

**SOUTHWEST ADVOCACY ASSOCIATION**

**Submission To  
Department of Education, Employment and Training  
Review Of Educational Services For Students With Special  
Educational Needs**

**January 2002**

## **Introduction**

Southwest Advocacy is a community based, non-profit organisation that provides information and advocacy to people of all ages and with all types of disabilities throughout south west Victoria.

South west Victoria covers a geographic area of some 24,000 square kilometres, and has a population of approximately 100,000 people. The region consists of the local government areas of the City of Warrnambool and the Shires of Moyne, Glenelg, Southern Grampians and Corangamite and includes the major population centres of Warrnambool, Portland, Hamilton, Camperdown, Casterton and Terang.

Southwest Advocacy is modestly funded, predominantly by the Commonwealth Department of Family and Community Services. The organisation is able to employ 1.2 EFT advocacy staff and 0.6 administrative staff, which means that the organisation's ability to meet the advocacy needs of people with disabilities throughout south west Victoria is limited.

## **Advocacy in Government Schools in South West Victoria**

Southwest Advocacy commonly provides advocacy for students with disabilities in Victorian Government schools, usually acting on the instructions of the student's parents, with a focus on the rights and interests of the student. Some of the students that we act on behalf of receive assistance under the DEET Program for Students with Disabilities and Impairments (DAI), while others do not.

The most common issues that Southwest Advocacy is asked to provide advocacy assistance in relation to are DAI funding and program implementation, alternative educational or modified programs for students with disabilities, disciplinary matters, including suspensions and expulsions, and allegations of disability discrimination. Once engaged, an advocate is usually involved for anything from 2–12 months depending on the nature of the issue, although in some cases involvement may stretch well beyond this time frame. In the course of the advocacy process, the advocate will commonly attend a series of meetings at the school, may exchange correspondence with the school, will often provide information and make requests or suggestions to the school, and may act as a liaison person with other social and community services. In some cases it is necessary for the advocate to pursue internal and external dispute resolution and complaint mechanisms.

Anecdotal information from parents and teachers, as well as Southwest Advocacy's own experience, strongly suggests that there is a high level of unmet need for advocacy for children with disabilities, learning difficulties and challenging behaviours in Victorian Government schools and that the level of unmet need is increasing. Given that Southwest Advocacy has very limited resources and that the organisation is funded to provide advocacy to people of all ages and with all types of disabilities, in regard to a very broad range of issues, Southwest Advocacy is not currently in a position to address the unmet need for advocacy for students with disabilities in Victorian Government schools. At present Southwest Advocacy receives no DEET funding whatsoever for the work that it does in Victorian Government schools.

## **Current Delivery of Services to Students with Disabilities**

Based on its experience in providing advocacy for students with disabilities in Government schools in south west Victoria, Southwest Advocacy is able to identify a number of issues that should be addressed in the current Review of Educational Services for Students with Special Educational Needs. These are as follows.

1. The current level of resources and assistance available to students with disabilities is grossly inadequate to meet the needs of these students. The guidelines for DAI assistance are so exclusive that many students with disabilities, learning difficulties and challenging behaviours who experience significant problems at school do not qualify for assistance. In many cases those students who do qualify for assistance still do not receive an adequate level of assistance to enable them to fully participate and realise their potential at school. In short, there needs to be more funding and assistance provided to students with disabilities, learning difficulties and challenging behaviours and the assistance needs to be more broadly available.
2. At present schools are responsible for identifying students' needs for DAI assistance and the carriage of applications. Some schools manage this responsibility better than others. We are aware of some cases in which a student's need has not been immediately identified and that student has been disadvantaged as a result. We are also aware of other cases in which schools have made an assumption about whether a DAI application would be successful, thereby effectively pre-empting assessment. Southwest Advocacy believes that there should be a more stringent screening process applied to all children when they are first enrolled at a school to ensure that no student misses out on their entitlements.
3. DAI applications and funding allocations are managed by schools. In Southwest Advocacy's experience, students and parents are generally not provided with documentation in regards to the process and the outcome and this can lead to vagueness and confusion on the part of students and parents. The way in which the DAI Program works is also very confusing for the families of students with disabilities. The level of assistance granted is based on an assessment of the individual student, but, if the student is deemed eligible for assistance, DAI funding is allocated to the school's global budget and spent at the school's discretion. This incongruity often leads to confusion, mis-apprehensions, and frustration on the part of families and can lead to disputes between parents and schools. To avoid this, Southwest Advocacy believes that parents should be provided with clear written information in regards to assistance available, the process to be followed and the outcome of applications in all cases.
4. Students who are eligible for DAI assistance are supposed to have a Program Support Group ("PSG") made up of parents, school staff and relevant community members and regular PSG meetings are supposed to be scheduled to review the student's progress, address issues and set plans for the future. In practice the make up of PSG's and the frequency and quality of meetings, planning and documentation varies enormously between schools. Southwest Advocacy believes that DEET should establish some detailed rules for PSG's to ensure that they fulfil their intended functions and that they are consistent and effective.

5. Students with disabilities, learning difficulties and challenging behaviours are commonly excluded from mainstream educational settings and programs. So-called “alternative” or “modified” educational settings and programs, whether delivered within mainstream schools or in special development schools, often effectively segregate, exclude and stigmatise students with disabilities and challenging behaviours. It is arguable that alternative or modified educational settings and programs may be discriminatory.
6. In Southwest Advocacy’s experience, the majority of teachers and Principals have very limited experience and understanding of the issues facing, and needs of, students with disabilities, learning difficulties and challenging behaviours. Moreover, teachers and Principals usually already have extremely heavy workloads and insufficient time to provide the additional attention which students with disabilities, learning difficulties and challenging behaviours often require. Southwest Advocacy believes that more training for both student teachers and teachers and Principals in service is urgently required.
7. At present the availability of ancillary and specialist support staff (eg. student welfare officers, social workers, school nurses, psychologists, occupational therapists, etc.) in the education system is so limited that students with disabilities, learning difficulties and challenging behaviours needs for such services are not being met. DEET cannot necessarily rely on welfare services available in the community as many such services are currently under-resourced, most have funding and service agreements that tie their assistance to particular age, socio-economic or diagnostic target groups and many have long waiting lists for service. Southwest Advocacy believes that DEET should immediately employ more regional ancillary and specialist staff to support teaching staff and students with disabilities, learning difficulties and challenging behaviours.
8. More access to independent advocacy for students with disabilities, learning difficulties and challenging behaviours and their parents is needed. Regional advocacy groups have no hope of meeting the need for advocacy in schools without additional recurrent funding. Southwest Advocacy believes that DEET should financially contribute towards independent advocacy for students with disabilities in schools.
9. At present school Principals have too much power and autonomy and are not sufficiently accountable to any independent authority. As a result students and parents are dis-empowered and there is a lack of consistency in the way in which students with disabilities, learning difficulties and challenging behaviours are treated and the services provided from school to school. Internal dispute resolution mechanisms are so slow and cumbersome that students and parents who need to access such mechanisms are inevitably disadvantaged. In one case that Southwest Advocacy is aware of it took four months to have a Principal’s decision to expel a student overturned by DEET under the *Student Discipline Procedures*. Southwest Advocacy believes that the existing rules and procedures should be reviewed with a view to expediting the resolution of disputes.

## **Southwest Advocacy Association**

### **Response to Specific Review Recommendations**

#### **Recommendation 1**

**For the Government to adopt guiding principles to ensure students' special education needs are met.**

This recommendation and the guiding principles outlined are supported. However, given the problems and issues identified above in relation to the current situation, it is clear that significant reform will be required if this recommendation is to be implemented. Essentially the principles are good, but they need to be backed up by a significant injection of additional DEET funding and resources.

#### **Recommendation 2**

**To actively support schools which provide innovative programs for students with special needs and encourage them to share their expertise with other schools.**

This recommendation is supported, but, once again, the support and encouragement provided to schools must be substantive and must be backed up with funding assistance if it is to be effective. It is one thing for schools to be provided with information on best practice in relation to the needs of students with disabilities, learning difficulties, challenging behaviours, etc., but quite another for schools to be able to reform their practice without additional resources and assistance.

#### **Recommendation 3**

**Broadening the definition of students with special education needs to focus both on those with disabilities and those with learning difficulties.**

Southwest Advocacy agrees that there are currently large numbers of students with disabilities, learning difficulties and challenging behaviours that do not qualify for DAI assistance because of exclusive and narrow eligibility guidelines. These students desperately need assistance. However, there is currently not enough funding in the system for those students who qualify under the existing guidelines. DEET cannot expect to expand student assistance programs without making the commitment to providing significant new funding.

#### **Recommendation 4**

**Create a new program, the Special Education Needs Program.**

See response to Recommendation 3 above. Significant injection of new funding is required, otherwise you are only "re-arranging deckchairs on the Titanic".

## **Recommendation 5**

**A new role for specialist schools, which will provide support, training and expertise for regular school colleagues within their network.**

This recommendation is supported in that specific training and support for school staff and Principals in relation to the needs of students with disabilities, learning difficulties and challenging behaviours is very much needed if our education system is to become more inclusive. See our comments on the current situation (point 6, page 4) above.

## **Recommendation 6**

**Changing the way students with disabilities and impairments are identified by developing a new Educational Needs Questionnaire that focuses on learning needs rather than disability or diagnosis.**

This Recommendation is fully supported if its outcome will be to make it easier for more students with disabilities, learning difficulties and challenging behaviours to access the assistance they need in relation to education. See also our comments above (point 3, page 3)

## **Recommendation 7**

**Assessment of students for additional individual support is carried out by a person who does not work directly with that student or school.**

This recommendation is supported, providing assessors are required to collect and take into account any relevant information regarding the student's needs from parents, carers, advocates, and key persons at the school and in the community generally.

## **Recommendation 8**

**Program Support Groups must be established for all students with moderate or severe disabilities receiving individual support.**

Southwest Advocacy suggests that this recommendation be amended to apply to all students receiving individual support. This will have resource implications for some schools and for advocacy services. These implications should be thought through and addressed by DEET.

Please note that advocacy services such as ours actually advocate for the person with the disability, which, in the context of education, will usually be the child rather than the parent. Instructions are usually taken from the parent or guardian.

It is important that rules, including requirements for dispute resolution procedures and the establishment of individual student learning plans, be established for PSG meetings so that they are meaningful, consistent and accountable. It is also important for relevant community service providers to be able to be included in PSG meetings as necessary. Please refer to our comments above (point 4, page 3-4).

### **Recommendation 9**

#### **Increased professional development to help teachers report on the educational outcomes of students with disabilities and impairments.**

Southwest Advocacy supports this recommendation. Please refer to our comments above (point 6, page 4).

### **Recommendation 10**

#### **Regular reviews of allocations made to schools for students with disabilities.**

Southwest Advocacy supports this recommendation, providing that DEET invests additional funding and resources into programs for students with disabilities, learning difficulties and challenging behaviours. Reviews must be about meeting the educational needs of students with disabilities, not rationalising existing resources to make them go further.

### **Recommendation 11**

#### **Providing more professional development to help teachers and aides provide the highest quality inclusive education programs for students with special education needs.**

Southwest Advocacy supports this recommendation. Please refer to our comments on training and professional development above (point 6, page 4).

### **Recommendation 12**

#### **A sample of schools be selected to trial the implementation of the Special Education Needs Program in 2001.**

Southwest Advocacy supports this recommendation and suggests that at least one primary and one secondary school in each metropolitan and rural DEET region be selected to participate in the trial. We also suggest that DEET fund independent regional disability advocacy services to help monitor and evaluate the trial.