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**Senate Employment, Workplace
Relations and Education Reference
Committee**

**INQUIRY INTO THE
EDUCATION OF
STUDENTS WITH
DISABILITIES**

A submission from:

THE NATIONAL INDEPENDENT
SPECIAL SCHOOLS ASSOCIATION
(NISSA)

April 2002

Introduction

The National Independent Special Schools Association (NISSA) is a non-profit association whose mission it is to ensure access for children and young people to independent special education as a vital component of the continuum of appropriate placements and services in Australian education. The association consists solely of independent (non-Government) Special Education facilities. NISSA represents a range of facilities nationally that provide special education programs for children and youth with mild to severe disabilities who may also need special therapeutic education services that address their unique needs.

Independent Special Schools were among the earliest providers of services to children and young people with disabilities in Australia often initially established by parent groups, charitable organisations and religious orders. For over 100 years, independent special schools have given leadership in the field of Special education, often pioneering new service provision and introducing new methods and technologies in the education of children with disabilities. NISSA believes the presence of a small but significant independent Special Education sector is essential in the promotion of quality education of children and young people with special needs and the provision of choice in schooling.

NISSA aims :

- To promote the collective interests of Independent Special Schools and the families and students they serve.
- To provide a forum for sharing of information and views on matters relating to the operation of Independent Special Schools.
- To represent the collective interests of Independent Special Schools at State and National levels.
- To promote and co-ordinate joint professional development activities and research.
- To advocate for and contribute towards enhancement and development of equitable legislation and funding.
- To actively promote the role of Special Schools within the continuum of education.
- To raise the public and political profile of NISSA.

Below is a summary of NISSA's recommendations contained in our submission:

Recommendations:

1. Categories do not signify the level and type of education program required to meet the individual needs of a student with a particular disability.
2. Level of handicap must relate to the assessed related support needs of an individual student in order for that student to access the appropriate curriculum.
3. Funding for all students with a disability should be based upon the level of educational and related support an individual student requires and not on a generalised assumption based upon the category or definition of a student's disability.
4. A criterion-referenced related needs assessment be established in order to determine the specific support a student with a disability requires in order to effectively access an appropriate educational program.

5. Policy and funding arrangements must ensure that environmental and cultural biases don't further handicap students with disabilities.
6. Mandatory minimum components are required for a comprehensive, coordinated and transdisciplinary early intervention service and should be included within the continuum of generic educational service delivery structures and offered to young infants and toddlers (birth – 3 years) with a disability and their families.
7. A recurrent funding base be established to support non-Government Special Schools and that any Average Recurrent Cost index should be based upon but not limited to the average "total" cost of educating a student with a disability in a Government special school which takes into consideration the full range of on-costs.
8. A continuum of services must be available for all students and that the concept of inclusion is a meaningful goal to be pursued in and through all schools and communities.
9. All teacher training institutions should provide mandatory instruction for all teacher candidates about current trends in services and methodologies in the education of students with special education needs.
10. All State Governments are responsible for promoting inservice activities that will update all professional educators and provide ongoing, meaningful staff development programs for both Government and non-Government school teachers.
11. Federal funding is targeted to support and sustain high quality special education teacher training and research in each state.
12. All students with a disability in non-Government special schools should be recurrent funded to a minimum standard and indexed annually and that a mechanism be established in order for those students to use their funds to access the most appropriate educational setting whether it be a Government or non-Government regular or special school setting.
13. Appropriate Commonwealth legislation be mandated to improve the educational outcomes for all students with disabilities.
14. The Commonwealth to take primary responsibility for Special Education services to ensure national standards of provision.
15. The development of an Office of Special Education within the Commonwealth to specifically target and oversee the development of policy, funding and services to students with disabilities.

NISSA impresses upon the Inquiry the obligation of Governments to children with disabilities as set out in Article 23 of the Convention on the Rights of the Child to which Australia is a signatory:

Article 23

2) States Parties recognise the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3) Recognising the special needs of a disabled child, assistance extended in paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives, education, training, health care services and rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

The Convention recognises the right and responsibility of parents to educate their disabled child in accordance with their own spiritual and cultural beliefs. It also recognises that, while individual family circumstances need to be taken into account, whenever possible that education shall be provided free.

NISSA strongly recommends that this Inquiry accept that the Federal and State Governments of Australia have an obligation towards all children with disabilities as set out in the Convention on the Rights of the Child and recommend the non-discriminatory distribution of public resources to support and sustain that obligation.

The following five pages address points (i) – (viii) of the Terms of Reference for this Inquiry.

Dr. Mark Clayton

Chair - National Independent Special Schools Association
April 2002

1(a) whether current policies and programs for students with disabilities are adequate to meet their education needs, including, but not limited to:

i). the criteria used to define disability and to differentiate between levels of handicaps

For the purpose of this inquiry, NISSA supports the following terms of “disability”: a student assessed as having an intellectual disability, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, emotional disturbance, an orthopaedic impairment, autism, traumatic brain injury, deaf-blindness, or multiple disabilities, and who is in need of special education and related services.

NISSA contends that these categories are used only to confirm that students differ from each other and that on their own do not constitute a valid criterion for purposes of service delivery or funding.

NISSA argues that categories do not signify the level and type of education program required to meet the individual needs of a student with a particular disability and that categories should not be used to make generalised assumptions about how or where students with a particular disability should be taught.

NISSA contends that level of handicap must relate to the assessed related support needs of an individual student in order for that student to access the appropriate curriculum in the most effective and efficient manner possible. Not all students falling under the same definition will necessarily require the same level of support.

NISSA contends that funding for all students with a disability should be based upon the level of educational and related support an individual student requires and not on a generalised assumption based upon the category or definition of a student’s disability.

ii). the accuracy with which students’ disability related needs are being assessed:

NISSA regards the term **related needs** as meaning any developmental, corrective, and other supportive services required to assist a student with a disability to benefit from special education, which, in the widest sense, refers to education as preparation for life and, hence includes all aspects of a disabled student’s developmental and learning needs. Addressing these needs includes, in particular, multidisciplinary service provision which involves speech-language pathology and audiology services, physiotherapy and occupational therapy services and psychological services as well as print and non-print material, early identification and assessment of disabilities in children, counselling services, orientation and mobility services, transportation, and teaching aide support.

NISSA contends that related needs are inadequately considered in the Commonwealth funding guidelines for non-Government special schools and argues that a criterion-referenced related needs assessment be established in order to determine the specific support a student with a disability requires in order to effectively access an appropriate educational program.

NISSA contends that any such assessment be based upon a process which considers cultural and linguistic diversity and differences in communication and behavioural factors, and that the existence of limitations in adaptive skills occurs within the context of community environments typical of an individual’s age peers and indexed to the person’s individual needs.

iii). the particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds and from rural and remote areas:

NISSA contends that students with these characteristics should be supported and funded under a “related needs” assessment as discussed in (ii) and that an additional weighting be considered for any funding package for students who present with these additional characteristics.

NISSA argues that many students with disabilities presenting with these characteristics are further at-risk of being marginalised within the education continuum and that policy and funding arrangements must ensure that environmental and cultural biases don't further handicap these students.

iv). the effectiveness and availability of early intervention programs:

NISSA maintains there are three primary reasons for the provision of early intervention services:

- To enhance a young child's development
- To provide support and assistance to the family
- To maximise the child's and family's benefit to society

NISSA contends that after nearly 50 years of international research, there is evidence - both quantitative and qualitative, that early intervention increases the developmental and educational gains for the child, improves the functioning of the family, and reaps long-term benefits for society. Early intervention has been shown to result in the child:

- Needing fewer special education and other rehabilitative services later in life
- Being retained in the same grade less often
- In some cases being indistinguishable from non-handicapped classmates years after intervention

NISSA argues that mandatory minimum components are required for a comprehensive, coordinated and transdisciplinary early intervention service and should be included within the continuum of generic educational service delivery structures and offered to young infants and toddlers (birth – 3 years) with a disability and their families.

v). access to and adequacy of funding and support in both the public and private sectors:

Currently, non-Government Special Schools are eligible to access a range of funds through a variety of sources with the majority of funding largely application based and limited. NISSA contends that application based funding is detrimental to the on-going development and support of non-Government Special Schools and that an efficient, effective and substantive recurrent funding base be established to support non-Government Special Schools.

NISSA argues that an Average Recurrent Cost index should be based upon the average “total” cost of educating a student with a disability in a Government special school, and not an average based upon educating a non-disabled student which fails to take into consideration a range of additional on-costs such as superannuation, leave loading, professional development and specialised resources.

The proposed AGSRC for special schools based upon a regular school index of 70%, provides a false picture of support and severely discounts the actual costs of educating a

student with a disability, which is further exaggerated as the disability moves from mild to severe.

NISSA believes there is a strong case for the Federal Government to review the funding basis for non-Government Special Schools and establish alternative funding arrangements based upon the identified needs of individual for non-Government Special Schools which recognise the increased costs associated with educating students with disabilities. The proposed AGSRC being applied under the State Grants Assistance Act 2000 severely underestimates the real costs to non-Government Special Schools..

vi). the nature, extent and funding of programs that provide for full or partial learning opportunities with mainstream students:

NISSA contends that Special education should be regarded as an integral part of the total educational enterprise, not a separate system, and that special education is a means of enlarging the capacity of the system as a whole to serve the educational needs of all children. Both regular and special school programs play a role in meeting the educational needs of students with disabilities.

NISSA supports the view that special education serves as a support system, and special educators can assist regular school personnel in managing the education of students with disabilities. Special education should function within and as a part of the regular school framework. Within this framework, the function of special education should be to participate in the creation and maintenance of a continuum of educational services and contexts suited to the needs of all students. From their base in the special school system, special educators can foster the development of specialised resources by coordinating and integrating their specialised contributions with the contributions of the regular school system.

NISSA believes all students with disabilities are entitled to educational services that lead to an adult life characterised by satisfying relations with others, independent living, productive engagement in the community, and participation in society at large. To achieve such outcomes, there must exist for all students a variety of early intervention, educational, and vocational program options and experiences. Access to these programs and experiences should be based on individual educational need and desired outcomes.

NISSA believes that a continuum of services must be available for all students and that the concept of inclusion is a meaningful goal to be pursued in and through its schools and communities. NISSA believes students with disabilities may be served whenever possible in regular education classrooms in local school settings but only if these settings best meet the needs of these students in providing a social-learning context which maximises the outcomes for the students in terms of preparing them for the most inclusive access to society in adulthood and if sufficient and sustainable funding can be provided to meet the immediate and on-going educational needs of each student.

vii). teacher training and professional development:

NISSA contends that essential to the appropriate placement of student with a disability is the preparation of the environment for that student through pre-service and/or inservice training of staff and any other necessary accommodations. NISSA endorses the view that all teacher training institutions should provide mandatory instruction for all teacher candidates about current trends in services and methodologies in the education of students with special education needs.

NISSA believes that all State Governments, whose role it is to register and accredit all schools have a responsibility to promote inservice activities that will update all professional educators and provide ongoing, meaningful staff development programs for both Government and non-Government school teachers.

NISSA is concerned that inconsistencies and inadequacies in certification requirements for special educators across Australia, as well as the shortage of qualified special education teachers, are detrimental to the provision of high quality special education services. NISSA is alarmed that in recent years, due to changes in funding patterns to teacher training institutions, many undergraduate and postgraduate special education teacher training courses are being severely compromised in their capacity to provide high quality training in this field.

NISSA argues for targeted federal funding to support and sustain high quality special education teacher training and research in each state.

viii). the legal implications and resource demands of current Commonwealth and state and territory legislation:

NISSA is deeply concerned that non-Government special schools currently have to make a disproportionately significant contribution to the costs of educating their students by fundraising events, attracting bequests and seeking long-term benefactors. This funding gap is having a serious effect on the viability of most non-Government special schools forcing many of them to consider closing altogether, or reduce services, change enrolment patterns, reduce necessary staff, and delay or ignore important equipment and resource purchases.

NISSA believes that its needs are being largely ignored by the Federal Government. The generalised view that all non-Government school's are wealthy and over funded further disadvantages our schools who are already severely under resourced and yet are providing a range of specialised services for students which Government schools do not provide.

NISSA argues that, in the interests of equity and quality of outcomes, all students with a disability in non-Government special schools should be recurrent funded to a minimum standard and indexed annually. The determination of a minimum standard should take into account but not be limited to the provision of education and related support needs provided to students with a disability in their respective state special school or equivalent and be based upon a process which considers:

- cultural and linguistic diversity and differences in communication and behavioural factors, and
- the existence of limitations in adaptive skills occurring within the context of community environments typical of an individual's age peers and indexed to the person's individual needs.

(b) what the proper role of the Commonwealth and states and territories should be in supporting the education of students with disabilities:

NISSA contends that research and experience has demonstrated that the education of students with disabilities can be made more effective by having high expectations for such students and ensuring their access to the most appropriate curriculum to the maximum extent possible.

NISSA strongly supports the development of appropriate Commonwealth legislation to mandate improved educational outcomes for all students with disabilities through early intervention, preschool, and educational experiences that prepare them for later educational challenges and employment.

NISSA contends that each student with a disability should attract a minimum level of funding based upon his or her assessed needs and that a mechanism be established in order for that student to use their funds to access the most appropriate educational setting whether it be a Government or non-Government regular or special school setting.

NISSA further contends that special education should be primarily the responsibility of the Commonwealth government to ensure that there are national standards of provision.

NISSA believes there is an urgent need for the development of an Office of Special Education within the Commonwealth to specifically target and oversee the development of policy, funding and services to students with disabilities arising from appropriate Commonwealth legislation.

Dr. Mark Clayton

Chair - National Independent Special Schools Association

April 2002