

# **QUEENSLAND PARENTS FOR PEOPLE WITH A DISABILITY INCORPORATED (QPPD)**

**Submission to the Senate Employment, Workplace Relations  
and Education References Committee Inquiry Into the  
Education of Students with Disabilities**

**Contact Persons:**

**Roz Cooper (President)**

**Sandra Kalms (Executive Coordinator)**

QPPD Inc  
P.O. Box 470  
PADDINGTON QLD 4064

Tel: (07) 3368 3055

1800 805 184

Fax: (07) 3368 3004

Email: [qppd@qppd.org](mailto:qppd@qppd.org)

APRIL 2002

## About Queensland Parents for People with a Disability Inc. (QPPD)

QPPD is a statewide systems advocacy organisation, established in 1981. QPPD conducted a number of advocacy ventures by parents during the 1980's covering issues including family support and respite, education, quality lifestyles for adults and guardianship. Since 1990, QPPD has been funded under the Disability Services Act from the Commonwealth Government to do statewide systems advocacy on behalf of people with disabilities. QPPD's mission is

***QPPD vigorously defends justice and rights for people with disabilities by exposing exclusionary practices, speaking out against injustices and promoting people with disabilities as respected, valued and participating members of society.***

In addition to this systems advocacy focus, QPPD continues to develop a wide membership of families and friends across Queensland who remain in contact with the organization. As well as personally supporting one another, these families take up issues collectively on behalf of sons and daughters and others, speaking out against injustices and promoting people with disabilities as valued and participating members of society.

Since its establishment over 20 years ago, QPPD has advocated for inclusive education. Its work within the movement for inclusive education is recognised nationally and internationally. QPPD has developed a strong advocacy voice around this issue and its standing and expertise on inclusive education is widely recognised. QPPD is currently represented on Queensland Government initiatives such as the Ministerial Taskforce for Inclusive Education, the Ascertainment Reference Group, the Inclusive Education Summit Reference Group and the Standing Committee on the Certification of Achievements of Students with Impairment.

We submit this document in response to the Senate Employment, Workplace Relations and Education References Committee Inquiry into the Education of Students with Disabilities.



Roz Cooper  
President

QPPD welcomes this Senate Inquiry into the education of students with disabilities. In particular QPPD welcomes the opportunity to present to the inquiry its position on the education of students with disabilities in Queensland. This inquiry is timely in the Queensland perspective, as many aspects of education for students with disabilities are either currently under review or have recently been reviewed. Education Queensland (EQ) is reviewing the process of ascertainment used to measure levels of support for students with disabilities. EQ is hosting a summit on inclusive education in May, in preparation for which, focus groups are being conducted around the state. In addition the new Commonwealth Disability Discrimination Act (DDA) standards for education, with the potential to have a major impact on the delivery of education to students with disabilities throughout Australia, is due to be released this year.

Before addressing the specific terms of reference for the inquiry, QPPD has a number of general comments on education, which illustrate the values and beliefs of the organisation and which inform QPPD's submission to this inquiry.

- We support and endorse The Salamanca Statement (UNESCO, 1994) which states:

*We believe and proclaim that:*

- *every child has a fundamental right to education, and must be given the opportunity to achieve and maintain an acceptable level of learning,*
- *every child has unique characteristics, interests, abilities and learning needs,*
- *education systems should be designed and educational programmes implemented to take into account the wide diversity of these characteristics and needs,*
- *those with special educational needs must have access to regular schools which should accommodate them within a childcentred pedagogy capable of meeting these needs,*
- *regular schools with this inclusive orientation are the most effective means of combating discriminatory attitudes, creating welcoming communities, building an inclusive society and achieving education for all; moreover, they provide an effective education to the majority of children and improve the efficiency and ultimately the cost-effectiveness of the entire education system. (UNESCO, 1994)*

- We believe that there needs to be a fundamental shift in the way EQ and the education departments of the other States and Territories of Australia provide education for all students including students with disabilities. QPPD advocates for Schools for All.
- QPPD believes that when people with disability are connected and have relationships with others, they are safer, more respected, have greater opportunities and enriched lives. Historically, institutional barriers to these connections being made have served to segregate, isolate and congregate people and to teach society a powerful lesson in viewing people with disability as a homogenous “other”.
- For deeply embedded attitudes to change and for people with disability to be accepted more fully into our communities, every effort must be given to include people from the time they are born. As parents, QPPD wishes all children to learn that disability is one of the many varieties in which humanness presents itself and that difference can be embraced. We want our future to be in the hands of leaders who have experienced inclusion within education.
- This will not happen unless policies and processes which lead to the segregation and isolation of students with disabilities from their peers are revoked and the same processes are used to enrol students with and without disability. Once this occurs, need-related assessments will necessarily have to change in fundamental ways.
- Education must be seen as a collaborative effort, which includes educators, support staff, administrators, parents and students and which operates in an atmosphere of trust, cooperation and transparency.

### **Terms of Reference – QPPD’s position**

QPPD is not able to comment about policies and programs in other States and territories in Australia and will confine its response to the situation in the State of Queensland and the effects of both Commonwealth and State legislation upon the provision of education for students with disabilities in Queensland.

### **Defining and Assessing Need**

This section of QPPD’s submission addresses the inquiry’s terms of reference 1(a) i).
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QPPD believes that is not productive to categorise students with disability according to their disability nor to differentiate between levels of handicap. QPPD would argue that the Disability Discrimination Act (Cth) (DDA) provides broad definitions of disability. A definition of disability does not imply that a

student will benefit from policies and programs which meet his/her educational needs. The labeling and differentiating of people according to their individual differences seems only designed to justify the provision of a segregated special education system which does not reflect good educational practice.

The Human Rights and Equal Opportunity Commission National Inquiry into Rural and Remote Education - Recommendations (HREOC, 2000), refers to the term "special needs" as meaning "students with special learning needs requiring special and additional learning support". It further states that

*"special needs" is an all-inclusive term which applies to all students with behavioural and learning difficulties not always covered by the term 'disabilities' as well as to students with recognised disabilities.*

*All children with special needs have a right to access school education. International statements on special needs education recognise educating children with special needs in inclusive setting as the preferred option. Yet for many children with special needs, mainstream schools remain inaccessible in Australia". (HREOC, 2000)*

QPPD believes that current policies and programs in Queensland are NOT adequate to meet the educational needs of students with disabilities. The education needs of students with disabilities are no different from the education needs of any other student. What is required is a shift from the belief that different programs are required for students with disabilities to a belief that the same program can be adapted and modified to suit the varying needs of all the students. QPPD calls for the elimination of policies and programs that are specifically targeted to students with disabilities and the introduction of universal, consistent policies and programs which ensure that the educational needs of ALL students are met.

In Queensland, the process used to assess the disability-related needs of students is called ascertainment. This process identifies the support needs of students with disability in terms of levels from 1 to 6. Level 6 indicates a high level of need and level 1 indicates a low level of need.

QPPD views ascertainment as a flawed process in that it purports to assess the deficits of a child and largely ignores the strengths of a child. The purpose of education is to gain skills; the whole of school experience is geared towards honing the skills of the individual, preparing us to take our place within our community, to draw on our own strengths to contribute to and participate in our societies and to attain and benefit from the full rights of citizenship. Educational processes, such as ascertainment, which focus on deficit rather than strength do little or nothing to encourage full participation. **The universal right to education is not at issue here, but the universal right to full citizenship is.** Not only does ascertainment tell the student that s/he is unlikely to attain full citizenship, but it also sends this message to the rest of the community, which destroys much of the willingness to do things differently.

QPPD believes that this willingness is the glue that will bind the principles of inclusion to the commitment to societal change. This willingness must be fostered and learnt. QPPD suggests that by shifting the emphasis of ascertainment from the child to the classroom, the community and the environment, an attitudinal change will occur. The willingness to do things differently is strongly linked to this change

Ascertainment might therefore be an assessment of the strengths and existing resources within the class and environment and the identification of what would be needed to build on those strengths. This might be in terms of professional development, a change in the classroom physical space, assistance with modifications of curriculum, support from other teachers, a plan to respond to behaviour including bullying, volunteer assistance from the community, a teacher aide to assist the teacher with ALL the students, improved communication strategies between the family and the school and the provision of technical equipment and adaptive technology.

QPPD also recommends the introduction of a quality assurance system, which would consist of an independent, external auditing team to ensure that schools are accountable for funding and for producing educational outcomes for students.

### **The Most Vulnerable**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) ii).
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QPPD believes that students with disabilities from low socio-economic non-English speaking and indigenous backgrounds and from rural and remote areas are highly vulnerable. QPPD's own evidence reveals that many families who live in rural and remote communities are denied the right to access the local education facilities. Sometimes EQ places children with disability in Special School and Units, requiring travelling vast distances. In Queensland the placement of children with disability in schools is very dependent on transport assistance; if a child is enrolled in a school which is the parent's preferred choice and not the 'nearest special education facility' with the 'nearest appropriately coded program' then transport assistance is denied.

The "Education Access": National Inquiry into Rural and Remote Education. (HREOC, 2000) cites "Martin's" story as an example that reveals just how difficult the struggle is for families who live in remote communities to access any education option for students with disabilities (HREOC,2000, pp 27-31) This family's struggle has continued with "Martin" attending school at best for one or two days a week, but without any commitment on the part of EQ to a long term placement.

QPPD endorses the findings and recommendations of the HREOC Report and commends this report to the committee.

However there are some remote communities where in the absence of a close enough special educational facility, the local school has responded in a positive inclusive way. QPPD has evidence of this from its members who applaud such creative, inclusive responses and welcome the achievement of good outcomes for the school, the students and the community. Contrary to the justifications put forward for special educational settings, communities that have no alternative, have shown that the full inclusion of students with disabilities in regular classroom in regular schools can and does work. QPPD believes that much could be learnt from studying these models of good practice to see how they work and why.

The HREOC National Inquiry into Rural and Remote Education – Recommendations (HREOC, 2000) found that:

*Many barriers to the inclusion of children with special needs in mainstream schools remain. Parents identified a lack of commitment to inclusive education by some principals, teachers and other parents. **The non-acceptance of children into mainstream schools has serious consequences for children in rural and remote areas, especially because there are many fewer neighbourhood schooling options. (HREOC, 2000).***

We find that it is a lack of commitment and willingness to a truly inclusive society that determines the provision of educational services. For many families in most rural and remote communities, the reality is that students with disabilities do not experience regular schooling, but are instead either not attending school, home schooled or travelling many kilometres a day to attend a special education facility.

For indigenous and non-English speaking background students these difficulties are compounded by the fact that most teaching is conducted in English, a second language to many, and no provision is made to teach English as a second language to these students.

QPPD is particularly concerned about the numbers of exclusions and suspensions of students with disabilities. Often exclusion is directly related to the student's disability in that it is students with high support needs and/or challenging behaviours who are often excluded, and not only from the local mainstream school setting, but from the Special School or Special Education Unit to which the student has been 'placed' on a recommended placement from EQ. In other words, students are being denied access to EQ's own special education programs and services for students with disabilities.

### **Creating Early Pathways**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) iii).
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QPPD recognises the importance of early intervention programs, however, we believe that the need for early intervention is often badly managed and under resourced. Furthermore, we see a danger in early intervention in that once a child has been diagnosed and different intervention strategies are offered, this can lead to congregation of students at a very early age into streamed, segregated settings, from which they may never emerge. Parents have noted that while they can choose a primary school for their child without disability, they are told which Special Educational Development Unit their child with disability may attend.

QPPD believes early special education programs should be inclusive in mainstream environments and resources should be allocated accordingly. In addition, QPPD believes that the focus of early special education programs should shift from school readiness and compliance to supporting social relationships.

## **Resources**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) iv).
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The ascertainment process identifies the support needs and resource requirements to enable a student to access education, but guarantees nothing. The Queensland Government does not provide sufficient resources and what is provided does not adequately address the need. For many students with disabilities the resources and support they need in order to attend school is not available. QPPD collected evidence of this through its phone-in conducted in March 2001 and published its findings in a report in May 2001. (QPPD, 2001) (Attachment A).

*Almost without exception the lack of resources in terms of teacher aides, support teachers, therapists, accessible premises, transport and other resources was lamented. This was clearly an important issue for parents, who could not understand why children whose needs identified by the ascertainment process in great detail were either not being met or were constantly under threat. (QPPD, 2001)*

The report identified that 9% of callers to the phone-in were unable to attend school full-time, because the funding and support to do so was not provided. The Queensland Government does not only not provide the level of funding required, but the money which is provided is not used judiciously. Merely putting more money into the existing system will only guarantee more of the same. We need to address what needs to change. Currently the education system in Queensland practices a policy which segregates and discriminates against students with disabilities. The money which is currently used to segregate students with disabilities in a special education stream has fostered a feeling of not belonging, of being a visitor to the regular classroom setting. It has required setting up a completely separate administration system for



special education. It has given us different teaching structures in which teachers in regular classrooms have no training and consequently little understanding of what needs to happen in an inclusive classroom. Classroom teachers are not required to take any responsibility for the student with disability in his/her class.

The participants in the phone-in whose children attended private schools said they were generally supported in the mainstream of the school. However funding and resources continue to be an issue for these students. There are a number of cases from the Human Rights and Equal Opportunity and the Queensland Anti-Discrimination Tribunals which are the result of actions brought by parents against private and public schools which have argued that the school could not support students with disability on funding and resource grounds. (Hills Grammar v Scarlett Finney, Purvis v State of NSW, 2000)

QPPD acknowledges that a measurement of need and allocation of resources is needed and believes that such a method should focus on the school/teacher/classroom. Resources should be allocated equitably not based on ambiguous labels, in other words ascertainment should be about equity not equality. Equality is about everyone receiving the same piece of the pie – equity is about people receiving the piece of pie they need. Under the current methods used to identify need and allocate resources, many students do not 'qualify' for support, in particular students with learning disorders or behavioural problems, that fall outside the current definitions of disability.

## **Placement**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) v).
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The QPPD phone-in conducted throughout Queensland gained information from parents, families, students, teachers and others on the EQ policy "The Provision of Special Education Programs and Services to Students with Disabilities" (State of Qld, 2000) more commonly known as the 'placement policy'. The findings confirmed that the policy was not supporting a model of inclusion in education and was contributing significantly to discrimination against and further segregation of students with disabilities. Just under 60% of school age respondents to the phone-in were attending a special school or special education unit. For many of the students in an SEU, their 'inclusion' into the regular school setting to which the SEU was attached was tokenistic and their education in the special setting was not curriculum-based, but consisted mainly of 'life skills'. Many students are not offered any kind of learning experience, one teacher aide commented:

*I see a great deal of wasted time....Concern is that children are not being educated. One young man has 'health hours only', only feeding and changing etc, no education for this young man. I was told "there are no goals for him, so don't make him do anything". (QPPD, 2001)*

And one parent despaired:

*Special schools don't offer much anyway – just cooking and stuff, they learn that at home. (QPPD, 2001).*

QPPD believes that the education system in Queensland is discriminatory and unjust. It perpetrates the segregation, exclusion and ultimately elimination of people with disabilities from our society. It does nothing to promote or foster a sense of belonging, of valuing difference and diversity in our culture. It denies Queensland students with disability one of their basic civil rights – the right to education. As reported in *A Way Forward , Report of the Disability Sector's Response to the Draft Disability Discrimination Education Standard (DDA Standards Project, 2001)* the right to education for all children has been recognised both in Western democracies and in international law.

QPPD recommended in the findings from its phone-in that the placement policy be revoked and argued that:

*..a key element in the education system's inability to promote and support inclusive education is the placement policy itself. This report gives evidence that the policy effectively works as a gatekeeper, picking and choosing which paths students with disability will take. It highlights that parents who do not accept this pathway have to be extraordinarily resilient and possess the ability to articulate their challenge and what they do want for their child clearly and assertively. From the very beginning of their schooling experience the placement policy works to define students with disability as "other", justifying the need for a different policy and process to which students without disability are not subjected. The placement policy discriminates against students with disability because of their disability and is at variance with acknowledged opinion about inclusive systems.*

*The concept and philosophy of schools for all is supported by international and national research, the UNESCO Salamanca Statement, the Commonwealth and State Disability Services Acts, Anti-Discrimination legislation, numerous publications, and personal experiences. It is no longer a question of whether schools should be inclusive but how we put the theory into practice and when. (QPPD, 2001).*

To date none of the seven recommendations from this report have been addressed by EQ.

### **Teaching to Diversity**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) vi).
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Teachers are currently trained and continue their professional development along two paths, the regular teacher training and the special educational needs path. This methodology teaches the tools of segregation itself. The regular teacher learns to teach a standardised curriculum and indeed his or her success in this is measured by how many of the students achieve a standardised level of attainment at a variety of standard levels of age. Special education teachers, on the other hand, have no such standard measures of their teaching methods.

Teacher training is one of the key elements of providing inclusive education. Without a willingness on the part of all teachers to take responsibility for the diverse needs of their students, the present system is unlikely to change. ALL teachers need to be trained in teaching to diversity and to accept that ALL children can learn. Good education is about adapting teaching methods so that students learn at their individual learning level. This presupposes that there is a commitment to inclusive education. Prospective teachers need to know how to adapt the curriculum, develop strategies and deliver a classroom program to a group of students with differing skill levels and varying levels of expected achievement.

QPPD recommends the development of mandatory pre-service and comprehensive, ongoing in-service training for teaching diversity (curriculum adaptations, behaviour management strategies etc) based on developmental and social models of education across all levels of education (pre-school to tertiary) and the adoption of student-centred teaching practices and inclusive pedagogy which eliminate historically entrenched methodologies. These initiatives need to be supported by quality assurance systems that monitor and evaluate the outcomes.

## **Human Rights**

This section of QPPD's submission addresses the inquiry's terms of reference 1(a) vii).
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While both the State of Queensland and the Commonwealth have legislated against discrimination of people on grounds of their disability, it is clear that in education, people are still being discriminated against in Queensland and in other parts of Australia. The DDA and the Disability Services Act (Cth) are not new pieces of legislation still requiring time to bed in to the system. They have been on the statute books for 10 and 16 years respectively; why are we still talking about the implementation of these pieces of legislation? Why do parents and students still have to resort to the only recourse to the law, the Human Rights and Equal Opportunity Commission or the Anti-Discrimination Commission Queensland, when they are denied the basic human right to education on the basis of disability? This is a costly and time-consuming process, which contributes significantly to the physical, financial and emotional exhaustion of families and which provides no guarantees even if a case is won.

QPPD suggests that there should be a complaints mechanism with EQ for people to raise individual complaints and an Alternative Dispute Mechanism, such as the alternative dispute resolution framework, recommended by the DDA Standards Project in its Position Paper on the Draft Disability Standards for Education (DDA Standards Project, 2001)

### **Roles and Responsibilities**

This section of QPPD's submission addresses the inquiry's terms of reference 1(b).
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Under the Australian Constitution, school education is the responsibility of the States and Territories and the Commonwealth Government is responsible for funding, however the funding capacity of the Commonwealth enables it to co-ordinate policy and to fill gaps in provision and quality to some extent. (HREOC, 2000). The Commonwealth must adopt a leadership role in ensuring that the educational policies and practices of all governments in Australia are committed to inclusive education.

It is essential that governments take a unified approach to the education of students with disabilities. At all levels of government we would hope to see bipartisan support to the inclusive education of students with disabilities. Leadership around this issue is essential if we are seeking to foster a cultural change. Change cannot occur if our leaders do not demonstrate a commitment to and a belief in the philosophy of inclusive education.

We believe that such leadership would filter down through government departments, ensuring better cooperation between departments and promoting a more collaborative approach.

QPPD also regards other relationships as vital to creating an inclusive educational system. Families, parents and students have a right to be included in the process as equal partners, to be informed, consulted, to provide input and participate fully in the decision-making process. In Queensland the reality of the relationship between families and EQ is often very different. Families are rarely afforded this right. The phone-in revealed that only 6 of the 230 callers had been given any information about the EQ placement policy. Without this vital knowledge about the policy, parents are unaware of the process, their rights and their right of appeal and they consequently find it difficult to advocate effectively for their son or daughter. This lack of accountability to major stakeholders is a fundamental barrier to the goal of inclusive education.

The Prime Minister, Mr John Howard has stated; "I regard the right to choose, invested in parents regarding the education of their children, as one of the most sacred rights" (Hansard, November 2000). Many parents of students with disability in Queensland are denied this 'sacred right' because of the ascertainment and placement policies. However the argument about choice and the right to choose is based on a fundamental assumption, that the same

choices are available to everyone. Dr Steven Taylor, Director of the Center on Human Policy at Syracuse University, discusses this point and what it means in terms of public policy in a recent article on choice.

*Any adult has the right to decide with whom to associate. Some groups have chosen to segregate themselves from the wider society based on religious, ethnic and other grounds. Some parents choose to send their non-disabled children to boarding schools where they can be with students of similar ethnic, religious or economic backgrounds. In a democratic society people have the right to choose segregation – to associate with only those persons presumed to be exactly like themselves. But society has no responsibility to subsidise segregation. Public policy towards people with disabilities should support opportunities to make the same choices as other people – nothing more and nothing less. (Taylor, 2002).*

QPPD recommends that the Commonwealth, states and territories

- commit to a philosophy of Schools for All
- promote the benefits within school communities
- foster schools which reflect the full diversity of our society and which value the contributions of each member

The Commonwealth, states and territories must

- demonstrate strong leadership by adopting international best practice and by implementing legislative changes to support inclusion
- support strong local leadership at the school level by promoting the benefits for all of a diverse community.

**QPPD believes that without a willingness at all levels to implement policies and practices that promote and foster an inclusive education system, students with disabilities will continue to be segregated and clustered in facilities which do not ensure the provision of education which promotes the fullest possible social integration and individual development.**

Australia has an opportunity to be at the forefront of the worldwide movement towards a truly inclusive society. We are hopeful that this inquiry may lead to positive outcomes for students with disabilities. QPPD is encouraged by the call for this inquiry and has welcomed this opportunity to participate and contribute.

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