

(1)(a)(i) The Criteria used to Define Disability and Differentiate Between Levels of Handicap

In NSW, processes to define disability are moving away from categorical assessment and toward functional understanding of disability. However:

- there is continued reliance on the IQ as the means to codify intellectual disability. IQ assessment has long been questioned, having been based upon the experiences of white middle class students. Its use on students with disability is demeaning, arriving at a number to apply deficit-based stereotypes which have the effect of permanently limiting the life opportunities of the person. Many parents in NSW (and worldwide) refuse to allow their child to be assessed in this way and this brings them into immediate conflict with the staff who, in principle, are supposed to facilitate their child's enrolment.
- labelling of disability is seen as the way in which a student attracts resources. In NSW, this has led to a doubling of the number of identified students with disability over the past decade as students who were always present in the regular class are labelled to attract resources. This is detrimental to the students and the system. As Slee comments:

“The attachment of a special or disability label has a number of impacts on those who interact with the labelled student. Calling someone ‘socially-emotionally disturbed’ is quite different from being called naughty or disruptive. A generalist classroom teacher knows that there are people who are specially trained and have consultancy positions to deal with this type of young person.”¹

This may lead the teacher to ask whether the class should ‘put up’ with the student in the classroom. This severely restricts the options and experiences of the labelled student. Effectively such labelling narrows the definition of normality and who has a right to a place in the regular class.

- funding processes reinforce the listing of the problems by rewarding the largest number of problems with the greatest resources. This leads to:
 - a profile that is detrimental to being seen as a valued member of the school community;
 - the enrolment and welcoming of the student as contingent on external resources;
 - discouragement of problem solving that focuses on how to include not whether to include.

¹ Slee, R & Cook, S., *Disabling or enabling?* Youth Studies Australia, 1993, p37

In order to understand ‘handicap’ one must describe, analyse and account for the environment in which a student is placed. This includes understanding:

- the level of skill of the class teacher;
- the backup from other members of staff and specialist consultants;
- the welcoming nature of the school community – the extent to which they see the identified student as a valued member of their community;
- the physical aspects of the school environment.

Processes in NSW state and non-state schools only take account of factors in the student. They do NOT take any account of factors in the school.

(1)(a)(ii) The Accuracy with which Students’ Disability Related Needs are being Assessed

In NSW state schools, there has been some improvement in understanding need, however the assessment process is problematic in the following areas:

- the lack of ability to document frequency of event (eg frequency of need to go to toilet, of seizures) is a significant limitation in supporting educational planning to respond to need;
- understanding the needs of students with autism entering the regular class for the first time;
- understanding of students transitioning to high school and the need for support between classes;
- it takes no account of level of skill within a school. This can vary most significantly and have a profound impact on the perceived support needs of the student.

(1)(a)(iv) Effectiveness and Availability of Early Intervention Programs

Effectiveness of early intervention programs is limited by the segregated nature of provision. In NSW the very vast majority of early intervention programs are physically located in centres distant from mainstream children’s centres. This sets families and children in a path that is separated from the opportunities and supports that occur for children and families in the life of their community.

Effectiveness of early intervention could be significantly enhanced if funding authorities required:

- co-location of early intervention services with mainstream children's services; and
- planning toward joint auspicing of early intervention services by children's services and specialist disability agencies.

(1)(a)(v) Access to and Adequacy of Funding and Support in both the Public and Private Sectors

- Funding in the state system has improved significantly in recent years but Commonwealth funding to the private sector is significantly below the level required.
- There are different issues in relation to students with moderate to high support needs and those with low support needs:
 - For students with moderate to high support needs in state schools, there has been an increase in the level of funding. In many schools however, the low level of expertise means that the resources have not always been used effectively. There continues to be an urgent need for teacher training, planning time, regular consultant support etc.
 - In NSW, students with low support needs receive support from a range of school based programs as well as, in recent years, targeted funds from a capped pool of resources. Family Advocacy believes that there is danger in using targeted funds for students with low support needs, including the danger of:
 - labelling and thereby stigmatising a student in order to attract support;
 - believing that support for the student comes from the small number of identified hours, rather than looking recognising the responsibility of the mainstream teacher to provide materials and use skills that make all hours of education meaningful for the student. This requires teacher development and school based support for the teacher rather than for the student.

(1)(a)(vi) Nature and Extent of Funding to Provide for Full or Partial Learning Opportunities with Mainstream Students

This question requires re-phrasing. Inclusion requires all students to be welcomed and educated in the regular class of the local school. This would enable the re-orientation of the special education system to focus on supporting all students in the regular class.

It is anticipated that if the resources of the segregated system (money and expertise) were used to support all students in the regular class, the resource use would be more effective and would cost less in the long term because it would build up the knowledge and skills of all teachers to teach students of mixed ability.

(1)(a)(vii) Teacher Training and Professional Development

The submission prepared for Review of Teacher Education in NSW, conducted by Gregor Ramsey in 1999 is appended in response to this issue.

(1)(a)(viii) Legal Implications and Resource Demands of Current Commonwealth and Territory Legislation

Major legislation that impacts on all schools in NSW include:

- *NSW Anti Discrimination Act, 1977;*
- *Commonwealth Disability Discrimination Act, 1992;*
- *NSW Disability Services Act, 1993.*

This legislation requires all schools to remove discrimination and set up processes to ensure that students with disability are not treated less favourably when compared to students without disability. In relation to this matter, the HREOC National Inquiry into Rural and Remote Education recommended that:

“MCEETYA should sponsor and monitor a national commitment to inclusive education by all governments that reaches all education providers, principals and teachers.”(Rec 6.13)