

# **Submission to the Senate Education, Employment and Workplace Relations References Committee**

Inquiry into teaching and learning – maximizing our investment in  
Australian schools

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## **Further contact**

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## **About Children with Disability Australia (CDA)**

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability and their families. The organisation is primarily funded through the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) and is a not for profit, community based organisation. Additional funding is also received from the Department of Education, Employment and Workplace Relations (DEEWR).

CDA has a national membership of 5000 with the majority being families. CDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

### **CDA's Role**

CDA has the mandate to advocate for children and young people with disability living in Australia and undertakes the following to achieve its purpose:

- Education of national public policy-makers and the broader community about the needs of children and young people with disability.
- Advocacy on behalf of children and young people with disability to ensure the best possible support and services are available from government and the community.
- Inform children and young people with disability, families and care givers about their rights and entitlements to services and support.
- Celebrate the successes and achievements of children and young people with disability.

## **GUIDING PRINCIPLES**

**Children the priority:** the rights and interests of children and young people with disability are CDA's highest priority consistent with Australia's obligations under the UN Conventions, Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

**Right to childhood:** children and young people with disability are children first and foremost and have a right to all aspects of childhood that children without disability are afforded.

**Right to participation:** children and young people with disability have the right to participate, in whatever capacity, in the decisions that impact on their lives.

**Inclusion:** children and young people with all types of disability, from all cultural and religious backgrounds and all geographic locations are supported by the work of CDA.

**Recognition:** for the contributions made by families and care-givers to support the rights and interests of children and young people with disability.

**Partnerships:** CDA works collaboratively with relevant government, non-government and private sector agencies to promote the rights and interests of children and young people with disability.

**Transparency:** CDA is accountable, effective and ethical as the national peak body charged with the mandate of advocating for children and young people with disability

## **Introduction**

CDA is pleased to be able to contribute to this inquiry. Any examination of Australia's education system and how to create value must include the experience of students with disability. The present Australian education system does not adequately meet the needs of students with disability and education remains one of the most significant issues of concern for these children and their families. This is reflected in the significant gap between educational outcomes for student with disability and those without (see below).

This disparity occurs despite an extremely comprehensive legislative and policy context relevant to the education of students with disability. Teachers and educational peak bodies are also concerned about

## **Education experience and outcomes for students with disability**

The inadequacies of the education system for students with disability and the need for reform have been documented over a number of years. Education is one of the most significant challenges facing children and young people with disability and their families. Frequently families report that, through their education experiences, their children are subject to limited opportunities; low expectations; exclusion; bullying; discrimination; assault and violation of human rights.

On every measure students with disability are performing more poorly than their peers in Australian schools. There is a pervasive culture of low expectations of students with disability in Australia:

- 63 per cent of school children with disability experienced difficulty fitting in at school<sup>1</sup>
- 29.6 per cent of people aged 15 to 64 years with reported disability had completed Year 12 compared to 49.3 per cent of people without a disability<sup>2</sup>
- 12.7 per cent of people with a disability had completed a bachelor degree or higher compared to 19.7 per cent of people without a disability<sup>3</sup>

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<sup>1</sup> AIHW, Disability Updates: Children with Disabilities, Canberra June 2006

<sup>2</sup> ABS Survey of Disability, Ageing and Carers 2009: Summary of Findings

<sup>3</sup> taken from *Developing a National Disability Strategy for Australia*, FAHCSIA, Canberra 2008

- Around 15% of Australian students require additional assistance but only 5% receive funded supports<sup>4</sup>

Even though schools in every system are required by the Disability Standards for Education (2005) to make reasonable educational adjustments, compliance with the standards is very patchy, and the completion and implementation of individual education plans (that detail the precise adjustments, curriculum modifications and educational goals) are in many cases not followed through.

The Victorian Human Rights and Equal Opportunity Commission highlight these failings in a recently released report on the experiences of students with disability and their families in Victoria. *Held Back: Experiences of Students with Disabilities in Victoria* details serious failings in education practice and accountability. While these findings are from a Victorian cohort, they are consistent with feedback from CDA members across Australia. The key findings from the report include:

- *Half of the students and parents in (the) survey reported discrimination at school. One in four educators had witnessed discrimination.*
- *Barriers include funding limitations, lack of specialist supports, inadequate knowledge and training in disability among teachers, lack of time for teachers to provide an individualised approach for students with disabilities, and discriminatory attitudes.*
- *When asked what the barriers were, parents most frequently identified lack of teacher training, teacher time and specialist supports. Educators were more likely to identify lack of funding and resources. However they also reported lack of training, poor coordination and school culture as barriers.*
- *Bullying is a significant and widespread problem for students with disabilities, with six out of 10 reporting they have been bullied because of their disability. This is much higher than the rate of bullying for the general student population where bullying is estimated to occur to around one in four students.*
- *Even though the law requires all students who are enrolled to attend school full-time, some schools do not allow some*

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<sup>4</sup> AIHW, Making Progress: The Health, Development and Wellbeing of Australia's Children and Young People, Canberra 2008

*students with disabilities to come to school full-time. In some cases, students are only allowed to attend during the hours that a funded integration aide is available. In other cases, the student may be put on part-time attendance following behaviour problems that have not been well-managed.<sup>5</sup>*

CDA notes many situations where learning opportunities are not available to students with disability because of insufficient resourcing, inadequate skill base or naïve leadership. Many of our members report that their children are only going to school part time because their school refuses to have them participate full time.

In one particular situation in a government primary school in Queensland, a 7-year old student with an Autism Spectrum Disorder is only allowed to attend his local primary school for an hour a day. The reason given to his mother is that he swears, and the school is not funded to have him attend full time and they feel his behavior is unmanageable. There has been no specific educational planning undertaken and no behavioural intervention sought by the school.

In another case in Sydney, a mother of a funded primary student with cerebral palsy is regularly called to the school to assist her son with toileting, and or to come and take him home. This has started since the changes to disability funding arrangements in NSW state schools. She cannot be sure when these calls will come. The mother has no confidence her son is receiving an education and cannot commit to any other activity herself. At the same time, she is struggling to meet the participation requirements of Newstart because of the unpredictability of her son's attendance at school. This situation may ultimately have dire consequences if Centrelink breaches her.

These cases are illustrative of an approach to education for students with disability that is totally dependent on additional funding. If there isn't enough in an extra package then the schools are expressing inability to accommodate the student with disability. This model has been largely ineffective in delivering educational outcomes despite significant investment, and allows schools to shift responsibility to

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<sup>5</sup> Victorian Equal Opportunity and Human Rights Commission: *Held Back: The Experience of Students with Disabilities in Victorian Schools*. Melbourne 2012 Main Findings Fact Sheet p1

families and other funding programs<sup>6</sup>. No other group of students would be forced to arbitrarily attend school part time due to administrative reasons or the design of funding systems. No other student would be sent home if their teacher or other staff personal were sick or they needed to be assisted with their lunch or personal hygiene.

The movement to educate children with disability in mainstream schools began in the 1980s in Australia, utilizing the 'bolt-on' or 'special needs funding' model, where additional funding is provided to a student based on strict diagnostic criteria to be provided to schools on top of core funding. This model is summarized in the National People with Disabilities and Carer Council in their submission to the Review of Funding for Schooling:

*The current arrangements for individual integration or support workers being attached to individual children has been characterised by many parents and advocates as being more like childminding than constructive education. Without a complete restructuring of the funding regime, expectations and incentives of the system, schools will not improve their capacity to deliver programs that meet the learning and development needs of students with disabilities.*

*The Council does not believe the current individualised funding approach provides value for money. There is a profound difference between an "integration program" that keeps a student occupied and quiescent and comprehensive inclusion in school life with genuine participation in the learning and development offerings. The latter are a child's reason for going to school.*

*In the current model the onus is on the individual to fit in with existing structures and systems (with additional support attached to the child used as the central means to achieve their educational goals). Structures, systems and cultures remain unchallenged and unchanged. In an inclusive education model the onus would be on the system – that is all schools, all classrooms - to be flexible, adaptive and responsive to individual needs of all students – not only those with a disability.<sup>7</sup>*

Despite this funding model having been in place for a generation, it has

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<sup>6</sup> For other examples see SHUT OUT: The Experience of People with Disabilities and their Families in Australia, National People with Disabilities and Carer Council (FAHCSIA), Canberra 2009, pp46-51

<sup>7</sup> National People with Disabilities and Carer Council: No More Wasted Years, A systemic reform approach to learning and development for students with disabilities in Australia, Submission to the Review of Funding for Schooling, Canberra 2011

not delivered the requisite capacity for inclusion in Australian schools to date that would have been expected. Pre-service training in special education is still not a compulsory subject in most Australian Universities, and there has not been systemic adherence to the Disability Standards for Education since they were introduced.

The growth in expenditure in disability support programs has been significant, and driven more by demand factors and than evidence. It has been noted that there has been an increase in the diagnosis of Autism Spectrum Disorders around the world, and this has translated into greater demand for additional support in Australian schools. The NSW Government program for the support of students with disability has grown by 144% over the last 10 years<sup>8</sup> and is a reflection of demand pressures faced by education authorities.

The current approach that invests mainly in individualised support (via teacher aides) is effectively only providing a disability service, not a learning/education service, and as said earlier is not delivering the outcomes that students with disabilities expect. Accountability for this additional funding is generally weak, and leads to the perverse situation where the student with the most needs, ends up with more funding to buy the least qualified staff in the school, who in turn end up having the most contact with the student.

In addition, the strict diagnostic categories that are used in the State systems are primarily in place as rationing tools, and result in denying students in genuine need of support because of the design of the criteria rather than any suggestion that these students do not have a need. The default position for schools that do not receive funding is to try to meet the reasonable education adjustment requirements of the Disability Education Standards. The problems that result from this are canvassed above.

Pouring more money into this model is not good public policy, and efforts are underway to change the structural arrangements in the current suite of education funding reforms.

Education systems need greater capacity, funding and accountability at their core to deliver inclusive education. Given that the majority of students with disabilities are in mainstream schools, teachers are under increasing pressure to work with students with diverse needs for which

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<sup>8</sup> NSW Department of Education and Communities, Implementation Plan for the More Support for Students with Disabilities Initiative, COAG 2012



most are ill equipped. In 2010 in South Australia, only 4.4% of teachers across all schools held special education qualifications<sup>9</sup>. If this is representative of the rest of Australia, it shows that there is a major investment needed to skill up the teaching workforce and school leadership.

Funding more teacher aide time alone through current programs will not deliver greater expertise and capacity. Additional workforce capacity in this area is a precondition to individual support funding being used in the correct educational context. In most cases teachers are being stretched beyond a reasonable expectation without ready access to additional training opportunities and other supplementary resources.

Addressing the capacity of the teaching workforce in Victoria to educate students with disabilities, the *Held Back* Report found:

- *Over half of the educators surveyed said they did not have the support, training and resources they needed to teach students with disabilities well.*
- *Sixty- two per cent of teachers and 53 per cent of principals said they did not have adequate support, training and resources. Four out of 10 integration aides also reported this.*
- *Forty per cent of educators were not aware of their legal obligations to students with disabilities under the Disability Standards for Education 2005*
- *Students with disabilities are likely to be found in almost every classroom. Victoria needs a teacher workforce that is better equipped to meet the learning and support needs of all students in their classrooms.*<sup>10</sup>

CDA recognizes that competencies in the education of students with disability are articulated in the Australian Institute for Teaching and Learning's Professional Standards for Teachers<sup>11</sup>, however to consistently meet and exceed these standards routinely in every school, a major investment in professional training is required. Similar

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<sup>9</sup> SA Department for Education and Child Development Implementation Plan for the More Support for Students with Disabilities Initiative, COAG 2012

<sup>10</sup> Victorian Equal Opportunity and Human Rights Commission: *Held Back: The Experience of Students with Disabilities in Victorian Schools*. Melbourne 2012, Main Findings Fact Sheet p5

<sup>11</sup> Australian Institute of Teaching and School Leadership (2011): National Professional Standards for Teachers.): Ministerial Council for Education, Early Childhood Development and Youth Affairs, Melbourne 2011 p2

expectations for school leaders (including boards and school councils) must also become the norm.

### **Good practice in inclusive education**

CDA is also aware of some excellent practice in inclusive education at both primary and secondary levels. Unfortunately this is mainly personality driven, and occurs in schools where the leadership places strong values on learning for every student.

In 2006, the Victorian Ministerial Disability Advisory Council adopted a paper prepared by the Inclusive Education Network that identified a range of important factors in inclusive education that are consistent with feedback received in the that CDA endorses. They include:

- a paradigm shift from individual classification and remediation to creating more inclusive classroom
- a positive and supportive teaching staff
- positive and informed school leadership
- a whole school policy of inclusion of all children
- good teacher professional development and support
- assistance with curriculum development
- appropriate resource allocation models<sup>12</sup>

### **Access to funded support and expertise across systems**

The vast majority of students with disability are enrolled in the State systems, as these currently are the only systems that have material disability support programs. Catholic and independent systems may utilize other funding options including using Medicare allied health item numbers, intra system funds and parent self-funding. The lack of portability is something that has been raised as a problem by some CDA members, and was addressed in the recommendations of the Review of Funding for Schooling. CDA would support government funding for disability support in all systems, but only if it is part of an overall package that linked the key elements of teacher skill, individual education planning, school leadership and accountability with additional individual resources.

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<sup>12</sup> Inclusive Education Network, *Inclusive Education in Victoria It's about Will, Skill and Capacity*, Victoria May 2006

CDA does not support the use of funding vouchers for student support in schools, as such a system generally only is able to purchase marginal services and cannot address the need to build systemic capacity for inclusion. A student who takes a voucher for support funding to a school with limited skill and experience in including students with disability risks wasting the money and an opportunity to learn.

Vouchers for additional support in this context cannot guarantee provision of holistic inclusive education, which is what students need and expect. Accountability for this money within a global school budget is also problematic. On many levels the funding system should resource and empower the professional educators to provide an integrated school program. Liaising with parents, advocates and allied health workers is an essential part of this, but having (non-teacher) parents dictating particular uses of funding (because they can) out of context is can be counterproductive and difficult for schools to implement.

Parental choice is an important element in education, but can be fraught, and lead to avoidable conflict. In far too many cases currently families and educators are both naïve about their options and how to plan and implement an individual education program. In an environment where support vouchers is the currency, this naivety can lead to misguided decision making and poor outcomes.

Strong experience and capacity for inclusion must be in place *before* the student enrolls in a school for there to be any indication that individual funding can be well utilised.

As described earlier, the features of good provision in this area requires a comprehensive approach containing all the elements listed in the previous section. Addressing the needs of students with disability in a piecemeal fashion is counterproductive and will prevent schools from meeting their obligations under the Disability Standards for Education.

## **Current reforms**

There is currently a significant focus on the improvement of education systems aimed at delivering better outcomes for students with disability in Australia. Many of the current issues identified above are beginning to be addressed within the current initiatives. This work is a good start, and is timely given Australia's ratification of the UN Convention on the Rights of People with Disabilities, and the COAG endorsement of the National Disability Strategy in 2011. These reforms include:

### ***More Support for Students with Disabilities National Partnerships***

These National Partnership agreements are aimed at capacity building in all education systems in Australia (in addition to existing systemic individual support funding), and include initiatives in:

- Increasing availability and utilization of assistive technology
- Development of expert support centres to resource teachers and schools
- Increasing pre-service and in-service training of teachers
- Improving school leadership in regard to inclusive education
- Improving awareness and capacities for meeting the Disability Standards for Education
- Building skills in student assessment and curriculum adaptation

In two State systems (NSW and ACT), the partnership agreement entails the placement of a specialist educator/coordinator in every school to provide expertise in educational planning, teaching, parent liaison, accessing expert secondary consultancy and skills development in each school. This is an approach that values inclusion and puts in place practical mechanisms to build the skills and capacities within schools and across the systems. The evaluation of these roles will be important in informing the development of the funding and accountability systems into the future.

This and the ongoing skills development of the teaching workforce and school leadership are essential long term investments in Australia's education system.

### ***Nationally Consistent Data Collection***

This is a COAG endorsed initiative to address the inconsistency of defining disability across all school systems in Australia, and collecting data on adjustment practice in schools to inform the development of the

disability component of the new funding system for schools. While the data collected will be variable, it is a positive first step to entrenching a better understanding of educational adjustment in the funding model.

One significant feature of this initiative is the use of functional need rather than diagnostic criteria to define a requirement for adjustment. This is consistent with the work being done to design the National Disability Insurance Scheme, and more consistent with the application of the Disability Standards for Education.

### ***The National Curriculum***

The Australian Curriculum and Reporting Authority (ACARA) has recently put out draft materials for students with disability that sit within the National Curriculum. CDA is pleased that the curriculum is being developed as a single approach that can be adapted for students with disability. This hopefully will make the presence of students with disability in mainstream classrooms less remarkable from an educational perspective, and will mean that the skills of the educator in adapting the work for each student is the main professional currency rather than the use of separate or 'special' programs.

### **Education reform imperatives**

CDA strongly believes that by strengthening the capacity of education systems to deliver inclusive education for all students, educational experiences and outcomes will improve for students with disability.

All education systems need the capacity to meet the full range of learning and development needs of all students in all their schools and we are only at the beginning of a long term reform program that needs to be embedded in future education policy. This reform is fundamental to the modern Australian education system, especially as the Australian Early Development Index (AEDI) reports that 10% of children are developmentally compromised in some way<sup>13</sup>. With this in mind, it is clear that schools need to have the ability to educate children with a wide range of developmental issues, disability being just a subset of this.

These reforms are taking us beyond the traditional one-dimensional model whereby individualised funding based on diagnosis of disability is the only way of including students with disabilities in real education.

CDA believes that to improve educational opportunities in Australia for

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<sup>13</sup> [http://ww2.rch.org.au/aedi/about.cfm?doc\\_id=13152](http://ww2.rch.org.au/aedi/about.cfm?doc_id=13152) 2009 data

students with disability there needs to be sustained investment in skills of educators, benchmarking inclusive school culture as well as academic scores, and facilitating more informed partnerships between parents and schools that will lead to improved outcomes.

The capacity of schools to accommodate and educate students with disability will benefit entire school communities, as the skills that are required by educators to individualise educational programs are generalizable to all students, and school communities gain strength from embracing diversity and participation by all families.

Our schools play a vital role in our society in shaping attitudes and bringing families together. Where schools exclude or limit participation of students with disability, the perpetuation of discrimination is assured. This can also lead to social isolation of whole families when they lose touch with their peers through interaction at school.

The COAG National Disability Strategy<sup>14</sup> is a 10-year strategy that commits to major improvements in all education systems. We are barely one year into this program of change.

The current reforms to build the capacity of our education systems are positive, and must be supported as long term change programs. CDA sees that we are in the early stages of transition to more inclusive education in Australia, and there is much work to do.

Consistency of purpose and close adherence to the principles of the UN Convention of the Rights of Persons with Disabilities<sup>15</sup> (ratified by Australia in 2008) and the National Disability Strategy is absolutely essential in the evolution of the current reform agenda. In order to improve citizenship for people with disability in Australia consistent with these documents, reform to education opportunities has to be at the core of our efforts.

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<sup>14</sup> Council of Australian Governments, *National Disability Strategy*, Canberra 2010

<sup>15</sup> <http://www.un.org/disabilities/convention/conventionfull.shtml>