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**18 April 2001**

Mr John Carter  
Secretary Legislative Reference Committee  
**Inquiry into the education of students with disabilities, including learning disabilities, throughout all levels and sectors of education.**  
Australian Senate  
Employment, Workplace Relations, Small Business and Education  
Parliament House  
Canberra ACT 2600

**Submission to the Senate Committee Inquiry into:  
The education of students with disabilities, including learning disabilities,  
throughout all levels and sectors of education.**

Dear Mr Carter

The Senate Inquiry into *'the education of students with disabilities, including learning disabilities throughout all levels and sectors of education'* is welcome as it is essential to address the many anomalies and inconsistencies in this area. The Inquiry should reveal some interesting facts, perspectives and outcomes, particularly as the Inquiry has elected to include students with learning disabilities who are currently excluded from targeted Federal Government Special Education funding.

The Catholic Education Office of Western Australia welcomes the opportunity to make a submission to this Inquiry. In this submission each Term of Reference is addressed individually.

## **Terms of Reference**

- **The criteria used to define disability and differentiate between levels of educational handicap.**

Educational institutions experience two major problems in this area. The first lies with the differences of definition of disability based primarily on a medical perspective rather than the impact or effects that the disabling condition has on education. The second lies with the anomalies created between the narrow definition of disability as detailed in Commonwealth funding eligibility criteria for targeted program assistance for Special Education funding: *'Strategic Assistance for Improving Student Outcomes' (SAISO)* (Commonwealth Programs for Schools Quadrennial Administrative Guidelines, Appendix 2.3.A, p.99) and the broadly based, broadly defined, encompassing definition of disability contained within the Federal Disability Discrimination Act. (1992, p.4.)

While SAISO has what appears to be the one eligibility criteria for determining National funding eligibility, *"for the purpose of determining eligibility a student with a disability means the following: A student who is attending a government or non government school and who has been assessed by a person with relevant qualifications as having intellectual, sensory, physical, social emotional or multiple impairments to a degree that satisfies the criteria for enrolment in special education services or programs provided by the government of the State or Territory in which the school or centre is located"*. *Students whose only impairment is a specific learning difficulty are excluded from this program.* – the definition is open to many interpretations and contextual understandings. This leads to a lack of consistency between the various states' and territories' special education provisions and raises two fundamental questions. The first is whether all states and territories actually have clearly articulated and transparent criteria for enrolment in government special education programs or services, and secondly whether such criteria are the same or similar across the states and territories and are consistently applied.

Within the SAISO eligibility criteria for funding there is no mention specifically of psychiatric or mental disorders, students with challenging behavioural disorders or those with significant language disorders.

A standard set of criteria consistent with Disability Discrimination Act needs to be developed to define educational disability and the differentiated levels of educational support required.

- **The accuracy with which students' disability related needs are being assessed.**

Currently there is considerable variance across and within states and territories as to how individual students' level of disability is assessed, the basis on which the level and type of support needs are determined and provided, and how the effectiveness of support provisions and services are assessed and evaluated. There is a lack of consistency of understanding and practice across the nation.

The development of guidelines or a set of recommended assessment and evaluation measures with clear definitions and understandings of what constitutes differential levels of educational need and the different levels and types of support required should be an urgent priority. In many instances students' disability related needs are based on medical diagnosis of disability or impairment rather than the degree and effect that the disabling condition has on educational access, participation,

engagement and learning outcomes. The lack of clear and consistent guidelines adds to the differences of support provided by state governments, the variances and difficulties involved in any national reporting of outcomes for students with disabilities and precludes nationally consistent provision of and accountability for the education of students with disabilities.

- **Means used to identify and differentiate between levels of disability and educational handicap.**

Currently there are no nationally consistent nor indeed agreed state and territory standards or measures defined or used to clearly identify levels and degrees of educational disability or handicap. Throughout all education systems and sectors and between states and territories there are diverse understandings, perceptions and misconceptions and an element of subjectiveness involved in determining degrees and levels of educational disability and capability and students' disability related needs, presented not only between different types of identified disabling conditions or impairments but within same disabling conditions.

In many instances funding emphasis is directed towards type of disability rather than the degree of educational disadvantage or handicap experienced by individual students. For example the needs and abilities of students with Down syndrome vary enormously as do the needs and capabilities of those diagnosed with Cerebral Palsy, an Autism Spectrum disorder, etc. While emphasis must remain on individual needs and the degree of educational handicap experienced by the individual, with student age, possible co-morbidity of condition, grade level and context taken into account there is a need for national consistency in identification and determination of support needs.

Emphasis nationally needs to be directed towards developing consistent ascertainment levels of educational disability or handicap and support needs rather than level of funding or resource support being dependent on diagnosis of type of disability.

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

While there are a number of excellent nationally funded incentives directed towards the needs of students from low socio-economic, non-English speaking and Indigenous backgrounds there are two main issues pertaining to the needs of these students. The first relates to the issue of availability of and access to early identification and intervention services. For a variety of reasons many young children miss out on early identification and therefore timely intervention.

While the importance of early identification and intervention is well recognised by the general population it is often not appreciated nor understood by many Indigenous parents, non English speaking parents, those who have a non English speaking background (NESB) and those from low socio economic backgrounds. Often these parents have limited knowledge and understanding of medical and educational support systems. For many children in these circumstances, cognitive and/ or language disabilities and/or sensory disabilities are only identified after compulsory school entry age and therefore many children have missed any opportunities for early intervention services.

The second aspect relates to inconsistencies and local variances in provision of early intervention and educationally related services in rural and remote areas. In some areas in Western Australia services for children and adolescents are provided through the Western Australian Disability Services Commission, in others through not-for-profit government subsidised therapy services, while in other areas services are provided through rural hospitals and the State Health Department. Due mainly to the uncoordinated nature of these services there is considerable disparity between types and levels of services in different locations. It must however be noted that difficulties experienced in rural and remote areas are not always due to funding levels but on ability to access and maintain personnel, requisite facilities and equipment.

- **The effectiveness and availability of early intervention programs.**

While there are some excellent early intervention programs operating in various States and Territories, due to the uncoordinated nature of early childhood services, early intervention services in particular are limited and inconsistent in all States and Territories. In many instances what intervention is available is piecemeal, is provided within a limited time frame, is often based on medical models of intervention rather than on a multi-disciplinary approach with an emphasis on educational benefit, must be privately paid for and thus out of the reach of many families or is disability specific and reliant on disability specific (primarily fundraising) organizations, such as the Cerebral Palsy Association, the Autism Association and the Speech and Hearing Assessment Centre in Western Australia. Not only are the majority of these organizations established to provide services for a specific type of disability, the types of disability they service are more often those that are identifiable at birth or at a very early age, such as Down syndrome, Cerebral Palsy, Spina Bifida, etc.

There is little comparison or consistency of service delivery of programs due to location, source of service provider, or philosophy and practice of different organisations often based on traditional practices or customs. The provision of many early intervention therapy programs is reliant on family input and participation which disadvantages minority groups. Nationally there is a real need for additional and more consistent and equitable intervention in the early childhood years.

- **Access to and adequacy of funding and support in public and private sectors.**

Not only is there an increase in the overall number of children with disabilities whose parents are choosing regular schooling for their children whether in government or non government schools, there is an increase in the level of severity of disabling condition presented by many of these children. With Commonwealth and State government recognition of the right of parent choice of schooling for their children and acknowledgement of the need for a range or continuum of educational settings for students with disabilities, there is a need for adequate funding on a nationally consistent basis to ensure equity of resources in different settings, systems and sectors. Currently in Western Australia, parents of students with disabilities are disadvantaged in terms of resource support if they choose non government schooling as opposed to the resources and support services available in government schools. Government funding needs to reflect equity for the right of parent choice and be cognizant of the increased support needs of children with disabilities and special needs in regular settings, particularly in the non government sector.

If the nation genuinely wants all children to achieve to their potential all sectors and systems should receive equitable levels of funding based on nationally consistent guidelines and practices to address specific needs. Without additional resourcing, all schools, particularly smaller non government schools find it extremely difficult if not impossible to comply with the intent and inherent requirements of the Disability Discrimination Act.

- **The nature extent and funding of programs that provide for full or partial learning opportunities in mainstream settings with mainstream students.**

As noted previously there is inconsistency of provisions and programs for students with disabilities and learning disabilities at all year levels across and within States, Territories and systems. This causes considerable inequities whereby the level, type and extent of resources a student receives or is entitled is often dependent on the particular state, territory or sector in which a child is enrolled. It does not provide true parental choice of educational setting whether government or non government school, mainstream, integrated or special setting.

- **Teacher training and professional development**

There is an identified need for additional specific training and skilling of teaching and para-professional staff both at the pre and post levels of service. There is unanimous national and international agreement that targeted, sustained quality professional development for teachers and support staff is an essential component of effective schools, particularly in regard to intervention programs for students with special needs. Attention needs to be directed to initial pre-teacher training courses with additional and specific courses in teaching and learning methodology for students with disabilities and learning difficulties. Increased opportunities and incentives for specific professional development for practicing teachers must be provided. Enhanced teacher skill and professional development is essential for all staff working with students with disabilities and special learning needs. This includes teacher assistants, support workers, administrative staff and volunteers.

Individual schools and systems need to be cognizant of best practice research outcomes in order to make professional judgments on the effective use of school resources and expenditure for students with disabilities and special learning needs. While there is a general perception that provision of substantial if not full time teacher assistant allocation for a student with a disability is essential, there is little current evidence to suggest teacher assistants as typically deployed improve students' learning and performance. For example the Tennessee STAR study in 1999, in the United States into the impact of teacher assistants found miniscule achievement impacts for classes with teacher assistants. Research however indicates that in cases where assistants are carefully screened, highly trained and provided with clear and knowledgeable teacher direction they have been shown as beneficial.

Systems and individual schools need to be encouraged and given opportunities to look outside their own context to study alternative teaching and learning structures within current resource or enhanced resource parameters.

- **Students with Learning Disabilities**

Little attention on a national basis has been addressed to this area since the National Health and Medical Research Council Report on 'Learning Difficulties in Children and Adolescents' was released in 1990. Students with learning disabilities (LD) particularly those with Specific Learning Disabilities (SLD) are subsumed within the more generic definition of learning difficulties with their specific learning needs and abilities generally unrecognised and unmet. This relatively small sub group of students identified as learning disabled in the 1990 National Health and Medical Research Report are as equally disadvantaged educationally as students with physical, sensory or intellectual disability unless their specific needs are appropriately recognised and addressed.

Identification and recommended interventions for these students are often based more on a medical viewpoint than from an educational perspective. Access to or provision of specialist teaching services is either non-existent or ad hoc, as it relies on individual teacher empathy, knowledge and understanding or individual school perception of need. While there are national programs for generic literacy support and literacy enhancement, the needs of students identified as learning disabled are un-targeted and un-met. Lack of clarity and understanding in distinction of terminology exacerbates difficulties.

- **The legal implications and resource demands of current Commonwealth and state and territory legislation.**

Current national and international philosophy, legislation and educational practice emphasizes inclusive educational arrangements for students with disabilities which resemble as close as possible the educational settings, services and provisions for their non disabled peers. Parent rights to determine and select the type of education setting and services for students with disabilities is also recognised. Differences between the definition of disability and priorities for Commonwealth targeted funding for students with disabilities and the definition of disability under the Federal Disability Discrimination Act exacerbate resource demands for students with disabilities and special needs. This has significant legal implications for individual schools and sectors, particularly small non-government schools.

The criteria used to define educational disability and to differentiate between levels of educational handicap is an essential issue for the Commonwealth Government to address not only because of the resultant inequities of services and provisions between and within states and sectors, these inconsistencies and anomalies exacerbate the financial difficulties educational institutions experience in the provision of services for students with disabilities and special learning needs.

The Catholic Education Office of Western Australia appreciates the opportunity to make this submission and in summary believe the priority areas that need to be addressed are:

- more adequate funding for students with disabilities in non government schools, particularly for those with high support needs;
- the differences and inconsistencies in provision of services for students with disabilities at all year levels across states, territories and systems;

- the anomalies and inconsistency of definitions between the narrow Federal disability criteria for Special Education funding and the broad and encompassing definition of disability within the Disability Discrimination Act;
- nationally consistent guidelines for the identification of levels and degrees of educational disability and determination of different levels of educational support;
- national consistency of access to and availability of on-going early intervention programs for students with disabilities at all year levels;
- the lack of recognition and specific educational provisions for students with: Learning Disabilities and those with language disorders; and
- the inadequacy of provisions for students with social-emotional/ behavioural disorders and those with psychiatric conditions.

Yours sincerely

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