclusion and segregation could not find a single empirical study that drew conclusions in favour of segregation (Jackson 2008). An updated study of literature by Dr Kathy Cologon in 2013 found the following:

- inclusive education leads to better social development for children with and without disability (23-24)
- "children who experience disability who are included into mainstream educational settings demonstrate better academic and vocational outcomes when compared to children who are educated in segregated settings" (24)
- "children who do not experience disability have also been found to benefit academically from inclusive education with equal or better academic outcomes compared to children participating in non-inclusive settings" (25)
- and "through participation in inclusive education, teachers experience professional growth and increased personal satisfaction" (27).

Research shows that inclusion in the regular class provides the best learning outcomes for children with disabilities (de Graaf, van Hove and Haveman 2013), as well as benefitting children without disabilities (e.g. Dessemontet and Bless 2013). Children who are taught with diverse peer groups benefit in a variety of ways and have no negative impact on their overall results. As evidence suggests, those included in mainstream education are more likely to gain social and economic participation in the

general community due to exposure to a diverse curriculum, employing key social skills/cues, enhancing communication skills, building support networks/friendships along the way in inclusive settings.

We ask the committee to note and review the three research papers included in the appendix and listed in selected references on page 20.

## History

Family advocacy noted in our submission to the 2010 Inquiry that special schools were not originally created in the interests of people with disability, as is sometimes thought. Some parents advocated for the creation of schools for their children who were at that time considered by the state to be 'uneducable'. However, in NSW the 1957 Wyndham Report (which led to the *Public Education Act 1961*) recommended the establishment of "special schools for special children". These were students who "should not be left in the ordinary class to impede the progress of more able children and to embarrass the class teacher" (Wyndham cited in McRae 1996: 38). Wyndham thus recommended the establishment of "institutions for their care". While this belief has led to investment in infrastructure and resources to support these 'special schools', current evidence and values of community inclusion no longer support this model. Thus the organisation of resources and infrastructure needs to progress toward supporting inclusion.

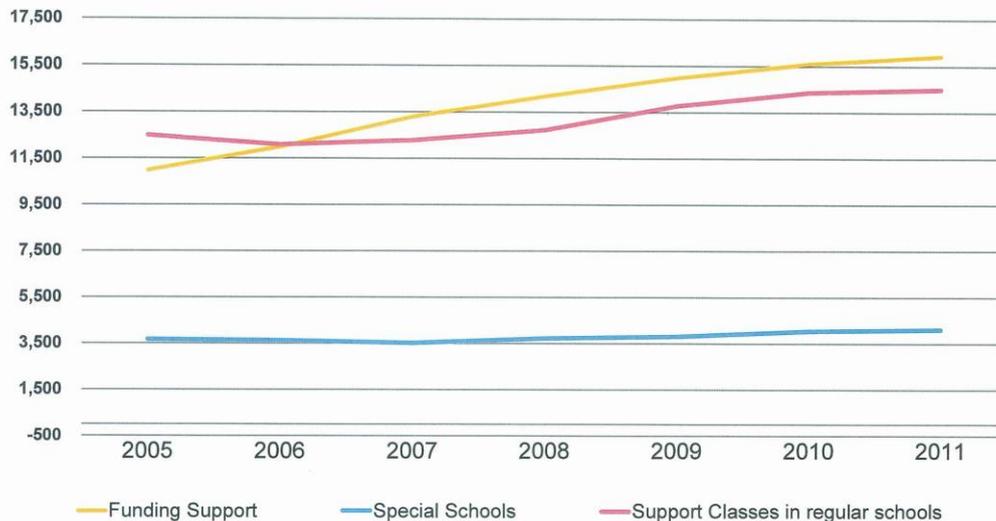
## Recent increase in enrolments in special schools and support units

Our analysis of NSW Department of Education (DoE) enrolment statistics indicates that special schools in NSW have had a 19.4 per cent increase in enrolment between 2010 and 2016. This equates to 1609 additional students or an increase from 5194 in 2010 to 6203 in 2016. In contrast, regular school enrolments only increased by 4.6 per cent over that time period. This is highly statistically significant.

While statistics for incidence of disability for that exact time period are unavailable, between 2003 and 2009 the proportion of all Australians with a disability decreased from 20 per cent to 18 per cent, while the proportion of children aged 0-14 years with a disability decreased from 8.2 per cent to seven per cent (ABS 2012).

In addition, as of 2013 there were 'more than 1600' support units in regular NSW schools. The vast majority of these are for children with severe, or moderate or mild intellectual disability. Statistics on the current number or growth of support units have not been released by the DoE, however, we do know that between 2005 and 2011 student enrolment in support units increased from around 12500 to around 14500 students, as shown in the graph below.

## Trends in educational placements for students with confirmed disability Current profile



**Educational settings for students with confirmed disability  
in NSW government schools, 2005 - 2011**

NSW DET Data 2011

Family Advocacy recommends that the committee request confirmation of the statistics shared above from the DoE. We also recommend that the committee seek information about the numbers of support units in NSW over the last five years, and updated information about the number of enrolments in support units.

### The source of demand for special settings

Parent demand for special schools and units comes from numerous sources, including:

- experience in early intervention has led to the believe their child can only learn in one to one situations with a skilled adult
- a lack of choice. Often parents are not provided with information about the possibility of a regular class enrolment for their child. Only the segregated options are offered
- parents who have 'battled' teachers and schools that are unwelcoming of their child
- low expectations of children with disability, including the deficit model of disability and the notion that a person must be 'ready' to participate with their peers. A more enabling model is one where the system is expected to guarantee participation in the regular class and all those involved ask 'what will it take' to enable the child's full participation.

Demand for segregate settings also comes from teachers and schools. Where a support class or special school exists, students will be found to fill it. Regular class teachers then feel able to indicate that there is a 'better' place for students with different learning needs. The inclusion of students threatens existing structures.

## Recommendations

1. That the committee note and review the evidence from three research papers included in the appendix to this submission and listed in selected references on page 20, and make recommendations to the Minister for Education and NSW Department of Education accordingly.
2. That the committee request confirmation of the statistics shared above from the DoE. We also recommend that the committee seek information about the numbers of support units in NSW over the last five years, and updated information about the number of enrolments in support units.
3. That the committee recommend that the NSW Department of Education should transfer human resources from the enrolment of children in special schools and support units to supporting them to transition successfully into mainstream schooling.
4. That the committee recommend that funding for education must take into account the need for adequate release time and support for students with disability and their educators. This is crucial to inclusion.
5. That the committee recommend the NSW government, with the Coalition of Australian Governments, should commit to targets for increasing the number and percentage of children with disabilities in the regular classroom, with adequate supports for students and teachers.
6. That the committee recommend that schools must be required to enrol all local children in the regular class where families seek enrolment and the NSW Department of Education should direct all principals and staff that enrolment in regular class is best practice for students with disability, and develop support roles to transition special education staff into regular schools.
7. That the committee recommend that upon approaching a school to inquire about enrolment, all parents should be given information about the rights of all children to enrol in their local school.
8. That the committee recommend that information about the Disability Standards for Education should be included in all enrolment kits across Australia, and on the enrolment pages of the DoE website.
9. That the committee recommend that parents of children with disability should be given a fact sheet on the Disability Standards for Education, whenever the child's disability is identified. This may happen at various points in the process, including but not limited to enrolment, when adjustments are made by a class room teacher, at an Individual Learning Plan meeting or follow up.
10. That the committee recommend that the NSW Department of Education should engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom.
11. That the committee recommend completion of training on the Disability Standards for Education should be mandatory for new staff, and that update training also be mandated. In addition:
  - training on the Standards should be mandatory for all teaching and support staff, and training resources should be updated to show positive stories of substantive inclusion in regular settings,
  - and the Standards website should be updated to include positive stories of substantive inclusion in regular classroom settings.

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

Students with disabilities in rural areas face particular challenges with regard to segregation. In rural communities, if there is a support unit in the local school, but parents wish to enrol their child in regular class, it can be difficult if not impossible to find an alternative school in the area without a unit. If parents do enrol in the regular class in a school with a unit, the existence of the unit is often used as a threat to the student's placement in the regular class if the relationship sours. The increase in support units means rural schools that previously had to be inclusive can now deflect or reject much more easily.

Similarly, if the parents find that the school is unsupportive of enrolment of their child or the relationship breaks down, an alternative school is often not available. If a school can be found, it may be at a great distance from the family home, meaning families and students who are most vulnerable and most in need of community support, may be forced to go without the local relationships, socialising and community activities that take place in regular school life. Families sometimes relocate to find a school that will accept their child.

A rural family associated with Family Advocacy relocated to send their daughter to school in the regular class, after nine months of planning with the school in question, only to have the relationship with the school sour within weeks. Disciplinary procedures, threats to withdraw the child and assertions that she could not be in the class without the School Learning Support Officer (SLSO) (who was in the room for all but one session of the day) followed. When the parents tried to work with the school productively to build behaviour support and individual education plans, they found themselves unwelcome. After seeing no improvements for several months, they raised complaints and then found their child subject to retribution and bullying by staff. Eventually, the family changed schools again and while this has been a positive step, their trust with the education system has taken time to rebuild.

### **Recommendation**

12. That the committee seek information from the DoE regarding the number and proportion of regional schools with support units, regional special schools and in particular, number of communities where the only school in the area has a support unit.

## **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**

The Every Student Every School policy is a positive direction for the DoE, however, as is clear from the above statistics, it has not been sufficient to reduce or even stabilise the number of students with disabilities on segregated schooling pathways.

We note the positive aspects of Every Student Every School, including a Learning and Support Teacher (LAST) being located in the school rather than itinerant. This encourages schools to find solutions amongst their own staff and perhaps decreases the likelihood of reconsidering a student's placement. However, the professional development provided to LASTs, or even to qualify for the position, appears to be inconsistent.

The DoE worked with the University of Canberra to produce professional development resources on the Disability Standards in Education in 2014, in the form of online modules with case studies. While these modules are excellent, the training is not mandated, even for those school staff who must be involved in applications for additional funding for a student with disability. Staff involved in these applications includes school counsellors, learning and support team members, student services officer, the disability programs consultant, the support teacher (integration) and the principal. We recommend that all NSW Department of Education staff, starting with principals and school leaders and learning and support teams, should compulsorily undertake professional development on:

- inclusive enrolment
- inclusion oriented adjustments to curriculum and assessment,
- and managing and interpreting challenging behaviour and the Disability Standards in Education.

As a first step, Family Advocacy recommend that all teachers involved in applying for additional funding for schools based on the needs of students with disability undertake training on the standards as a matter of urgency.

Additionally, we note that while the DoE's inclusion plan, created as a result of the *Inclusion Act 2014*, suggests access to mainstream services will be improved, there is no mention in the DoE plan of improving access to the regular class for children with disability.

### **Recommendations**

13. That all NSW Department of Education staff, starting with principals and school leaders and learning and support teams, should compulsorily undertake professional development on:

- inclusive enrolment
- inclusion oriented adjustments to curriculum and assessment,
- and managing and interpreting challenging behaviour and the Disability Standards in Education.

As a first step, Family Advocacy recommend that all teachers involved in applying for additional funding for schools based on the needs of students with disability undertake training on the standards as a matter of urgency.

14. That the Department of Education include means by which it plans to increase the numbers of children with disabilities in regular class in its next inclusion plan.

### **c) 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**

Since the 2010 Upper House inquiry into the provision of education to students with a disability, many recommendations of the resulting report have been implemented. A number of recommendations have languished, however, and we have made comment on these below.

#### **Recommendation 6**

*That the Department of Education and Training move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.*

A functional assessment tool, known as a Personalised Learning and Support Signposting Tool (PLASST) has been developed by the DoE, and it is a good tool that could remove the need for cognitive assessment, which can result in unhelpfully labelling children and lowering expectations. In our experience with families, however, it appears that teachers rarely take it up, possibly through lack of knowledge of its existence and applications. Though a web page with information about PLASST, created in December 2016, now exists (see selected references) there was previously little information available to parents.

Family Advocacy has long advocated functional assessment as an alternative to cognitive assessment for funding application purposes. However, this is not the purpose of the PLASST tool, and for funding purposes, cognitive assessment is still very common. As one family advocate says: “The counsellor at the school my daughter attends still recommends cognitive assessment, though it is now well recognised that that is very unhelpful at identifying support needs.”

Family Advocacy recommends further promotion of the PLASST tool and development of a similar tool as a replacement for cognitive testing.

#### **Recommendation 15**

*That the Department of Education and Training publish guidelines on the functions and outcomes of school learning support teams, including the role of parents in these teams, for distribution to school communities.*

The DoE produced a booklet called Getting Ready for School in 2011. This guide states:

Parents and carers are an important source of information about their children's strengths, abilities and needs. Effective partnerships between parents and schools are more likely to lead to better outcomes for students. The learning and support team in each school assists classroom teachers to meet the educational needs of their students. Parents and carers have a vital role to play in the work of the learning support team by taking part in discussions and planning for their child's needs.

The focus of this guide is on planning to start school and the early stage of school, and little other information seems to be available from the DoE that actively encourages parent involvement at later stages.

Additionally, in the Disability standards for Education, there is a clear statement under '3.5 Consulting the student' that:

Before the education provider makes an adjustment for the student, the education provider must consult the student, or an associate of the student, about: (a) whether the adjustment is reasonable; and (b) the extent to which the adjustment would achieve the aim mentioned in paragraph 4.2 (3) (b), 5.2 (2) (b), 6.2 (2) (b), 7.2 (5) (b) or 7.2 (6) (b) in relation to the student; and (c) whether there is any other reasonable adjustment that would be less disruptive and intrusive and no less beneficial for the student.

In many cases, however, parents are not encouraged to be part of the team, or actively discouraged. In the case of the family discussed under term a) above, they did not meet the Learning and Support teacher until term three, despite repeated requests. Another family, active in their school community and strong advocates for their daughter, report not being 'allowed' at the planning meetings to set her educational goals.

Family Advocacy recommends that the leaders of the DoE reiterate their expectations of engagement with parents and include this in performance outcomes for teachers.

#### ***Recommendation 17***

*That the Department of Education and Training include a clear statement on the role and appropriate use of School Learning Support Officers (teacher's aides) in the proposed guidelines on the functions of school learning support teams.*

The integrated funding support document, the guideline for funding for students with disabilities in the regular class since 2000, includes a section on 'teacher's aides' in section four. This includes a statement of duties in section 4.7. In recent updates to the DoE website, a short statement about the role of the SLSO is also available, however this provides even less detail.

Family Advocacy has been told that the 17 year old integrated funding support document is being updated, but no timeline has been given. The role should be reviewed in consultation with families and people with disability, the details better publicised, and made available to all families whose children with disabilities receive additional funding support. Additionally, the Minister should prioritise its implementation in a consistent manner.

#### ***Recommendation 24***

*That the Department of Education and Training publish guidelines on the development of Individual Education Plans for students with disabilities and special needs. These guidelines should:*

- *include information on when an Individual Education Plan is required, who should be involved and what it should contain*
- *be distributed to the school community, including parents of students with disabilities or special needs.*

Individual education plans, at least by that title, are inconsistently implemented. There is a strong emphasis in the NSW Education Standards Authority materials on differentiated outcomes and adjustments, however, this does not mean individualised goals for these outcomes take place. In one case the school of a family associated with Family Advocacy stated that they 'do not do IEPs'. In other schools, it is simply a case of the plan never being raised, or being ignored.

### **Recommendation 27**

*That the NSW Institute of Teachers review the content of pre-service teacher education courses, including:*

- *the mandatory unit in special education*
- *incorporating additional content regarding teaching strategies and practical skills to*
- *cater for the learning needs of students with disabilities or special needs*
- *embedding special education throughout pre-service training.*

This issue has not been progressed in any consistent fashion. While we have a number of excellent academic researchers on disability and education in Australian universities, including Dr Kathy Cologon at Macquarie University in Sydney, Associate Professor Robert Jackson at Edith Cowan University in Perth and Professor Roger Slee at the University of South Australia, there remains no compulsory education on adjustment for children with disabilities in teaching degrees in NSW. This results in hardship for students, most importantly, but also for teachers who will most likely have to educate themselves on how best to adjust for students of differing abilities and needs.

What they may discover for themselves is that adjustments for students with disabilities more often than not benefit a range of students in the class; however, this should not be left to chance. We suggest that the committee recommend that the NSW Institute of Teachers work with NSW university education programs to develop a consistent and evidence based teaching curriculum for pre-service teachers that includes substantial work on meeting the needs of students with disabilities, and that progress on this matter be made publically available.

### **Recommendation 31**

*That the Department of Education and Training review whether there is a need for formal training for School Learning Support Officers.*

Family Advocacy is not aware of consistent or mandated training for SLSOs. However, SLSOs have a vital role to play in an inclusive school, to facilitate independence, positive interaction with peers and high expectations. We recommend that like teachers, SLSOs should undertake training on student's rights under the Disability Standards in Education, as well as behaviour and communication interpretation and response and social facilitation that centres on the students, not the officer.

## **Recommendations**

15. That the committee recommend the Department of Education undertake further promotion of the PLASST tool and development of a similar tool as a replacement for cognitive testing take place.

16. That the committee recommend that the leaders of the DoE reiterate their expectations of engagement with parents, and include this in performance outcomes for teachers.
17. That the committee recommend that the SLSO role should be reviewed in consultation with families and people with disability, the details better publicised, and made available to all families whose children with disabilities receive additional funding support. Additionally, the Minister should prioritise its implementation in a consistent manner.
18. That the committee recommend that the NSW Institute of Teachers work with NSW university education programs to develop a consistent and evidence based teaching curriculum for pre-service teachers that includes substantial work on meeting the needs of students with disabilities, and that progress on this matter be made publically available.
19. That the committee recommend that like teachers, SLSOs should undertake training on student's rights under the Disability Standards in Education, as well as behaviour and communication interpretation and response and social facilitation that centres on the students, not the Officer.

## **d) Complaint and review mechanisms within the school systems in New South Wales for parents and carers, and**

It is very difficult for parents of children with disability to complain to or about their school. Parents feel vulnerable in what is already a potentially unwelcoming situation, where they are made to feel their son or daughter's place in the regular class is at risk. They often also fear their child may be the subject of bullying, public shaming (for example, questioning of the child's belonging in the school) or retribution.

For example, a parent member of Family Advocacy, who has a close relationship with her community and her son's school, and who would be considered an example of successful inclusion, wrote recently:

No person with a disability has a 'voice' when things go wrong and what is more upsetting is that behaviour from a teacher that is accepted as okay for a person with a disability would not be accepted as okay for a student without a disability. There was no apparent thought about the dignity and respect that had not been shown to our son (in the complaints process).

Family Advocacy notes that children with disability have rights under the Disability Discrimination Act and these are articulated in the Disability Standards in Education. However, reporting, enforcement and consequences of a breach remain minimal. With this in mind, Family Advocacy makes a number of recommendations regarding complaints, reviews and enforcement.

### **Recommendations**

20. That the committee recommend that explanation of complaints processes, including complaints within the Department of Education and avenues for complaints about the Department of Education to be made externally should be included in all enrolment kits across Australia.
21. That the committee recommend that the NSW Ombudsman be resourced to take on a more active role in complaints about the NSW Department of Education.
22. That the committee recommend that expansion of the role of the NSW Ombudsman could help track and provide a fuller picture of breaches of the Disability Standards in Education in NSW.

## Appendix

- A. Hehir, Thomas, Todd Grindal, Brian Freeman, Renee Lamoreou, Yolanda Borquaye, and Samantha Burke 2016, *A Summary of the Evidence on Inclusive Education*, Sao Paulo Brazil: Instituto Alana and ABT Associates.
- B. Cologon, Kathy 2013 *Inclusion in Education: Toward a Better Outcome for Students with Disability*, Children with Disability Australia, available from <http://www.cda.org.au/inclusion-in-education>.
- C. Jackson, Robert 2008, *Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say?* Available at: <http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/NGOs/AustraliaNationalCouncilIntellectualDisability2.pdf>
- D. Examples of inclusive practice from other jurisdictions:
  - a. New Brunswick, Canada  
[http://www2.gnb.ca/content/gnb/en/news/news\\_release.2013.09.0929.html](http://www2.gnb.ca/content/gnb/en/news/news_release.2013.09.0929.html)
  - b. Italy <https://www.european-agency.org/country-information/italy/national-overview/special-needs-education-within-the-education-system> (the above literature review by Cologon also mentions Italy's practices)
  - c. and the SWIFT program in the USA: <http://www.swiftschools.org/> and <https://www.youtube.com/user/theswiftcenter>

## Selected References

Australian Government 2005, *Disability standards in Education*, available from <https://www.education.gov.au/disability-standards-education-2005>

Cologon, Kathy 2013 *Inclusion in Education: Toward a Better Outcome for Students with Disability, Children with Disability Australia*, available from <http://www.cda.org.au/inclusion-in-education>.

de Graaf, G., Van Hove, G., & Haveman, M. 2013, More academics in regular schools? The effect of regular versus special school placement on academic skills in Dutch primary school students with Down syndrome. *Journal of Intellectual Disability Research*, 57 (1), 21–38.

Dessemontet, R. S., & Bless, G. 2013, The impact of including children with intellectual disability in general education classrooms on the academic achievement of their low-, average-, and high-achieving peers. *Journal of Intellectual & Developmental Disability*, 38(1), 23–30.

Family Advocacy web links:

- 'Jacob's Story' film available at: <https://vimeo.com/94623965>
- 'Let's Get Started' workshop on starting school at: <http://www.family-advocacy.com/early-childhood/lets-get-started-getting-ready-for-school-and-life-webinar-recording/>

Hehir, Thomas, Todd Grindal, Brian Freeman, Renee Lamoreou, Yolanda Borquaye, and Samantha Burke 2016, *A Summary of the Evidence on Inclusive Education*, Sao Paulo Brazil: Instituto Alana and ABT Associates.

Jackson, Robert 2008, *Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say?* Available at: <http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/NGOs/AustraliaNationalCouncilIntellectualDisability2.pdf>

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Seymour S. and Peter D. 2004, 'Disability Advocacy in Australia' in Goodbody Economic Consultants, *Developing an Advocacy Service for People with Disabilities: International Research Papers*, Vol 2, Feb 2004, Dublin.

Sutton, Michelle 2015, *Submission to the Senate Inquiry*, available at: <https://michellesuttonwrites.com/2015/11/13/submission-to-the-senate-inquiry-into/>