



Catholic Education Centre

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Mr John Carter
Secretary
Senate References Committee on Employment,
Workplace Relations and Education
Suite 1.61
Parliament House
CANBERRA ACT 2600

Dear Mr Carter

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

Catholic Education SA welcomes the opportunity to make a submission to the *Inquiry into the Education of Students with Disabilities* and thanks you for the extended submission time. A summary has been included which outlines the issues related to the Terms of Reference. Each Term of Reference is addressed separately in our submission.

Catholic Education SA commends the Commonwealth Government for initiating the inquiry and the opportunity to work with our sector in continued partnership

Yours sincerely

A handwritten signature in black ink that reads "Allan Dooley".

ALLAN DOOLEY
DIRECTOR

17 May 2002

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

CATHOLIC EDUCATION SA

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MAY 2002

CATHOLIC EDUCATION SA
SENATE INQUIRY INTO THE EDUCATION OF STUDENTS WITH
DISABILITIES

MAY 2002

Summary

Catholic Education SA is committed to the inclusion of students with disabilities in school communities and providing a variety of placement options. This vision includes working in partnership with families, recognising the unique presence of God in all people and educating young people for participation in their faith and local communities.

Catholic Education SA looks to the Commonwealth to increase the funding for all students with disabilities to more closely mirror the Average Government School Recurrent Costs (AGSRC). This will allow the sector to continue to distribute funding according to its equity principles and needs.

The submission from Catholic Education SA identifies the following issues:

- There is a difference between the definitions of disability used by the Commonwealth and the *Disability Discrimination Act 1992 (DDA)*
- Some students with high level need are not eligible for funding and support services because they do not have a diagnosis or have a diagnosis that does not fit the disability criteria as defined by the Commonwealth
- Students may be ineligible for support services where professionals do not agree on a definition of disability
- There are issues of equity around accessing an assessment for a diagnosis of disability especially for students in rural and remote areas and students who are of school age
- Some professional support and non-government organisation services are not provided in rural and remote areas
- Students, irrespective of their level of disability should be able to access the support services required
- Funding constraints make it difficult for the sector to provide early intervention programs
- According to the Disability Standards, all sectors have the same obligations to provide for the needs of students with disabilities. To fully meet the obligations, the Catholic sector will need to receive a level of funding that more closely mirrors the AGSRC

- The growth in numbers of students with disabilities requiring support from the non-government organisations means that it is more difficult to access appropriate levels of service
- Without adequate funding levels, the increasing number of students with disabilities in the Catholic sector and the complexity of needs affect learning outcomes for all students
 - Students with significant and complex disabilities require funding to enable access to the curriculum. An increase in the Commonwealth's funding for students with disabilities, to more closely mirror the AGSRC, will attend to this particular need. These students also require extra targeted funding to provide for their health and personal care needs
- Teachers need continued access to professional development in disability awareness and inclusive practice

Final Recommendation

That the Commonwealth Government increase the funding for students with disabilities to more closely mirror the AGSRC and thus enable Catholic Education SA to better provide for students with disabilities.

CATHOLIC EDUCATION SA
**SENATE INQUIRY INTO THE EDUCATION OF STUDENTS WITH
DISABILITIES**

MAY 2002

Introduction

Catholic Education SA is committed to the inclusion of students with disabilities in school communities and providing a variety of placement options. This vision includes working in partnership with families, recognising the unique presence of God in all people and educating young people for participation in their faith and local communities.

Catholic Education SA promotes a philosophy of inclusion for students with disabilities. It endeavours to support all students in accessing and participating in their educational environment. Diversity is valued and celebrated. The special education program provided by Catholic Education SA provides a consultancy service and direct aid funding for individual students with disabilities.

The South Australian Commission for Catholic Schools (SACCS) receives funding from both Commonwealth and States sources to provide for students with disabilities. SACCS makes 1.12% of the General Recurrent allocation from the Commonwealth available to the special education program. The Commonwealth also contributes to students with disabilities in the sector through the Strategic Assistance to Improve Student Outcomes Program (SAISO).

Individual Catholic schools continue to support students with disabilities and specific learning disabilities, at the local level, through extra staffing, resources and specific adaptive education programs.

Census data for 2001 demonstrates that targeted students with disabilities constitute 2.51% of the total student enrolment ie 1049 students from a total enrolment of 41730. These students are spread across the 107 Catholic schools in metropolitan and rural areas. Catholic Education SA provides a range of placement opportunities for students with disabilities, including mainstream placements, 1 primary and 5 secondary special education units for students with intellectual disabilities and 2 special schools (R-post school). The special education units are situated on mainstream school campuses.

New Enrolment and Support Guidelines have been developed to assist schools in enrolling students into appropriate placements. Schools work in collaboration with families to explore the issues related to placement, resourcing and curriculum. This includes a process of ongoing monitoring of the student's progress and needs and collaboration with agency and non-government organisation personnel. The roles and responsibilities of the teaching staff, principal and special education consultants and the partnership with families is clearly described in the guidelines.

Catholic Education SA welcomes the opportunity to make a submission to this important inquiry. The comments will relate to the Terms of Reference and issues will be separately addressed.

Catholic Education SA looks to the Commonwealth to increase the funding for all students with disabilities to more closely mirror the Average Government School Recurrent Costs (AGSRC) so that the sector can distribute funding according to its equity principles and needs.

Terms of Reference

The funding, for students with disabilities, received by SACCS is less than the Average Government School Recurrent Costs (AGSRC). This prevents the Catholic sector from distributing, on a needs basis, the level of funds that is required for every student with disabilities to be able to access the curriculum, appropriate services and requirements for personal needs.

Catholic Education SA is concerned about its capacity to meet the needs of students with disabilities, mindful of the emerging issues related to the *Disability Discrimination Act 1992 (DDA)*. The Commonwealth ought fund the Catholic sector, for students with disabilities, at a level which more closely mirrors the AGSRC. The sector will then distribute funding according to its equity and needs principles.

1. Inquire into the education of students with disabilities, including learning disabilities, throughout all levels and sectors of education, with particular reference to:

a. Whether current policies and programs for students with disabilities are adequate to meet their educational needs including but not limited to:

Term of Reference:

- **(i) the criteria used to define disability and to differentiate between levels of handicap.**

Issues:

- **There is a difference between the definitions of disability used by the Commonwealth and the *Disability Discrimination Act 1992 (DDA)***
- **Some students with high level need are not eligible for funding and support services because they do not have a diagnosis or have a diagnosis that does not fit the disability criteria as defined by the Commonwealth**

Disability, as defined by the Commonwealth Programmes for Schools Quadrennial Administrative Guidelines 2001-2004 is based on specific criteria or disability groups. By comparison, the definition used under the *DDA* encompasses a much broader range of disabilities.

According to the Commonwealth criteria:

- *a child with a disability* means a child who has been assessed by a person with relevant qualifications as having an intellectual, sensory, physical, social or emotional impairment or more than one of those impairments to a degree that:
 - if the child is of school age, satisfies the criteria for enrolment in special education programs or services provided by the government of the State in which the child resides; or
 - if the child is below school age, would satisfy those criteria upon reaching that age.
- Children whose only impairments are specific learning difficulties or for whom remedial education or remedial support is appropriate are not eligible.

In comparison, the *DDA* definition includes a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction (eg dyslexia) as well as a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.

It includes not only people who currently have a disability, but also people who previously had, but no longer have a disability (eg having a medical history of severe asthma which is now under control) as well as people for whom a disability may exist in the future (eg being a member of family which has a history of heart disease) and people to whom a disability is imputed.

Teachers and principals in Catholic schools need to be very aware of the differences between these definitions. It can be very confusing for families who believe that their children qualify for disability support as a consequence of the *DDA* definition. The difference in definitions creates tension between schools and families. It is anticipated that some families could mount a legal challenge as a result of the Disability Standards for Education which are directed at eliminating unlawful discrimination on the grounds of disability. Catholic Education SA is concerned about the legal and resourcing implications related to the *DDA* definition.

Other students with significant learning needs, who may require high levels of support, are not eligible under the Commonwealth criteria. This may include students who have a diagnosis of central auditory processing disorder; borderline intellectual disability (but adaptively functioning in the intellectually disabled range); students who exhibit emotional disturbances (but do not have a diagnosis) and students with complex needs related to socio-economic factors, challenging behaviours and absenteeism.

Another group of students with significant and complex needs are young children who do not have a diagnosis but may be considered to have a global developmental delay. Ethical issues surround giving young children specific labels to obtain disability funding and access to services. Many young children access early intervention services but are not eligible for school age services under the current Commonwealth criteria.

Assessments of young children are not always valid and reliable and many professionals are reluctant to give a formal diagnosis/label. However it is important that there is a continuation of support services when the child moves from the pre-school into a school

setting. This often leads to schools being forced to pursue assessment and a diagnosis to obtain funding to resource the student's needs.

Numbers of students are significantly disadvantaged because they do not meet disability criteria and are therefore reliant on the individual school and sector's resources to provide for their additional learning needs. Individual schools vary widely in their capacity to meet a diversity of learners' needs.

Catholic Education SA provides needs based funding for individual students attending mainstream schools. Both the Commonwealth and State government provide funding. The current level of funding from the Commonwealth is not adequate to enable the Catholic sector to provide for the present numbers of targeted students with disabilities. The broader definition of the *DDA* will have serious implications into the future.

Recommendations:

- 1. That the Commonwealth and *DDA* have complementary definitions**
- 2. That the funding for students with disabilities be increased to more closely mirror the AGSRC to enable the Catholic sector to provide differential levels of funding, according to complexity of need**

Term of Reference:

- (ii) the accuracy with which students' disability related needs is being assessed;**

Issues:

- Students may be ineligible for support services where professionals do not agree on a definition of disability**
- There are issues of equity around accessing an assessment for a diagnosis of disability especially for students in rural and remote areas and students who are of school age**

Catholic Education SA adopts a team approach in relation to the collection and mapping of information of the student's educational needs. The team consists of an appropriately qualified professional who provides the diagnosis to the family, the current school based staff and the special education consultant. The focus is on educational need rather than the disability label and the student's curriculum profile is mapped.

The special education program provides consultancy support for teachers who have students with disabilities in their classes. The primary person in accommodating and meeting the curriculum needs of a student with a disability is the class teacher. The sector supports the Commonwealth requirement that students with a disability must have an associated curriculum need to receive additional assistance.

Difficulties arise when professionals do not agree on a definition of disability. For example, the International Standard for a diagnosis of Autism Spectrum Disorder (ASD) is agreement between two suitably qualified professionals across two different disciplines ie psychology and paediatrics. However a psychiatrist can also give a diagnosis of ASD.

The dilemma for the sector may occur when the agency providing services to students may disagree with the diagnosis and refuse to provide services. This refusal to accept the diagnosis of a clinical psychologist or psychiatrist leaves the student's family and school without access to specialist services.

Other disabilities including social or emotional impairment have no commonly held definition and therefore a diagnosis may be open to misinterpretation.

The accuracy of the information provided by the family and teacher can support the information provided by the professional. The special education program provides limited funding for schools to use to obtain assessments for a diagnosis of a disability. Catholic Education SA does not have a multi disciplinary assessment team. If a psychological or speech pathology assessment is required, it is outsourced to private professionals. In South Australia the availability of free assessments is very limited and consequently, families are often faced with significant costs in gaining an accurate assessment of their child's needs.

Families are able to access multidisciplinary assessments via the Women's & Children's Hospital, Flinders Medical Centre and Lyell McEwen Hospital. Applications for assessment need to meet specific criteria and services are provided free but there are long waiting lists. Families often must travel long distances to obtain the service and the focus is primarily on preschool and primary aged children. Some regional Community Health Services also provide free assessments and therapy for pre-school aged children. Again the waiting lists are long and no services are provided, irrespective of need for school age children.

Recommendations:

- 1. That a diagnosis of disability from a suitably qualified professional should enable a student to access appropriate services**
- 2. That appropriate levels of funding be available to the health services to enable families which are disadvantaged to access assessment and therapy services for their children**

Term of Reference:

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

Issues:

- **Some professional support and non-government organisation services are not provided in rural and remote areas**
- **Students, irrespective of their level of disability should be able to access the support services required**
- **There are issues of equity around accessing an assessment for a diagnosis of disability especially for students in rural and remote areas and identified groups**

All students with a disability should have access to appropriate funding and support services, irrespective of their socio-economic status, cultural background or place of residence, be it metropolitan, rural or remote.

Catholic Education SA works towards providing an appropriate service to all students with disabilities. However, the level of funding currently received from the Commonwealth makes it difficult for the Catholic sector to attend fully to the needs of students with disabilities. Inadequate funding also prevents some non-government organisations from providing specialist services in country, rural and remote areas. Where services from these organisations are provided, they are often stretched. The complexity of the students' needs is often not commensurate with the level of support provided. In some cases, students with more complex disabilities and needs receive a service but those with mild and moderate disabilities may be disadvantaged and receive little or no service. If students with disabilities are to learn effectively and achieve appropriate educational outcomes, they should not be disadvantaged by the level and complexity of their disability, or as a result of where they live and the schooling sector they attend.

Families in rural and remote areas generally have less access to specialised professional services. They do not have the same opportunities as their city counterparts to choose from a variety of services. It is a matter of equity that families from non-English speaking backgrounds (NESB), Indigenous backgrounds and rural and remote areas should not be marginalised by lack of information, resources and access to professionals.

Families of students from low socio-economic and non-English speaking backgrounds are often not able to afford the cost of assessment and therapy services. More funding needs to be made available to non government organisations and community health bodies for assessment, therapy and information services for these families, so that children with disabilities are not further disadvantaged by a lack of diagnosis and/or services.

It is important to be sensitive to the values, attitudes and beliefs of people from culturally diverse backgrounds in relation to disability. Families may be struggling to cope with the reality of the disability diagnosis and may choose not to access available services. However, these students still require support to access the curriculum.

Equity does not mean treating everyone the same but rather providing access according to need. The Catholic sector will continue to distribute funding to students with disabilities, according to need. However, the sector requires further support from the Commonwealth through increases in the funding for students with disabilities to adequately provide for all students.

Recommendations:

- 1. That non-government organisations be enabled to provide a service for all students which accommodates the level of complexity or geographical location**
- 2. That families which are disadvantaged be supported to access assessment and therapy services for their children**

Term of Reference:

- (iv) the effectiveness and availability of early intervention programs**

Issue:

- Funding constraints make it difficult for the sector to provide early intervention programs**

In SA there are not many early intervention programs for students with disabilities but those that do exist provide valuable support for the children and their families. Historically these programs operate prior to the child's commencement at school and are associated with attendance in DETE preschools. Some of the non government organisations run disability specific early intervention programs eg the Down Syndrome Society. The effective collaboration between the educational sectors in SA enables students who subsequently attend non government schools to benefit from some programs provided by DETE at preschool level. Some Catholic families choose to enrol their child in a DETE specialist setting because an equivalent program is not available in Catholic schools eg speech and language classes.

Early intervention programs provide a profile of the student's learning needs and a framework for the exchange of information at points of transition.

Recommendation:

- 1. That funding be made available for the establishment of early intervention programs for school age students with disabilities in Catholic schools. An increased funding level for students with disabilities will enable the sector to implement further early intervention programs for students with disabilities**

Terms of Reference:

- (v) access to and adequacy of funding and support in both the public and private sectors;**
- (viii) the legal implications and resource demands of current Commonwealth and State and Territory legislation.**

Issues:

- According to the Disability Standards, all sectors have the same obligations to provide for the needs of students with disabilities. To fully meet the obligations, the Catholic sector will need to receive a level of funding that more closely mirrors the AGSRC**
- The growth in numbers of students with disabilities requiring support from the non-government organisations means that it is more difficult to access appropriate levels of service**
- Without adequate funding levels, the increasing number of students with disabilities in the Catholic sector and the complexity of needs affect learning outcomes for all students**

Under the *DDA*, all sectors have the same obligation to provide for the needs of students with disabilities but have access to different levels of funding. Numbers of students with disabilities attending Catholic schools continue to increase. According to the Non-government Advisory Data there was an increase of over 116 students with disabilities in Catholic schools between 2000 and 2001. Some of these students have very complex, long term needs that require a high level of resourcing, monitoring and review and professional development for teachers.

Many of these students require services from non-government organisations. As the numbers continue to grow, the pressure on the services results in a reduced level of service to individual students. Often, only students with severe and complex needs receive an effective service.

In addition, the rate of diagnosis of some disabilities has increased disproportionately eg autism spectrum disorder, in comparison to other disability groupings. Non-government organisations are funded on a yearly basis, according to their submissions based on the number of students requiring a service. This stretches the level of services that the relevant agency is able to provide to enable students to access the curriculum. Where

there is an unanticipated increase in the number of students who are diagnosed with a particular disability, the non-government organisations are unable to provide an effective service for the additional students and the education sectors must resource this until the following year. This creates difficulties within budgets and, in some instances, an inability to provide a service.

Catholic Education SA is committed to educating students with disabilities but where resourcing is limited, individual student learning outcomes will be jeopardised.

The sector is required to provide for all students without compromising the learning needs of any. Differences in funding for students with disabilities only serves to exacerbate inequities. Students with disabilities who attend Catholic schools do not have access to subsidised transport and specialised placement options (speech and language classes).

The Disability Standards have been written to translate the *DDA* into actions which address discrimination on the grounds of disability. The scope of the standards covers enrolment, participation, curriculum development, accreditation and delivery, student support services and the elimination of harassment and victimization. The rights of the student, the obligations of educational authorities and the measures which need to be taken in order to comply with the legal obligations are clearly stated. The cost of adopting the obligations and measures will place unreasonable hardship on individual schools. The cost of implementing the Disability Standards across all schooling sectors is unknown but will require significant additional resourcing.

As previously stated, there is a lack of congruence between the definitions taken from the *DDA* and the Commonwealth criteria for disability. Catholic Education SA receives funding for those students who fit Commonwealth criteria but not for those who fit into the broader criteria as described by the *DDA*.

However under the legal requirements of the *DDA*, the students who fit the broader criteria will need to be resourced. This will require significantly higher levels of funding from the Commonwealth in order to meet the obligations of the Act. The Catholic sector is experiencing difficulty in fully meeting its responsibilities to students with disabilities. Implementation of the *DDA* will result in serious financial implications for the Catholic sector and schools.

Recommendations:

- 1. The Commonwealth has a responsibility to support Catholic Education SA to make provision for the education of students with disabilities, to comply with the requirements of the Act. The Commonwealth can begin to address this through increasing the funding for students with disabilities to more closely mirror the AGSRC**
- 2. Adequate funding needs to be made available to non-government organisations to enable the supply of an appropriate service for all students with disabilities**

Terms of Reference:

- (vi) **the nature, extent, and funding of programs that provide for full or partial learning opportunities with mainstream students,**
- (vii) **teacher training and professional development.**

Issues:

- **Students with significant and complex disabilities require funding to enable access to the curriculum. An increase in the Commonwealth's funding for students with disabilities, to more closely mirror the AGSRC, will attend to this particular need. These students also require extra targeted funding to provide for their health and personal care needs**
- **Teachers need continued access to professional development in disability awareness and inclusive practice**

Catholic Education SA is committed to providing a range of placement options for families. The assumption can not be made that the mainstream school is the best setting for all students with disabilities. The closing of many specialised settings for students with severe and complex needs has put increased pressure on mainstream schools.

Schools are required to provide educational programs and for specific students, resourcing for health related needs, thus causing students with disabilities to compete for the available resources. Historically, funding from Commonwealth programs was used to support students in achieving learning outcomes. Now funding must also be used for a broad range of needs including access to buildings and school environments, personal and health care needs and specialised equipment.

Parents often request that their child is placed in a mainstream setting but expect the resourcing and curriculum to be equivalent to that provided in a specialised setting. If these students are to be successfully included in mainstream settings, the level of resourcing needs to be commensurate with the specialised setting.

Overall, schools need to provide a more flexible and modified curriculum which caters for a diversity of learners. They also need to prepare students with disabilities for adult lives and varying levels of independence. Planning for post school pathways and the provision of relevant work experience are critical factors in ensuring a successful transition from school to adult life.

Of great concern is the fact that many students with disabilities leave school at 15 years of age because they are not involved in a curriculum that is preparing them for adult life. As a result, their opportunities for work and future independence are greatly diminished. This puts immense pressure on families as they lose the support networks associated with the school setting. Parents are left to battle through a maze of government agencies without adequate support, while often dealing with unmotivated and depressed children.

Teachers are the key to providing an inclusive curriculum for all students. Many begin teaching with little training in the area of disability and have minimal understanding of

how to provide an inclusive curriculum. Some disability awareness training and inclusive practice methodology is provided by the universities. The Flinders University of SA requires all Bachelor and Master of Education students to complete a compulsory 7 week unit on students with special needs, including the gifted and inclusive practice. However, this type of training is only one aspect of what teachers require to equip and support them to become inclusive practitioners.

Many teachers in Catholic schools were trained some years ago and require access to professional development and suitable courses to update their training and to inform their current practice in relation to students with disabilities. The special education consultants at Catholic Education SA have developed Inclusive Practice professional development courses for teachers and education support officers. They also collaborate and negotiate with personnel from non government organisations to provide disability specific in-service for school staff groups. As indicated, Catholic Education SA has the capacity to provide professional development for classroom teachers, but resources in this area are stretched and therefore limited. More funding is required to enable teachers to access the type of professional development which will support them to provide inclusive curriculum for all students including those with specific learning disabilities

Recommendations:

- 1. That there continues to be a range of placement options for students with disabilities including specialised and mainstream settings**
- 2. That appropriate levels of funding are made available for students with disabilities to access the curriculum. The Commonwealth can begin to address this through increasing the funding for these students in the Catholic sector to more closely mirror the AGSRC**
- 3. That the Commonwealth make additional provision for students with health and personal care needs**
- 4. That teachers receive appropriate pre-service and in-service professional development in the areas of disability awareness and inclusive practice**

Term of Reference:

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

The role of the Commonwealth is, in part, to explore issues related to the provision of service for students with disabilities. The Senate Inquiry provides the sector with the opportunity to make comment about the future provision. Catholic Education SA commends the Commonwealth for initiating the Inquiry.

Additionally, the role of the Commonwealth is to continue to work in partnership with the educational sectors in ensuring that students with disabilities have access to an inclusive curriculum and appropriate levels of service and health care, according to their individual needs. This will require the provision of appropriate funding to the sectors to meet students' needs, as required by the *Disability Discrimination Act (1992)*. Increasing the funding for students with disabilities to more closely mirror the AGSRC will begin to

more effectively address their needs. As well, additional funding ought be targeted towards personal care and health related needs of those students with complex disabilities.

Appropriate funding should be made available to non-government organisations to enable them to provide adequate levels of service for students with disabilities.

Catholic Education SA looks for support from the Commonwealth to further develop appropriate professional development opportunities for teachers and education support officers.

Final Recommendation

That the Commonwealth Government increase the funding for students with disabilities to more closely mirror the AGSRC and thus enable the Catholic Education SA to better provide for students with disabilities.



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