

National Council on Intellectual Disability

Electronic Submission EET.Sen@aph.gov.au to
the

Senate Employment, Workplace Relations and
Education References Committee

for the

Inquiry into the Education of Students with
Disabilities

NATIONAL COUNCIL ON



DISABILITY

Incorporated in the ACT

When indeed shall we learn that we are all related one to the other, that we are all members of one body? Until the spirit of love for our fellow man, regardless of race, colour or creed, shall fill the world, making real in our lives and our deeds the actuality of human brotherhood. Until the great mass of people shall be filled with the sense of responsibility for each other's welfare, social justice can never be attended.

Helen Keller
(1880 - 1968)

Kicking the Habit of Segregation: The historical context of segregation, exclusion, discrimination and elimination.

As we begin any conversation on the education of students we need to set this social debate within its rightful historical context. The debates on educating students with disabilities are a subset of the paradigm of a historic view of disability as 'other'. This is encapsulated in a timeframe of thousands of years, which has as yet been a silent construct in conversations relating to disability issues.

It is here we wish to begin our discussion of students with disabilities. The histories of people with disabilities are dominated with themes of segregation, exclusion and elimination. This began with the Ancient Greeks who first legislated the legal killing of people with disabilities (Stiker, 2000; Wills, Jackson and Vederro, 2000).

As a society we can only move forward to a new paradigm and culture in our treatment of people with a disability once the whole of our community understands the endemic discrimination and maltreatment we have for thousands of years imposed on people with the individual difference of 'disability'.

We are seeking the inclusion of a group of people who have historically been removed from our society based on their difference. It continues today.

When a child is born with the difference of disability the dominant message to parents is one of sin. Parents were and continue to unconsciously feel guilt and shame about the birth of a child with a disability based on the fact that throughout our history we have always rejected people with disabilities.

This rejection is based on a belief that their individual difference makes them the 'other of us'. They are not the same, to its extreme, the unconscious social construct historically is that they are not human. All social systems that have been created to work with people with disabilities are imbued with this unconscious social construction of disability as 'other'. That is why they remain the last hegemonic social grouping to continue to have mandatory and imposed special/separate services.

In education the individual social construct of people with disabilities has historically been dominated by a view that these people are uneducable therefore 'special education' reflects methodologies of institutional care rather than those of good educational practice.

Since the 1960's there has been a growing awareness that people with disabilities are first and foremost people and require all elements of a typical

life, an education, a job, a place to call home and recreation they enjoy combined with love, family, friends and meaningful relationships. As we all do to lead a fulfilling life.

Specific to education the first research into the effectiveness of 'special education' was conducted in 1965, it found that the methodology was ineffective and advocated the teaching of children in mainstream schools using precise curricula aimed at the child's learning level (Sobsey & Dreimanis, 1993).

At a broader social level since the 1960's there has been a move by parents to reject the dominate narrative which focuses on the individual differences of a person that require their removal from typical social spaces like the local school, and regular workplaces. What these people are seeking is a new worldview of people with disabilities. They are the leaders of a new social movement, which challenges thousands of years of mandatory removal of their children based on notions of sin, fear, stereotyping, prejudice and 'otherness'.

During the 1990's it became widely accepted that disability is socially constructed in the same way as gender, race, class and ethnicity. What this means is that it is our social systems and social institutions which disable people with the individual difference of disability, rather than their individual differences. Armed with this knowledge we are now at the point of demanding that the social institutions which truncate the lives of people with a disability reform their ways and take up the solutions to bring people with disabilities into the continuum of humanity. This is a new path, one with major challenges not least being the need to change power constructs which are integral to the socially construction of our communities.

Understanding that disability is socially constructed is very important for education systems and education professionals because this knowledge leads us to a clear position that definitions of disability offer no useful information on a student that can assist teachers with the accommodation of individual adjustments. Educators need to know how a student learns so that they are able to present curriculum to each student that is potent and powerful and directed to their individual learning level. This skill is teaching to diversity and internationally recognised as the key competency that teachers need to accommodate and make the ongoing adjustments that are part of the constant flow of education for ALL students.

Foucault (cited Danaher, Schirato and Webb, 2000: 26-28) makes it clear that when we create a society where professionals hold the monopoly of power there is a constant multiplication of labelling and diagnosis of people based on a professional requirement to increased client numbers. In our educations

systems today we see an epidemic of this process where there is a ballooning construct of creating vast and various labels for those children who don't fit the system. In actuality what is occurring is that education is the oldest human service system in the final stages of decay, it is the system that does not fit the majority of children.

Internationally it is accepted that we, as nation states, must move to education systems that welcome the difference and diversity that surrounds them. This means holistic change with open and honest debates about education. In the disability sector we, based on past experience, are cynical that some bureaucrats can move out of their historic unconscious stereotyping of people with disabilities as 'other' to an understanding to building a new education road which ALL students can travel. Many are conflicted by their values and knowledge base. We need no increase in the labelling and differentiation of people based on their individual differences. What we need are professionals skilled in teaching to diversity. At this stage we see no indication that teacher training and professional development is establishing this skill as a pre-requisite to working in educational facilities. For student with disabilities their inclusion in regular education is well supported by a plethora of research, which has developed internationally over the past 30 years.

International leadership and commitment to inclusive education.

Education is recognised as a fundamental human right in UN treaties on human rights and in the existing Rights of the Child. Additionally, education is one of our few legislated rights in Australian society. In 1994 the most significant document developed about inclusive education was produced by UNESCO- the Salamanca Statement. This statement has now been added to with an increasing range of information named Education For ALL.

McGregor & Vogelsberg (1998) developed a synthesis of the literature that establishes best practice inclusive education internationally. It is recognised that inclusive education is best practice education. UNESCO has written a succession of publications which assist nations on strategies, policies and practices which can assist them move towards inclusive education (Salamanca Statement, 1994; Education For ALL, 2000, 2001). Yet still as Australians we drag our feet in meeting worlds best practice. This delay is most evident in the constant power inequities and truncated processes racked with conflict and the constant flow of complaints about education to HREOC..

Jackson (1999) established in reviewing the past thirty years of research on inclusive education that only one article saw no benefits to students with disability. Overwhelmingly, it is recognised that inclusive education pays social, cultural and economic dividends to societies and is the most effective

way of eliminating endemic historic discrimination against students with disabilities.

Politicians in their role as leaders need to develop an understanding of the international documentation that establishes international best practice and conversations relating to education and an inclusive education system. This is assessed via the UNESCO website and their related publications on Education for ALL. Politicians can not rely on education bureaucrats many of whom are invested in historic unconsciousness and have failed to move towards the view of disability being socially constructed.

What is clear from international research is that inclusive education is a move towards meeting the learning needs of ALL the children in the education system. Our current system is based on the requirement of moving out the children who do not fit the system. This means that education systems need to become centres of collaboration and cooperation rather than sites of entrenched competition. Our focus on competition promotes a culture of bullying and violence that is internationally recognised as one of the symptoms of non-inclusive education cultures.

Australian governments can no longer remain ignorant of their failure to listen to the new paradigms spoken in international circles that promote the wisdom that good education is good for all children. We have yet to reach a level of education policy and system that is good for all children.

Reforming education in Australia:- what will it take?

Economic considerations

Often we are told that the cost of inclusive education is too onerous for government.

An effective education system that teaches to ALL students WELL does not impose any additional discrete additional costs. It is simply a better utilisation of current resources. Although extra resources might be needed to those with severe difficulties, the vast majority of children with moderate and mild difficulties could be offered a meaningful education within the regular school system at no cost or very marginally increased unit costs.

There is now credible evidence that inclusive education offers cost savings to Governments.

The World Bank in 1994 conducted research aimed to provide a rationale for decision makers to support the inclusion of the vast majority of children with special educational needs into regular educational systems. The study offers

social and economic justification for inclusive primary schooling, based upon the principle of education as a basic human right for all children.

The World Bank study offered a number of messages:

“There are personal, social and economic dividends to educating primary aged children with special educational needs wherever possible in mainstream schools.

Most children with special educational needs can be successfully and less expensively accommodated in integrated than in fully segregated settings.” (Reported in “Getting There”, Newsletter of Inclusion International).

The World Bank study highlights that the inclusion of students with disability provides governments with economic benefits.

We know from international research and initiatives that the cost of failing to create inclusive education is to fail to meet worlds best practice education and to meet the needs of all children.

Inclusive education creates a system, which accommodates the learning needs of ALL students in education, unlike the current system that reportedly meets the needs of the minority of students (Gartner & Lipsky, 1989).

We also believe that we live in a nation with abundant resources and a commitment to education is what is required in our public policy agenda.

A change of attitude

It is our view that the attitude of people with disabilities as 'other' continues from it seeds of thousands of years of history and this is the biggest obstruction to achieving education for students with a disability. This unconscious social construct seeps into every aspect of teaching practice, school management and system response to disability issues. What we need most is to challenge this paradigm and tell the history of disability in the way that all social change movements have strived to own their history as the way forward in creating new social responses to their individual difference.

Creating schools, which can cater to the diversity of students in the Australian population, is coherent with Education For All (2000) principles of UNESCO and disability is simply a part of this diversity. However as Shapon-Shriven (1994) indicates students with disabilities are the disclosure tablet of systemic failures to create inclusive school communities.

What it takes is:

- ✓ A belief that ALL children can learn and develop in an educational model, by holding high expectations for All our children regardless of their individual difficulties and differences.
- ✓ A collaborative and cooperative model of education rather than the model of competition that dominates our education systems.
- ✓ Whole of school management strategies aimed at working with the diversity of the school population and meeting the individual difficulties of All students.
- ✓ A workforce of teachers skilled in teaching to diversity. Teachers need to understand that their behaviours are a part of the group behaviour of the class and the schools. Teachers need to reflect on their educational practices on a daily basis as a critique for improving personal practices.

We would suggest to the Senate Committee that the State of Tasmania has taken a leadership role in this area and should be congratulated for their efforts. We can use their leadership as a framework and as a means of building a national commitment to inclusive education. As we move to the creation of an inclusive education model of education in Australia we need to ensure that there are safeguards in place to measure the commitment and progress of the effectiveness of education providers.

We would support the establishment of two yearly audits of educational settings in research programs that measure the success in facilitating the physical, social and curricular inclusion of students with disabilities in their local schools. Students, parents, teachers and education providers should all be a part of the team who participates in measuring the education department's move towards Inclusive Education.

An urgent service need for the support of families and students with disability in participating at schools.

1. Too often parents and students with disability are not provided with information regarding their choices and rights.
2. Too often parents and students with disability are not provided with support and advocacy to assist them through the education system.
3. Too often parents and students with disability are not provided educational expertise on inclusion in schools.

The National Council on Intellectual Disability is often approached by families who are unable to ensure that their son or daughter with disability receives a quality education at the local school.

Common barriers for parents include:

- ✓ Getting their son and daughter enrolled
- ✓ Obtaining appropriate resources and adjustments
- ✓ Working collaboratively and effectively with school principals and staff
- ✓ Ensuring that the curriculum and teaching is relevant to the needs of their son or daughter

The consequence of these barriers is that either children with disabilities do not go to school, or families have to choose other school options. Many families are forced into choosing segregated and special schools/units due to the absence of an inclusive schooling option.

NCID has come to the conclusion that both parents and schools require specialist assistance so that we can develop welcoming schools for ALL.

Parents require good information about their choices and rights.

NCID has learnt that when parents are provided with good information that they are more able to work their way through the system. Critical to this is information that is delivered by an external and independent source. An example of this is that when families in Western Australia were informed of an inclusive education program there was a large demand for inclusive education. Whereas in the absence of such information parents are vulnerable to education systems that have predetermined their choice - usually to accept segregated or separated schooling options.

NCID is also aware that there need to be an acknowledged duty of care by state educational authorities to provide the facts about education for students with disability. There is no substantive educational reason for the separation of students with disability from their peers. Such separation is based on historical attitude and discrimination. There is no research that supports such a model. There is however substantive research on the inclusion of students with their peers at local schools and how this benefits in terms of human rights, eliminating disability discrimination, and fosters good education and good social sense for other students and the community.

Parents require access to support and advocacy.

It is difficult for parents to pursue inclusive education. With a system that often does not promote the inclusion of students with disability and often actively discourages parents from pursuing such choices and rights, parents

are often left vulnerable and powerless. It is our experience that parents, particular in rural and remote areas, and from non-English speaking backgrounds, have no access to support and advocacy from an independent source.

There are pockets of organised government funded advocacy groups throughout Australia. These groups are often ineffective due to limited resources. These groups are also constrained by having to provide advocacy for a range of issues beyond that of education.

The provision of advocacy provides learning and support to parents in ensuring that their rights and choices are acted upon by schools. It also provides specific information about the range of options and methods that parents are entitled to utilise to exercise their rights and choice. For example, how to effectively use the Disability Discrimination Act.

Parents and schools require technical inclusive education advice.

The greatest issue in achieving inclusive education is to ensure that students with disability are not 'dumped' at schools without any regard for their educational development.

It is NCID's experience that schools are becoming better at physically including students with disability. However, many schools pay little attention to the learning needs of such students. NCID believes there is a range of reasons for this situation. Central to this is the lack of expertise in teaching to diversity and adapting curriculum based on educational need.

Parents and schools require skills and competencies in ensuring the inclusion of students result in educational benefit. NCID has seen this successfully transacted when external independent expertise is made available to the family and the school.

There is now an urgent need for the development of this skill and the sharing of such knowledge amongst educators.

NCID proposes that the Senate recommend the provision of funding for the establishment of non-government services for families and students with disability to provide information, advocacy support and technical educational expertise on inclusion. Such services could also be provided to schools that are seeking to change and learn skills to be able to include and teach students with disability well.

Eliminating disability discrimination in education

One of the obstacles which students and parents face in achieving a good inclusive education for their children with a disability is discrimination. Flynn (1997) documents in detail the difficulties faced by students and parents in

overcoming systemic barriers based in unconscious social constructs that truncate and diminish the educational experience of students with disabilities.

McAfee, Jackson and Cockram (1998) report that internationally one of the most successful models of moving towards systemic change has been the introduction of an INDEPENDENT Complaints Model in Pennsylvania, USA.

The disability sector in The Way Forward (2001) supported a process which would ensure that complaints about education were heard quickly, by an independent body, who were in no way connected with the education providers. This is another possible step in holding education systems accountable and requiring that they move towards inclusive education rather than continue the too often dragging their feet in the sand.

A draft Disability Discrimination Act Education Standard has now been drafted and only needs to be approved by Commonwealth and State Government bureaucratic and political processes to be tabled in the Commonwealth Parliament.

NCID has participated with vigour in the development of the DDA Education Standard and believe that the draft Standard should become LAW as soon as possible. The Standard provides families and students with disability greater clarity on the obligations education providers must meet to be non-disability discriminatory.

NCID would propose that the Senate Committee recommend that the Standard be presented to the Commonwealth Parliament as a priority. The current endemic systemic discrimination of students with disability requires this action to be taken as quickly as possible.

NCID also asks that the Senate recommend that Commonwealth and State education policy, funding and education providers seek to undertake an audit against the DDA Education Standard with the view to prepare strategic plans to create schools and other education provision that is non discriminatory for students with disability.

Specific response to the Terms of Reference

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

Tasmania is the state in Australia which has initiated the best policies and practices, based on the Salamanca Statement (UNESCO, 1994). Other states lag behind in taking up the guidance provided by UNESCO as international

wisdom and leadership that establish the intricacies needed to reform education systems so that they can be able to meet the learning needs of the diverse range for students. We suggest that this committee become familiar with the Salamanca Statement and its additional documents namely Education For ALL. These constitute a leadership position on what it takes to create education system that can effectively teach to diversity, of which disability is simply a part. However historically we have excluded and segregated the difference of disability. This was the old way, we now know that disability is socially constructed in the same way as gender, race, class etc. therefore it is our social institutions that need to change their response to individuals.

Sadly the dominant response to educating students with a disability remains to separate them based on their difference rather and view this difference as bringing in the diversity of humanity to our local communities and education systems.

i) The criteria used to define disability and to differentiate between levels of handicap.

As we have established in this document, disability is socially constructed. What this then means is that differentiating people on their medical label or diagnosis offers no assistance to education systems. What teachers need to know is how a child learns and what their learning level is to be able to deliver powerful, potent, curricular aimed at the child's individual education level. Teachers skilled at this are rare in Australian education systems. This technical skill is named teaching to diversity and advocates in education in the disability sector see little evidence that this is an ability of the existing workforce and fail to see many new teachers emerging skilled in this area.

What we urgently need is a workforce of teachers who can teach to the diversity of Australian children, thereby creating education systems, which meet international guidelines and ensure the positive and potent education experience of ALL our students.

We do not need to define individuals rather we need to know how they learn and where their learning is at so that we can **modify curriculum and the educational purview**.

ii) The accuracy with which students' disability related needs are being assessed.

At this stage there is little evidence that teachers are skilled in assessing students to gain practical information that allows them to adjust curriculum.

Christine Van Kramin and John Elkins (MCEETYA: 2000) have developed the best research in this area. Their findings are, that the failure of students to learn is mostly attached to the belief systems of teachers, that they are not able to teach to the diversity of disability unless they are 'special education' trained. International research tells us that good teachers are good for ALL children regardless of their individual difference or difficulty.

Assessment thus needs to be used for the benefit of understanding education need, teaching strategy and the making of any adjustment or accommodation. Labelling in the disability sector has historically, and unfortunately still being used, to separate students with disability from their peers.

v) The particular needs of students with disabilities from low socio-economic, non-English speaking and Indigenous backgrounds and from rural and remote areas

We have outlined what it takes and this is congruent for any student defined as 'other' or different by education providers. Technically skilled teachers, non-competitive learning environments, student focused learning centres, and a holistic flexible system. This is supported by the work of UNESCO who advocates education reforms to meet the needs of ALL students'.

iv) The effectiveness and availability of early intervention programs

It is recognised that early intervention is important in assisting people reach their full potential. The current difficulty with these programs is that they are in sites for those defined as 'other' and children are removed from their local communities. These services need to be continued in local communities to ensure the welcome and acceptance of people with disabilities into the local school and wider community spaces.

Reversing the Brain Drain is an excellent document on the value of early intervention specific to social economic disadvantage but congruent with all other forms of difference and disadvantage. This research demonstrates the life long benefits when we invest in children from 0 - 6 and contains a 30 year longitudinal study of participants.

v) Access to and adequacy of funding and support in both the public and private sectors,

When we create education system that can teach to the range of students accessing education, conversations about funding are irrelevant, because we have achieved education that works for ALL students rather than the

minority currently reported to succeed in education systems (Gartner & Lipsky, 1989). Currently education is expressly a class-based system with the haves accessing more than the have-nots (Adams, 1999).

We should remove the inaccurate construct of private education and name it what it is: publicly subsidised education. There is no private education in Australia conversely if we continue to name it private education it should be so. This is the core of class based education and severely disadvantages anyone with any range of individual difference via smoke screens of merit points for entry to privileged educational settings. Inherently discriminatory.

The decline in funding of education over the past decade is a reflection of our lack of commitment to the next generation of Australians.

Specifically to students with disability, the process of negotiating any 'specialist' or 'adjustments' in order to determine funding requires the opportunity for parents and students with disability access to choose at what school setting this can be used. There is a strong case for equity and flexibility of funding rather than it being tied to particular programs or particular schools. NCID's experience is that families are often held at ransom over how and where such funding can be used.

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

Clearly, the current funding systems throughout Australia make a mockery of the principle of choice. If there is a commitment to provide parents the right to choose inclusive education, then equally, funding based on need should be made available.

The Draft DDA Standard on education will oblige educational providers to provide reasonable adjustments up to the point of unjustifiable hardship. It is propitious for educational providers to now consider transparent needs based funding policies for students with disability that are non-discriminatory.

vii) Teacher training and professional development, and

The most critical need in our education systems is to develop a workforce of teachers who are skilled at teaching to diversity and managing behaviour of the range of children in our system. We see little evidence that this staff skilling exists in our schools and are unclear about this becoming a prerequisite in current teacher training. This requirement is a central point of change in our systems that will pay dividends to ALL students with improved learning outcomes for a diverse range of students.

viii) The legal implications and resource demands of current Commonwealth and state and territory legislation; and

Since 1992 education systems have had a requirement to ensure that education is non-discriminatory for students with a disability. Our anecdotal evidence suggests that endemic, historic and entrenched discrimination pervades our education systems (Flynn, 1998; Wills and Jackson, 2000). The current draft education standard will improve access to non-discriminatory education for students with a disability. But words and rhetoric are not enough. Until the historic social construct of disability is disclosed to the Australian population, people with disabilities will continue to be treated as 'other' and denied an ordinary life: education at the school of their choice, involvement in their local community and fulfilling work options.

Current Commonwealth Discrimination Law has been in existence since 1992. The draft DDA standard does not introduce any new obligations on education providers that do not already exist..

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

Students with a disability must be seen as a part of the diversity of our student population and treated in non-discriminatory processes. They must be able to access the whole purview of an educational setting: social, curricular and physical. It is revealed by Wills and Jackson (1996; 2001) that students may be physically present at the local school but are commonly excluded from social and curricular aspects of education based on their individual difference constructed as 'other' and additionally as 'uneducable'. These are two powerful social constructs that need intense education of all levels of education providers, students and parents that need to be challenged.

Therefore the Commonwealth, State and Territories have a role in taking up a leadership position which begins to teach Australians that people with disabilities are a part of the continuum of humanity. They have always been here, that difference and difficulty is normal amongst us all. Then pave the way for welcoming them into education setting and achieving learning outcomes.

Conclusion

Education is time limited and our sons and daughters cannot wait for this inflexible system to believe that change is a good idea. We know that change is what is required. Now is the time for action.

NCID would like to thank the Senate for this opportunity to provide a submission and would be happy to provide further testimony or material to assist with its inquiry.

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