



**A SUBMISSION BY THE
AUSTRALIAN EDUCATION UNION
TO THE SENATE EMPLOYMENT, WORKPLACE RELATIONS
AND EDUCATION REFERENCES COMMITTEE
INQUIRY INTO THE EDUCATION OF STUDENTS WITH
DISABILITIES, INCLUDING LEARNING DISABILITIES,
THROUGHOUT ALL LEVELS AND SECTORS OF
EDUCATION**

May 2002



Australian Education Union

*Ground Floor, 120 Clarendon Street, Southbank, Victoria, 3006
PO Box 1158, South Melbourne, Victoria, 3205
Phone: +61 3 9693 1800 Fax: +61 3 9693 1805
Federal Secretary: Robert Durbridge Federal President: Denis Fitzgerald*

Ref: 2777let/RM:SG

15 May, 2002

The Secretary
Senate Employment, Workplace Relations and
Education References Committee
Suite S1.61
Parliament House
Canberra ACT 2600

Dear Secretary

Re: Inquiry into the education of students with disabilities, including learning disabilities, throughout all levels and sectors of education.

Attached in electronic format please find the Australian Education Union (AEU) Submission to the Senate Employment, Workplace Relations and Education References Committee Inquiry into the Education of Students with Disabilities, including Learning Disabilities, throughout all Levels and Sectors of Education.

We would welcome the opportunity of furthering our response in person.

Should you have any inquiries regarding this submission, please contact Roy Martin, AEU Federal Research Officer in the first instance

Yours sincerely

A handwritten signature in black ink that reads 'D Fitzgerald'.

DENIS FITZGERALD

Federal President

Navigating this document:

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Key Points and Recommendations

Outcome

Importance to AEU Members

- 1** It is clear from the frequency with which matters related to students with disabilities are raised by AEU members that there are widespread problems associated with the education of these students, and the AEU welcomes this Inquiry by the Senate into a matter of considerable importance. (1.4)
- 2** The AEU urges the Inquiry to set recommendations for the benefit of students with disabilities in a context that recognises that the desire of education workers to do the best they can for all students can only be achieved if the recommendations acknowledge the difficult and sometimes stressful position which education workers are placed in. Adequate policy and definitional frameworks, and sufficient resources, training, support, and professional development are prerequisites for creating an environment conducive to the best interests of those students with disabilities. (10.2)

Adequacy of definition and identification of students with disabilities

- 3** Depending on how disability is defined, the incidence in schools is somewhere between 12% and 20%. However the current categorisations in some states or territories include as few as 3% of students, and, with the exception of the Northern Territory, are all below 5%. This gives some measure of the proportion of students not included who should be. (2.1 to 2.5)
- 4** The AEU advocates that decisions concerning students with disabilities should be made on a case by case basis. (2.8)

Funding and Resources

- 5** The current inadequacy of resourcing is one of the fundamental problems which underlies most other problems and prevents their solutions. (5.1)
- 6** Governments at all levels, and especially the Commonwealth government, simply must accept that they have an obligation to provide the resources that are necessary to facilitate a proper environment, and that a greater priority must be given to the needs of students with disabilities and those who teach them. (10.3)
- 7** The AEU calls on MCEETYA to develop a cooperative funding arrangement between the Commonwealth and states and territories to ensure that the needs of all students in meeting the National Goals of Schooling are met. (9.3) This must involve considerable increases in funding to cover all aspects of resources. (as outlined at 5.10)

- 8** The Commonwealth has a particular obligation to both equity and national priorities. It must therefore accept a specific responsibility towards students with disabilities and a clear obligation to support the role of states or territories as the primary providers in this area. (9.4)

Inclusion

- 9** This is the principal problem area in regard to the education of students with disabilities. (6.2)

- 10** Such moves must take place within processes which:

- ensure the most appropriate placement of the student;
- take note of the professional judgement of teachers and other professionals;
- involve the parents and takes note of their wishes;
- take note of the needs of all students in any educational setting. (6.5)

- 11** The AEU insists all governments must maintain and develop a range of settings, including special schools units, support classes, and dual enrolment through to full inclusion in order to properly accommodate the learning and care of students.

Training and Professional Development

- 12** A distinction needs to be made between teacher training and professional development designed to develop understanding of the education of children with disabilities and inclusive practices in general, and the need to ensure an adequate supply of teachers with relevant and up-to-date disability specific training. (7.1)

- 13** Current levels of training and professional development are inadequate for all education workers (including allied staff).

- 14** The AEU recommends that as a matter of urgency the Commonwealth government, through MCEETYA:

- form a cooperative partnership with the states and territories to ensure that all teachers and education workers receive appropriate and adequate training and professional development in relation to students with disabilities;
- initiate an audit of the levels of training for, and available to, teachers and other education workers;
- creates traineeships in supporting students with disabilities;
- in consultation with TAFE and other appropriate authorities expand existing courses and design new courses so that there is a range of training options for allied staff between AQF Levels 3 and 5;
- work with Education Departments to set targets for the number of allied staff to be trained over the next few years;
- institutes ongoing professional development for all teachers and other education workers working with students with disabilities. (7.10)

1 Introduction

- 1.1 The AEU is the union representing over 155 000 education workers in public education. As such, its membership includes teachers and teacher assistants in pre-schools, schools and TAFE.
- 1.2 This submission attempts to cover the areas of education covered by the AEU membership. However, except where specifically stated, it refers primarily to schools and school systems. Because schooling is compulsory, arrangements must be made for those students with disabilities. In most states and territories the situation in pre-schools is generally analogous to that of schools, especially where they are covered by education departments, although there are some issues of access. In TAFE, however, there are different issues associated with a system which is non-compulsory, where the issue both of access and then of process are important. ([Appendix 1](#) gives some data for VET students with disabilities).
- 1.3 The submission contains a number of appendices which are integral to the submission, and the AEU requests that they be read as such.
- 1.4 Matters related to the education of students with disabilities are regularly raised within the union's forums by members as matters which are causing dissatisfaction and creating considerable stress and angst. It is clear from the frequency with which such matters are raised that there are widespread problems associated with the way in which the education of students with disabilities is currently managed, and the AEU welcomes this Inquiry by the Senate into a matter of considerable importance.
- 1.5 Education workers are supportive and sympathetic to the aspirations of all children and students. They express considerable concern for the welfare and best interests of all students, including those with disabilities. The extent to which they feel that current processes for those with disabilities impose unreasonable burdens on their workload and capacity to make adequate provision for all students creates a sense of frustration, but a frustration which emanates from wanting the best for all students.

2 The criteria used to define disability and to differentiate between levels of handicap and the accuracy with which students' disability related needs are being assessed.

- 2.1 The AEU Special Education Policy ([Appendix 2, pp.3-4](#)) contains the AEU's definition of special education.
- 2.2 In terms of the systems within which members work, each state or territory has developed its own mechanism for identifying and defining disability. This also appears to lead to a wide disparity in the number of students categorised, and the nature of the disabilities so categorised (See Table 1 and [Appendix 3](#): Some notes on the current situation and developments in selected states).

Table 1**Students with Disabilities (per cent)
in Government Schools 1996 - 2000**

	1996	1997	1998	1999	2000	Change %
NSW	2.7	2.7	2.7	4.0	4.2	1.5
Vic	2.6	2.5	2.4	3.0	3.4	0.8
Qld	2.1	2.2	2.3	2.8	3.0	0.9
WA	2.5	2.9	2.9	3.0	4.0	1.5
SA	5.4	5.6	5.6	5.8	4.5	-0.9
Tas	5.0	4.8	4.8	4.8	4.7	-0.3
ACT	3.9	4.2	4.1	3.8	3.7	-0.2
NT	6.8	11.8	11.7	13.2	14.9	8.1

Note: The proportion of students with disabilities is assessed according to a Commonwealth definition of students with disabilities. To be an eligible student with disabilities, the student must (among other things) satisfy the criteria for enrolment in special education services, or special education program, provided by the Government of the State or Territory in which the student resides.

2.3 Table 1 would also seem to indicate that the numbers of students with disabilities is growing. (Unfortunately data for the whole of Australia is not given for this time period, but there have been increases in the most populous states). This seems to be consistent with data from elsewhere which suggests that the incidence of disability in the general population and schooling populations have both risen significantly in recent years. ABS data (ABS 4430.0) gives an incidence of 15% in 1981 and 19% in 1998 in the general population. (ABS 4430.0 has not been updated since 1998). Of course, not all disabilities identified in the ABS data are relevant to schooling (e.g. some are conditions associated with ageing). The ABS data indicate that for the age group 5-14, the disability rate in 1998 was 9.5% and the incidence of disabilities which restrict schooling/employment was 8.4%. The data from Victorian schools ([Appendix 4](#)) also indicate large increases in the numbers of students identified.

The OECD Report "Inclusive Education at Work" (1999) states that 12 to 20 % of students in Australian schools are recognised as having "special educational needs" but only 2% receive an IEP and only 0.5% are in special schools.

2.4 It therefore seems reasonable to suggest that the incidence of students identified with a disability (using whatever definition) has increased significantly in the last decade and that the number of students in schools who have disabilities significantly exceeds the numbers of students identified with disabilities for the purposes of receiving additional support. Probably the incidence of disabilities in the general population now exceeds 20%; and depending on how disability is defined, the incidence in schools is somewhere between 12 to 20%.

2.5 As shown in Table 1 the current categorisations in some states or territories include as few as 3% of students, and, with the exception of the Northern Territory, are all below 5%. This gives some measure of the proportion of students not included who should be.

The Meyer Report in Victoria (Review of the Program for Students with Disabilities and

Impairments, Luanna H Meyer for the Victorian Department of Education, Employment and Training, February 2001) substantiates this in regard to Victoria. It indicates that there is a quite rigid definitional approach which precludes targeted support though disabilities programs for many students who may have learning difficulties, learning disabilities, mild impairments or challenging behaviour. This indicates the need to broaden the population of students with special educational needs.

2.6 In general, the processes require the categorising of a student into one of a number of categories. Typically, the categories are based on the type of disability (such as physical, sensory, intellectual, etc). There is then a process of determining a level or degree of disability within that category, and the level of resourcing that is provided.

2.7 There are generally four problems that arise within this process:

2.7.1 As noted above, the categories exclude certain types of disability by defining them too narrowly, and by not keeping up to date with current knowledge and understanding. Disabilities such as learning difficulties (which itself includes a wide range such as mild intellectual disabilities and dyslexia); acquired brain injury; ADD/ADHD; behavioural disorders; foetal alcohol syndrome; and significant medical conditions are generally not included.

2.7.2 The levels also tend to become inflexible and are particularly inadequate around the cut off points. They do not sufficiently allow the identification of individual needs and the best way to meet them. They also exclude from any support students with low level disabilities.

The AEU supports a more flexible and individualised approach based on the identified needs of students in an educational setting.

2.7.3 The level of resourcing is generally totally inadequate. As a result, the needs of the student with a disability are not adequately met, and other students in the class or school also often suffer diminished resources. (This is further dealt with below.)

2.7.4 The workload and time associated with the actual categorisation is considerable. Special education teachers, in particular, spend a considerable proportion of their time in this activity rather than dealing with the students themselves.

2.8 The AEU advocates that decisions concerning students with disabilities should be made on a case by case basis.

The parents and, where appropriate, the students, should be fully involved in such deliberations.

Teachers in the potential educational settings should also be involved.

The assessment should be reviewed on an ongoing basis.

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

- 3.1 Please refer to Policy ([Appendix 2, pp10-13](#)).
- 3.2 Problems encountered by those in rural and remote areas are considered in Chapter 3 of the HEREOC Report, “Education Access: National Inquiry into Rural and Remote Access”, (Human Rights and Equal Opportunities Commission, 2000). The AEU commends this section of the Report to the Senate Inquiry.
- 3.3 There is a particular problem for educational settings in remote areas accessing appropriate staff with specialised skills and experience with students with disabilities.
- 3.4 The problems are accentuated where there are intersecting and compounding disabilities.
- 3.5 Access to transport to the most appropriate setting is also a problem in some cases. In the Northern Territory, in particular, remoteness from appropriate facilities combines with a lack of transport to make access for a number of students, the majority of whom are indigenous, extremely problematic.
- 3.6 The issue of transport is not limited to remote areas, but seems to be a problem in other areas as well. Ensuring that transport is available to travel to the facility decided as the most appropriate setting is sometimes hindered by bureaucratic decision making processes.

4 The effectiveness and availability of early intervention programs.

- 4.1 As mentioned in the Introduction, in general students attending schools in the pre compulsory years are treated in the same way as students of compulsory age. Those with disabilities have usually already been identified, and there do not seem to be particular problems associated with this. The development of appropriate education to meet student needs then takes place within both the adequacies and inadequacies of the system as a whole. There do not appear to be particular problems associated with identification and appropriate early intervention in terms of schooling.
- 4.2 However, where pre school education is not closely associated with schools, there seem to be more problems. Because data on this area is generally lacking, it is difficult to quantify the problem, but there is concern that potential students with disabilities may not get the same access to services in pre compulsory schooling because of lack of providers, funding and support.
- 4.3 Early intervention in late developing disabilities may also be less than adequate. Some disabilities do not occur or emerge until the secondary schooling years (schizophrenia would be an obvious example), whereas the processes of early intervention and links between medical, school, and specialist educational personnel may be less well established at this stage.

5 Access to and adequacy of funding and support

- 5.1 The current inadequacy of resourcing is the fundamental problem which underlies most other problems and prevents their solutions.
- 5.2 As noted above, there is both an increase in the number of students identified with disability over time, and a need to more broadly define the categories of students who are considered to have a disability. This will, of course, exacerbate the already parlous state of funding, and must be considered something of a crisis.
- 5.3 The shortage of funding manifests itself in terms of inadequate allocations of staff time, professional development and other professional support for education workers and the creation of exorbitant and stressful workloads as a widespread and ongoing issue that arises in the education of those with disabilities.
- 5.4 This creates a series of tensions within the staff and the educational setting which lead to unacceptable workloads for staff, and contestation for limited resources (including teacher time). Staff are put in a situation where they feel they must choose between the best interests of the student with disabilities, the other students, and their own health and well being.
- 5.5 A particular problem exists because the allocation of additional resources, particularly teacher assistant time, is ad hoc, frequently in response to crises, and may be withdrawn if the teacher is perceived to be “coping”. This is unsatisfactory, especially as “coping” is often at the expense of other students or indeed the teacher’s workload and stress level.
- 5.6 This is exacerbated where the allocation of additional resourcing as a result of there being students with disabilities is done through the general school budget and its actual implementation is dependent on school level decision making. It then gets caught up in the general prioritisation of the whole school, and individual students and teachers may not get the support that is nominally allocated.
- 5.7 There is also a lack of allocation for needed specialist therapy such as speech therapy and physiotherapy.
- 5.8 There must be greater acceptance by all levels of government that the education of students with disabilities is by its very nature resource intensive. To make commitments to and purport to espouse ideals of equity and social justice for those with disabilities without making adequate provision of the extra resources necessary to achieve them is hypocritical in the extreme; and yet this is the perceived reality by teachers of the attitudes of governments.
- 5.9 [Appendix 5](#) – a Brief Case Study of a 7-10 High School in Tasmania gives some insight into the dilemmas that are created in real school situations.
- 5.10 Resourcing covers:

- classroom teachers;
- support teachers;
- teachers support;
- teacher assistants;
- other professional support;
- additional support outside the classroom during recess, lunchtime, and before and after school;
- material resources, such as specialised equipment and facilities for those with a disability.

It should also make provision for the need for additional time for:

- professional development;
- planning;
- case Conferencing;
- parental conferencing;
- evaluation and report writing.

Such support needs to be guaranteed on a long term basis.

- 5.11 The AEU notes in particular the often inadequate conditions for teacher assistants working with students with disabilities in regard to job definition, pay, lack of permanency, and provision of work breaks for lunch etc.

6 The nature, extent and funding of programs that provide for full or partial learning opportunities with mainstream students

- 6.1 The “Response of the Australian Education Union to the Discussion Paper on the Disability Discrimination Act Disability Standards in Education, July 1997” ([Appendix 6](#)), “A Submission by the Australian Education Union to the DETYA Consultation on Draft Disability Standards for Education under the Disability Discrimination Act (DDA) November 2000” ([Appendix 7](#)), and AEU Tasmanian Branch “Submission to the Review of Inclusion” ([Appendix 8](#)) all deal with the issue of inclusion, integration or mainstreaming of students with disabilities in schools.
- 6.2 This is the area of principal problem in regard to the education of students with disabilities, and the AEU requests that you look at these in some detail. It is, however, worth emphasising some particular points.
- 6.3 In particular, the AEU is conscious of the moves by both parents and educators towards an increase in the integration of students with disabilities into mainstream or regular classrooms and early childhood settings, and that they have become an established and common way of educating students with disabilities. The AEU understands the philosophical and educational reasons for increased integration and is broadly supportive of such moves.
- 6.4 Nevertheless, it must be acknowledged that the rate of introduction of integration puts considerable stress on systems and schools. For example, in NSW there has been a 50%

increase in the number of students with disabilities integrated in regular classes in the last three years. This has not been matched with a corresponding increase in funding. The data for Victoria ([Appendix 4](#)) chart their pattern over the last two decades. In Tasmania the number of students in special schools declined from 690 in 1991 to 233 in 2001. Without a considered program of introduction and training, and the development of adequately trained people, such rapid change verges on the traumatic.

- 6.5 Such moves must take place within processes which:
- ensure the most appropriate placement of the student;
 - take note of the professional judgement of teachers and other professionals;
 - involve the parents and takes note of their wishes;
 - take note of the needs of all students in any educational setting.
- 6.6 The AEU calls on the Federal and State/Territory Governments to ensure that current and future legislation and policy includes standards for the integration and inclusion of students with disabilities in regular educational settings. These standards should outline:
- adequate levels of resources;
 - a range of services to be made available;
 - a process for enrolment and integration;
 - a placement review process;
 - inter agency support networks and case management;
 - dispute resolution procedures;
 - protection for education workers' working conditions and OH&S;
 - training and professional development of teachers and other education workers.
- 6.7 In addition, all legislation and government policies should guarantee:
- the maintenance of a full range of educational placement settings for students with disabilities, including special schools and pre-schools, special classes and integrated settings;
 - the provision of appropriate special education programs and resources for all students who require them. These programs to include curricula specifically designed to maximise the potential of each individual to have a productive and independent post school life;
 - the professional integrity of the teaching profession, as the major provider of education programmes to all students in consultation with their parents/carers and the students where appropriate;
 - the educational and general welfare of all students. Appropriate processes of consultation with parents, students and education workers should be guaranteed and the rights of all parties within reasonable parameters observed;
 - that public education authorities must be the final arbiters in these processes;
 - the industrial rights of education workers, particularly in relation to their workload and working conditions. This includes the right to pursue issues related to this matter in the various industrial tribunals and through the available industrial instruments, e.g. Awards, Enterprise Agreements.
- 6.8 The AEU expresses its dissatisfaction with the lack of progress towards agreed and regulated education standards under the Disability Discrimination Act. The development of such standards was begun in 1996 under the auspices of MCEETYA, and the failure

to reach agreed resolution of this process to date must be a matter of considerable concern which is worthy of further investigation.

6.9 It is the view of the AEU that the most desirable outcome for all concerned with the education of children with disabilities is the placement of those students in an environment where they are welcomed and where the resources and facilities are appropriate to their needs, and is committed to seeking to achieve this outcome for all students. The current barriers to this are primarily a lack of resources and a confrontational attitude by some disability advocates.

6.9.1 There is a clear and direct relationship between the capacity of an educational setting to include particular students and the level of resources provided. It is regrettable that the moves to greater inclusion have been accompanied by cost cutting and inadequate resource provision.

The priority is the provision of greater staff support as an automatic part of the process of including students with disabilities. It may allow reduced class sizes, additional support staff (integration aides or inclusion support assistants or similar), or be used in other ways, as appropriate in the particular circumstances.

6.9.2 Similarly, it is regrettable that a minor proportion of those who advocate for those with disabilities believe that they will best achieve their objectives by confrontation and litigious test cases, rather than working with teachers and the education community to improve understanding and confidence, and secure adequate resourcing.

7 Teacher training and professional development

7.1 A distinction needs to be made between teacher training and professional development designed to develop understanding of the education of children with disabilities and inclusive practices in general, and the need to ensure an adequate supply of teachers with relevant and up-to-date disability specific training. Therefore in addition to the inclusion of generic courses on disabilities as outlined below, Departments must ensure that there is financial support for the training of disability specific teachers, and provide for their ongoing professional development, and networking.

7.2 The extent to which pre-service courses of teacher education include elements dealing specifically with students with disabilities is extremely variable, but generally not very significant. Similarly, there is no systematic process to ensure that as many student teachers as practical include experience with students with disabilities in their school experience placements.

7.3 The extent to which student teachers can gain knowledge and experience in relation to specified disabilities is problematic – there are a wide variety and many pressures on the available time. However, the AEU would support discussions with teacher education personnel and relevant disabilities experts to develop generic courses which may include some elements of a specific nature. The important aspect is to give teachers in training

some introduction to the teaching of students with disabilities and some understanding of approaches which they can then later build on in response to particular situations.

- 7.4 The provision of professional development is generally extremely inadequate throughout education, and the area of disabilities is no exception. Professional development is generally done in teachers own time, and often at their own expense. There is a need for direct provision of professional development in relation to:
- general professional development on inclusion and methodologies;
 - professional development in specific disabilities and learning disabilities;
 - on-going support.
- 7.5 The general professional development should include the opportunity for teachers to be involved in awareness raising courses covering the benefits of inclusion and ways of satisfactorily bringing it about. This should also include occupational health and safety training, such as lifting and manual handling; and stress management, physical restraint and ‘timeout’ procedures.
- 7.6 The arrival within a class of a student with a particular disability should trigger a mechanism to ensure that relevant teachers have or will receive relevant specific professional development through time release and with adequate time to follow this up through within school meetings.
- 7.7 The level and quality of support for education workers working with students with disabilities is generally not satisfactory. Outreach services provided from Special schools, teacher support centres, or basing support staff in schools are all ways in which support could be increased and improved.
- 7.8 Greater status should be given to post-graduate courses in special education.
- 7.9 It must also be emphasised that the issue of training and professional development is not to be restricted to teachers alone but must include allied staff (however named).
- 7.9.1 The commitment, dedication and frequently considerable expertise and support that are delivered by allied staff are fundamental to the education of the students, and to the extent to which teachers can cope.
- 7.9.2 The extent of training is, however, extremely variable, but generally low to non-existent. There are some TAFE courses available which are extremely useful. However, the vast majority of allied staff have received no special training and have generally learnt on the job. For many it is seen as part of general duties and they may well be re-assigned to an area that does not involve students with disabilities, or students with different disabilities, in following years, and vice versa.
- 7.10 The AEU recommends that as a matter of urgency the Commonwealth government, through MCEETYA:

- form a cooperative partnership with the states and territories to ensure that all teachers and education workers receive appropriate and adequate training and professional development in relation to students with disabilities;
- initiate an audit of the levels of training for and available to teachers and other education workers;
- creates traineeships in supporting students with disabilities;
- in consultation with TAFE and other appropriate authorities expand existing courses and design new courses so that there is a range of training options for allied staff between AQF Levels 3 and 5;
- work with Education Departments to set targets for the number of allied staff to be trained over the next few years;
- institute ongoing professional development for all teachers and other education workers working with students with disabilities.

8 The legal implications and resource demands of current Commonwealth and state and territory legislation

- 8.1 Current legislation clearly defines the responsibilities of all levels of government, and in general the responsibility is clear and comprehensive.
- 8.2 However, the principal difficulty with the current legislation, particularly as it affects public education systems, is that it does not sufficiently define responsibilities at particular levels within the systems.
- 8.3 In particular the situation of teachers and other education workers is not clear. Most parents do not approach the Authority (e.g. education department) but the individual institution. It is normally at this level that individual situations and conflicts are dealt with. In its Response to the Draft Disability Standards (Appendix 4) the AEU noted:

The current process consists of resolution through complaint arrangements, some of which are resolved before formal DDA complaints are made and some of which go through to high courts and serve to set case law. In all circumstances, this requires that there be victims. In most cases those victims are the students themselves and the education workers that teach them. For these people, there is considerable and often excessive stress and trauma involved in the process. For those teachers involved, there may well be long term personal and career consequences due to purely random and uncontrollable chance.

The educational institutions involved are also put under considerable pressure, both within themselves and in their relationship with the community, which has consequences that go way beyond the issue itself.

The AEU is concerned that Employing Authorities are too willing to take the line of least resistance, do not themselves accept full responsibility for the situation, and will only become involved when forced to by someone, usually a teacher or an educational institution, taking a stand against an unacceptable situation.

This is a totally unacceptable means of resolving the issues around students with special needs. It is destructive for the individuals concerned, for the educational institution, and ultimately for the effective implementation of the Act. It serves nobody's interests. It is therefore imperative that some level of certainty be given to the situation through the introduction of Standards which are known and applicable, and which remove victims from the process.

The failure to outline the respective but differing obligations of Authorities and institutions leaves institutions and education workers as “the meat in the sandwich” between the specified rights of the student and their parents and the unspecified obligations of Authorities to ensure that resourcing is adequate to meet those rights.

The resources which Authorities should supply to their institutions in order that they can meet their obligations under the Act is not adequately specified, nor is it specified that these must be additional to standard resourcing. The potential for systems to cost shift responsibility to the individual institution remains. The capital costs for adjusting physical structures must be additional to institutional budgets and there must also be additional support for the educational program of the institution. The costs of adaptation can often be considerable.

The AEU believes that these issues should be addressed through a set of Regulatory Standards.

- 8.4 The intersection of legislation relating to anti-discrimination and Occupational Health and Safety is an area that requires investigation. In some states this intersection has led to lengthy and costly court cases, which are not in the best interests of students, teachers, care-givers or education authorities.

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

- 9.1 Section 5 of the AEU Policy (Appendix 1) specifically applies.
- 9.2 The AEU believes the states and territories and the Commonwealth should work together to achieve the best for all Australian students. The National Goals of Schooling express the objectives in regard to schools, and are inclusive of all students. The AEU believes that funding should be coordinated to ensure that these goals can be achieved.
- 9.3 The AEU calls on MCEETYA to develop a cooperative funding arrangement between the Commonwealth and states and territories to ensure that the needs of all students in meeting the National Goals of Schooling are met.
- 9.4 The Commonwealth has a particular obligation to both equity and national priorities. It must therefore accept it has a specific responsibility towards students with disabilities and a clear obligation to support the role of states or territories as the primary providers in this area.

- 9.5 The bias of the current government to private schools has seen a massive increase in the funding of, in particular, privileged independent schools operating well above the resource levels of government schools. The proportion of Commonwealth schools expenditure going to targeted programs, including that for students with disabilities, has declined dramatically as a result.
- 9.6 At the same time, the government has broad banded targeted programs so that specific expenditure on special education is becoming more and more difficult to trace. It is now contained within the “Strategic Assistance for Improving Student Outcomes” program. The reporting mechanisms required under this program do not specifically require reference to expenditure on students with disabilities (although provision for students with disabilities is foreshadowed as a possible area in which reporting may be required in some future year).
- 9.7 State or territory expenditure is often equally difficult to track.
- 9.8 The Commonwealth funding under the “Strategic Assistance for Improving Student Outcomes” program is also biased towards private schools. Public schools receive \$110 (plus supplementation adjustment) per student, whilst private schools receive \$527 (plus supplementation adjustment). This is supposed to compensate private schools for the greater cost of students with disabilities, a cost that is said to be largely met by state or territory governments in the case of public schools. However, the AGSRC, on which general recurrent funding for private schools is based, also includes state or territory expenditure on students with disabilities, so there is an extent to which private schools “double dip.”
- 9.9 Many private schools have infrastructure facilities that are superior to public schools, and it seems grossly unfair that they should also receive greater subsidy from the Commonwealth. There is a need to consider whether students with disabilities receive equitable treatment and access to equivalent resources regardless of which sector they attend school in. Parents should not be pressured to send their children with disabilities to private schools in order that their needs can be more fully met.
- 9.10 The result of the bias in both general recurrent funding and the strategic assistance funding means that the Commonwealth contribution to students with disabilities in public schools is less than 2% of its total expenditure on schools, despite the fact that the vast majority of students with disabilities attend public schools (see Table 2).

Table 2 **Students with disabilities (per cent of students) 2000**

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT (a)	AUST
Government Schools	4.2	3.4	3.0	4.0	4.5	4.7	3.7	14.9	3.9
Non-government Schools	2.6	1.6	1.4	1.3	2.9	1.3	1.2	2.8	2.0
All Schools	3.7	2.8	2.5	3.0	4.1	3.8	2.8	12.4	3.3

(a) The NT advises caution regarding these figures. Source data is being examined for accuracy.

Source: DETYA (unpublished).

Taken from Report on Government Services website on 8 May 2002.

10 Conclusion

- 10.1 The AEU understands that the first priority of the Inquiry will be to focus on the direct educational needs of students with disabilities. There is undoubtedly much that needs to be said about the way that education services are provided to them, and the AEU shares what will undoubtedly be the Inquiry's concern to ensure that their needs are met and that they are not discriminated against in the education that they receive.
- 10.2 However, the AEU would urge the Inquiry to set recommendations for the benefit of those students in a context that recognises that the desire of education workers to do the best they can for all students can only be achieved if the recommendations acknowledge the difficult and sometimes stressful position which education workers are placed in. Adequate policy and definitional frameworks, and sufficient resources, training, support, and professional development are prerequisites for creating an environment conducive to the best interests of those students with disabilities.
- 10.3 Governments at all levels, and especially the Commonwealth government, simply must accept that they have an obligation to provide the resources that are necessary to facilitate this environment, and that a greater priority must be given to the needs of students with disabilities and those who teach them.

APPENDIX 1

VET students by disability by state and territory and sex

VET students by disability by state and territory and sex

	NSW	VIC	QLD	WA	SA	TAS	NT	ACT	Australia	%
Male clients ('000)										
With a disability	12.9	8.9	5.4	1.8	2.7	0.7	0.3	0.5	33.1	3.7
Without a disability	202.0	223.1	106.4	44.2	58.3	15.6	10.6	9.7	669.9	75.7
Not known	97.2	11.3	34.8	22.3	13.1	2.0	0.8	0.4	181.9	20.6
Total male clients	312.1	243.3	146.6	68.2	74.1	18.3	11.8	10.5	884.9	100.0
% of male clients	35.3	27.5	16.6	7.7	8.4	2.1	1.3	1.2	100.0	
Female clients ('000)										
With a disability	11.0	8.0	4.6	1.6	2.4	0.6	0.3	0.5	28.9	3.4
Without a disability	227.1	200.2	101.9	42.4	56.9	13.0	9.4	8.7	659.6	76.9
Not known	89.0	14.8	33.4	17.6	11.3	1.9	0.8	0.5	169.4	19.7
Total female clients	327.0	223.0	139.9	61.6	70.6	15.5	10.5	9.7	857.9	100.0
% of female clients	38.1	26.0	16.3	7.2	8.2	1.8	1.2	1.1	100.0	
All clients ('000)										
With a disability	23.9	16.9	9.9	3.4	5.1	1.4	0.6	0.9	62.1	3.5
Without a disability	429.7	424.9	208.4	86.7	115.4	28.6	20.0	18.4	1332.0	76.1
Not known	187.5	26.9	68.5	39.9	25.8	4.2	1.7	0.9	355.3	20.3
Total all clients	641.1	468.6	286.8	129.9	146.2	34.2	22.4	20.2	1749.4	100.0
% of all clients	36.6	26.8	16.4	7.4	8.4	2.0	1.3	1.2	100.0	

Source: Australian Vocational Education and Training statistics 2000: In detail, National Centre for Vocational Education Research Ltd for the Australian National Training Authority page 15-Table 9

APPENDIX 2

AEU Special Education Policy

AUSTRALIAN EDUCATION UNION

POLICY

SPECIAL EDUCATION

(As adopted by the 1987 Annual Conference)

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SPECIAL EDUCATION POLICY

(Policy as adopted by the 1987 Annual Conference)

1. INTRODUCTORY STATEMENT

The AEU notes that Australia is a signatory to the U.N. Declarations on the rights of children and the rights of the disabled. The AEU subscribes to these statements and expresses concern that many students with special education needs or requiring other specialist support services have not yet benefited from the Australian Government's acknowledgment of those rights.

Affirmative Action

Affirmative Action for disabled people is a mechanism by which equal educational and employment objectives are achieved.

AEU believes that disabled people should be assisted as much as possible to operate in mainstream society, in education, work and leisure.

It is not sufficient to make specific acts of discrimination unlawful. Further steps are needed to relieve the effects of past discrimination, to eliminate present discrimination and to ensure that future discrimination does not occur.

A. The Rights of People with Disabilities

(i) Human Rights

People with disabilities have the inherent right to respect for their dignity. People with disabilities, whatever the origin, nature and seriousness of their disabilities, have the same fundamental rights as their fellow citizens of the same age, which implies first and foremost, the right to receive all necessary and appropriate facilities, services and education in order to acquire the capacity to enjoy a self-fulfilling life.

People with disabilities, like all citizens, have the right to:

Personal Inviolability: The right to be free from physical and mental violence and abuse.

Freedom of Opinion and Expression: The right not to be harassed, penalised or punished because of one's opinions and the expression of these opinions.

The Safeguard of One's Dignity, Honour and Reputation: The right to be protected from unnecessary intervention in their lives.

Respect for One's Private Life: The right to the same discretion which is assumed for all citizens. People with disabilities should be guaranteed that personal information and reports will not be made public.

Equality in Legal Matters: People with disabilities have a right to equality in all legal matters. People with disabilities should have whatever assistance is necessary to give them full access to all legal processes.

The extent of disability and the appropriateness of rehabilitation services available should be adequately considered when determining a penalty for contravening laws. Disabled people should have the same right of access to personal reports as all citizens.

(ii) Participation in Decision-Making

People with disabilities should be fully involved in the decision-making processes concerning their education, employment and life-styles.

(iii) Employment and Working Conditions

AEU supports the United Nations Declaration on the Rights of Disabled Persons, 9 December, 1975, which includes the following:-

"Disabled persons have the right to economic and social security and to a decent level of living. They have the right, according to their capabilities, to secure and retain employment or to engage in a useful, productive and remunerative occupation and to join trade unions." U.N."

"These rights should not just appear on paper, they should be actively enforced."

People with disabilities are entitled to industrial award conditions enjoyed by other workers, and the extension of existing awards to cater for their disabilities in terms

of amended equipment and facilities.

They have the right to Trade Union membership and participation.

(iv) Right to Education

All children from the time of identification and assessment and people with disabilities have the right to free public education and a full range of educational support services.

Access should be encouraged by the provision of appropriate physical and human resources and technical assistance within educational institutions; students with disabilities should have access to appropriate curriculum and programs.

Affirmative action strategies should be developed to equalise opportunities and outcomes for people with disabilities.

Many students with disabilities require programs which promote basic development change in order that they may acquire readiness to learn from a regular, modified or alternative curriculum. All students need programs which reflect their individual learning styles and rates of progress.

The necessary resources, equipment and support needed by students with disabilities shall be provided to ensure students with disabilities have equal chances of successfully completing educational programs.

(v) Right to Information

All people with disabilities have the right to be informed of Services and Systems available to them in their educational setting. These may include modifications to the delivery of services, and any affirmative action strategies designed to achieve equality of outcome.

B. Economic Benefits of Special Education

Not only is it the right of every student to receive maximum educational opportunities, there are demonstrable cost benefits to the nation.

Documented evidence demonstrates that for every 2-3 pensionable individuals who achieve open employment, \$1 million of public money is saved. Similar savings result from domestic independence.

Similarly, reductions in demand for social security support, and in the costs of anti-social behaviour are demonstrable.

2. DEFINITIONS

A. Definition of Special Education

For purposes of this policy, the definition of Special Education largely corresponds with the definition of the Commonwealth Schools Commission Working Party Report (May, 1985) and should also cover TAFE Colleges and their students.

"Special education is defined as the education required by those children and young persons who, because of impairments or environmental factors, or a combination of these, have educational needs requiring for the time being at least, one or more of the following

resources:-

- The provision in special or regular schools, units or classes or special means of access to the general curriculum through specialist teaching techniques, equipment, facilities or resources, or through modifications to the physical environment.
- The provision of a special or modified curriculum.
- The provision of specialist staff, with appropriate training.
- Provisions recognising family, cultural and social circumstances, and the climate and setting in which education takes place." (para. 2.7).

Also included in this special education population are all those students with manifest disabilities, students with emotional behavioural difficulties, those who require additional educational services and others with additional learning difficulties.

In summary, special education should comprise a range of services including individualisation of program design, instruction in small groups, and a high level of expertise by those who deliver it. Given these characteristics it should be acknowledged that special education may be costly, may be provided by a range of organisational models, and may be supplemented by persons other than teachers. For these reasons funding in excess of that made available to students without disabilities is required for students with special needs in all locations, including for the provision of staff other than those holding a formal teacher qualification.

B. The Most Advantageous Environment

The AEU adopts the position enunciated in the Commonwealth Schools Commission Working Party Report 1985, which is outlined in the following extracts from Chapter 2.

"The Working Party advocates the importance of providing a comprehensive array of special services to meet the educational needs of disabled children. These services should be seen as a continuum of placements within which each child's particular needs can be met. For each service, the quality of the program provided should be the critical and distinguishing characteristic."

"While the concept of education within the most advantageous environment is fully supported, and the educational requirements of individuals should have priority over the pursuit of an ideal. Integration into a regular school will be in the best interests of some children; for other children the most advantageous environment, in the sense of the environment in which their learning can be maximised, may be a special school. Still other children may be most appropriately taught in their homes or a community or hospital setting. Critical to the future of the student however is the quality of the program offered."

It should be noted, however, that this AEU Policy encompasses a wider population of students with special needs and that the majority of these students are in the mainstream. This highlights the importance and availability of specialist services in specialist settings and in regular schools/colleges and classes.

C. Integration of Students with Disabilities into Regular Schools/Colleges

For the purposes of this section, integration involves more than a student's physical location in a regular school/college. Integration involves students in the fullest possible participation in the education programs and social activities of the school/college.

Integration involves 3 aspects of policy and practice:

1. The issue of access, for students with disabilities and impairments to regular schools and classrooms. This is a process of progressively increasing the participation of those students into the regular school program.
2. The issues of resources, for students who have additional educational requirements. This is a process of supporting and maintaining the participation of students in regular school programs by the provision of resources necessary to ensure successful learning outcomes.
3. The issue of Curriculum. In practice, integration may involve a range of different organisational models and curriculum approaches. The structures for integration derive from the needs of the student and the school and the additional educational resources required for effective and successful integration. For such programs to be successful, sufficient physical and human resources, appropriate curriculum options and a range of organisational models are necessary.

D. Early Intervention

Early intervention is the provision of systematic programs involving under school age children from the age of assessment and diagnosis to meet their emotional, intellectual or physical requirements and to enhance their development. State and Territory Governments should legislate to guarantee the provision of early intervention programs for all children who require them.

3. STUDENTS WITH SPECIAL EDUCATION NEEDS

A. Impairment, Disability and Handicap

Impairment is an anatomical or functional abnormality which may result in a disability.

Disability is a loss or reduction of functional ability which results from an impairment.

Handicap is the disadvantage caused by the impairment or disability. Handicap represents the social and environmental consequences to the individual stemming from the presence of an impairment or disability.

Thus impairment may be an organic condition, disability the functional consequence and handicap the social consequence. For example the spinal condition of paraplegics is their impairment; their inability to walk is their disability, their problems in achieving access to buildings and in finding employment are handicaps.

(Source: World Health Organisation)

B. Learning Difficulties/Problems and Learning Disabilities

(i) Learning Difficulties/Problems

This term refers to the wider population of students with problems in schooling. These students experience learning and social difficulties, arising from

socio-economic factors, cultural differences, insufficient/inappropriate teaching or social/ emotional factors.

(ii) Learning Disability

Learning Disability, like any disability, results from some impairment of the individual's functioning. In the case of the learning disabled student, this is presumed to be a dysfunction of the central nervous system. The term is a global one that refers to a variety of different disorders. The effect of the disorders seriously limits the performance of an individual in the acquisition, use and organisation of listening, speaking, reading, writing, reasoning or mathematical ability. Even though a learning disability may occur with other disabilities or environmental influences (eg. cultural differences, insufficient/inappropriate teaching, social/emotional factors) it is not the direct result of these conditions or influences.

C. Numbers of Students

Reliable studies in Australia (e.g. the 1979 Schonell Survey) and in comparable societies (e.g. the Warnock Report in the UK) demonstrate that approximately 20% of school-aged children will need some additional or special educational assistance at some time during their schooling. The more seriously disabled will require special programs for the whole of their schooling. Some will require intensive special education at specific times in their schooling. All will require education programs specific to their needs.

Traditional attitudes to disabled, under-achieving or apparently unco-operative students have resulted in school systems being structured in ways which do not address the needs of such students. Recent disclosures of the substantial numbers of students involved, highlight the need for restructuring education systems so as to serve all students, not merely the competent 80%.

D. Location of Students with Special Education Needs

Students with manifest disabilities are to be found in special schools, special units or regular classes. Students with non-manifest disabilities and with learning difficulties/problems are largely to be found in regular schools.

Correction of the educational neglect of these students involves almost all schools in the state systems. This has clear implications for teacher unions.

E. Identification of Students with Special Education Needs.

The proper identification of students with special education needs is a necessary pre-requisite to the planning and provision of resources. Teacher unions should see as essential the provision of adequate procedures for the identification of all such students at the earliest possible time. Teacher unions should be alert to the use of administrative procedures which obscure the presence of students with special education needs.

The AEU does not support the use of systems of categorisation which are educationally irrelevant or which limit the access of the individual to appropriate educational services.

However, the AEU is concerned that the elimination of category-based resource allocation is frequently not replaced by suitable alternative systems of attracting educational support. The AEU therefore does not oppose the use of educationally and culturally appropriate identification and categorisation where this aids the design and delivery of educational and support services to students. In this process emphasis should be given to the additional

educational requirements needed by a student to fully participate in education programs rather than emphasizing the category or label of disability.

F. Recommendations:

1. THAT the AEU adopt the 1979 Schonell Survey as its general source of statistics on the number of students requiring special education services and that the AEU recommend to all affiliates that they translate the general prevalence statistics into State statistics.
2. THAT the AEU recommend that affiliates take steps to encourage each school or college to identify the numbers of students with disabilities and determine the types of professional and material resources needed by those students.
3. THAT the AEU make representation to the CSC to sponsor research into methods of developmental and educational diagnosis and assessment which can identify specific resource needs for students with special education needs.
4. THAT State affiliates take steps to have State education authorities adopt appropriate methods of developmental and educational diagnosis and assessment.
5. THAT the AEU urges affiliates to demand that their Education Departments/Ministries develop procedures to identify students with special education needs as a basis for providing appropriate resource levels.

4. THE EDUCATIONAL NEEDS OF STUDENTS WITH SPECIAL EDUCATION NEEDS

A. Right to Education

The AEU is conscious of and concerned that there exists no legal obligation for Governments to provide specific and additional funding for special education programs. Therefore any statement of educational need is likely to highlight areas of educational neglect.

Based upon studies in Australia and in comparable societies, up to 20% of our school population may need some special attention or programming at some time during their education. The AEU therefore reaffirms its commitment to a free public education for all people with disabilities.

B. Individual Nature of Students' Needs

Students requiring placement in a Special Education program are identified by their exhibiting a degree of individual difference which requires intervention by teachers with specific training in Special Education techniques.

C. Identification, Assessment and Diagnosis

Identification

Many students with special needs struggle through schooling and further studies without being identified and resourced by the system. In meeting these needs it is essential that the students concerned be identified. Education Departments may not establish systems of identifying students with special needs because this would imply accepting responsibility for providing appropriate programs for them.

Following identification, students with special education needs require a detailed developmental and educational diagnosis. The information which derives from this will determine:

- the requirements of the students' program
- the resources needed to achieve equality of outcomes
- any adjustments needed to the learning environment.
- the most advantageous environment where specialist resources will be available.

D. Curriculum and Individual Programming

- (i) Educational services for students with disabilities or problems in schooling should contribute to equal educational outcomes. The curriculum should benefit all students by ensuring access to educational experiences that are challenging, purposeful and comprehensive, and that result in all students improving their educational achievement and attaining independence and power over their own lives.
- (ii) The curriculum for students with impairments, disabilities or problems in schooling may not necessarily be different from educational programs for all students which develop the student's potential. This would be the case where access, prosthesis or non-educational support are the only requirements arising from the disability. Like all students, those with impairments, disabilities or problems in schooling need to be fully engaged in a broad curriculum with access to all areas of learning, diversity in learning experiences, different modes of learning, and teaching and assessment approaches that develop the students' potential and work from the students' strengths and competencies, irrespective of their placement in a separate or regular setting.

- (iii) All students can learn and be taught. To ensure that students with disabilities or problems in schooling have access to the full curriculum, programs and teaching approaches should:
- (a) ensure that developmental programs for formal and incidental learning are available from the point of assessment and for as long as needed by students
 - (b) ensure the participation of students in the regular education and social programs of the school/college
 - (c) ensure success
 - (d) provide learning experiences which build upon the previous learning of students and work from students' strengths and abilities
 - (e) ensure students' active participation in learning experiences
 - (f) take account of individual differences in pace and style of learning
 - (g) base assessment of students' work on their success in reaching attainable goals
 - (h) ensure that assessment policies and practices are designed to provide data on which to base developmental and educational programs and to determine what resources are needed
 - (i) ensure that the assessment policies do not emphasise comparisons between students and that the reporting of student progress focuses on what students have achieved and on their developing competencies
- (iv) The principles of learning apply equally to students with impairments, disabilities or problems in schooling. The basic thrust of this is the recognition of the development needs of students and that learners proceed at different rates.
- (v) To ensure that students' learning is appropriate to their needs, it will be essential to develop individualised, modified or alternative curricula, timetabling, teaching approaches and classroom organisation. This will entail funding for resources and/or additions to the human and physical resources in the school/college.
- (vi) Individual differences should not entail learning in isolation, or require organisational structures that effectively isolate students with disabilities or problems in schooling from their peers. Organisational structures for learning, and school groups should be organised for the maximum interaction of a broad range of student abilities and competencies. The quality of educational programs must ensure equality of outcome through providing a range of services in the most advantageous environment to ensure that the individual needs of students are acknowledged and met.
- (vii) Curriculum and programs should provide real access to educational success for students with impairments, disabilities or problems in schooling by catering for a range of student abilities.
- (viii) Streaming and competitive assessment can severely disadvantage students with disabilities and do not ensure that they receive appropriate programs. All curriculum areas should encourage an increased awareness of and should promote:
- the acceptance of individual difference

- the valuing of all people
- the rights of all individuals
- equal opportunity principles and legislation

The continued failure of a student in a program will lead to lowered respect from peers and lowered self-esteem on the part of the disabled student and therefore the provision is essential to ensure students' success in education and social programs.

E. Collaborative Decision Making

All those who have some legitimate interest in decisions affecting diagnosis, assessment, programming and curriculum for students must be permitted and encouraged to play their part. This should apply to parents, advocates and adult students with disabilities. This process involves joint planning and participation, sharing information and responsibility, advocacy, active participation in decision-making and joint action.

F. Girls and Women with Disabilities

While the education of girls has been identified as a Commonwealth priority area, the Commonwealth Schools Commission's report on the education of girls offers no substantial comment on girls with disabilities. There is little firm evidence available to the Working Party as to the specific needs of girls and young women with disabilities.

It is clear that fewer female than male students are receiving special education assistance, particularly those with severe disabilities and those with specific learning difficulties. The extent to which these apparent differences in participation reflect long standing bias in research, cultural or other factors is unclear and should be further examined.

Another area of concern to the AEU is the apparent inequality of access for adolescent girls with disabilities to vocational training, the lack of gender-inclusive curriculum within existing training programs and the lack of job opportunities for young women with disabilities on completion of their education.

A further area of concern is the inadequate provision of quality Health and Human Relationships education available to students with disabilities. Such programs need to include the development of communication skills, values clarification and evaluation, personal development, development of skills in decision making and include education related to sexuality. It is important that such programs are not seen to be of particular relevance to girls, but the lack of such provision leaves them particularly vulnerable.

The AEU recognises that girls with disabilities:

1. more frequently experience lack of equal access to special educational/vocational programs designed for students with disabilities, and
2. are more frequently integrated into mainstream programs without adequate support.

The Commonwealth Schools Commission and the Commonwealth Tertiary Commission should therefore give particular consideration to particular needs of this group.

G. People from Non-English Speaking Backgrounds with Disabilities

Language differences can create substantial additional difficulties for students with disabilities.

Apart from the language characteristic, these families may have a culture and values which can be expected to some degree to differ from the major culture. These characteristics

have important educational implications and students with special education needs from other cultural backgrounds are entitled to access to resources designed to meet both areas of need.

H. Aboriginal People with Disabilities

Aboriginal children can suffer from the range of disability conditions found in non-Aboriginal communities. However, socio-economic disadvantage can exacerbate the situation for many such students.

Further, because of substantial cultural differences, Aboriginal students may be distinctly disadvantaged in educational diagnosis and programs, the content and delivery of which have a strong western European bias.

Special attention needs to be paid to bringing together special education expertise and personnel with knowledge of Aboriginal culture with knowledge of Aboriginal cultural characteristics so that the severe disadvantage being experienced by a disproportionate number of Aboriginal students can be neutralised.

There is a paucity of data about Aboriginal children and young people with special needs in urban, rural and isolated areas.

Data collected so far shows that Aboriginal children are affected significantly more than average in at least one area of disability, i.e. ear condition. Trachoma, in some areas, is also a cause for concern. It is recommended that the AEU take steps:

1. to have research undertaken to determine the extent of disability in Aboriginal children, and to understand its relevance within the context of Aboriginal Community Life;
2. to ensure that Aboriginal children and young people with special needs, and their access and opportunity to all necessary services. However, this provision should be related to the perceived needs of the Aboriginal people, and be based on-going consultation and assessment with the children, young people and families affected;
3. to ensure that this research and any policies and initiatives which result from it, be conducted jointly by teachers of Aboriginal students and special education teachers in dialogue with each other.

I. Students in Isolated Areas with Disabilities

"Distance creates many disadvantages. When distance is coupled with disability then these disadvantages are multiplied".

(from 'Distance and Disability'. A survey of Children with Disabilities in Isolated Areas of Australia', by the Uniting Church National Mission Frontier Services, 1985. See Appendix for details).

The AEU supports the following comments and recommendations made by the above report which are also supported by the Isolated Children's Parents Association.

Equity and Remoteness

Although the principle of equity of access to services is affirmed by legislatures, public servants and professionals alike, the application of this principle is not always apparent in isolated communities. The following steps should be taken to bring about educational access and opportunity:

1. Single stop advisory and referral centres for each isolated region should be provided, with an itinerant service to isolated children, young people and their families; provision of services to be from the time of diagnosis.
2. These centres should appoint advocates for parents, children and young people to advise on services available and assist with liaison with the various professional bodies involved in the delivery of services.
3. State and Territory governments should encourage and provide the means for professionals to develop new methods of service delivery, including:
 - (a) professional coordination
 - (b) mobile servicing
 - (c) distance education technology, e.g. use of satellite technology.
4. Each State/Territory Education Department should evaluate the profile of services offered rather than consider individual services in isolation.
5. Boarding schools should make provision in classes and accommodation for children and young people with special needs.
6. Cottage-type residentials should be provided to enable isolated children and young people with special needs to attend appropriate schools as day pupils.

Central Place of Parents

Parents are generally the primary managers of their children's disabilities and as such are heavily dependent upon outside advice and assistance. A different approach to providing services is required from that normally adopted in urban areas. Thus:

1. opportunities should be offered to learn or development management skills to cope with a range of conditions;
2. suitable regional accommodation should be provided at appropriate regional centres where parents and children can stay for short periods to receive guidance, training, assessment and exchange problems and ideas;
3. schemes should be developed, in consultation with those needing help, to provide respite for parents, e.g. temporary relief in the form of help to take over for a period to enable parents to have a holiday.

Aboriginal People with Special Needs in Isolated Areas

As stated in Section 4(I) of this policy, there is a paucity of data about Aboriginal people with specific needs in isolated areas. The AEU believes that these needs have not been properly addressed and that strong efforts should be taken to assess and meet them.

J. Vocational Education

Many students with special educational needs are capable of developing the necessary skills and maturity required to enter the adult workforce. The fact that such people are disproportionately represented in the ranks of the pensioners, the unemployed in institutions and prisons makes it clear that our education and employment support systems have failed these people and our society.

Therefore particular attention needs to be paid to the preparation of these students for a place in the adult workforce.

In some States, access to career education, work experience programs and to support programs such as P.E.P. has been restricted in relation to these students whereas they are clearly the target population for increased resourcing.

It is recognised that Federal and State Government funds be allocated so that students with disabilities can participate in work experience programs.

K. TAFE

One of the primary aims of many people with disabilities is to obtain economic and social independence. TAFE should play a major role in facilitating the attainment of these goals.

Consequently, access of people with disabilities to TAFE courses is critical. This requires the provision of adequate resources, the modification of equipment and facilities, in-service and special education/integration training for TAFE teachers, and in-service programs for administrative staff.

L. Length of Time in Education

Frequently a longer period of education is needed by students with special education needs if they are to reach their full potential.

Arbitrary leaving ages are legacies of the past and can have the effect of prematurely terminating the development of abilities essential for a full industrial, domestic and personal life.

The adaptation of traditional secondary and TAFE provisions may be necessary in these circumstances.

M. Services for Students with Special Education Needs

The identification of special educational needs generates a demand for professional and material resources to meet those needs.

The success or otherwise of the advocacy for special education resources will affect almost every school in the nation. Because the majority of students with special education needs will be in regular schools, any lack of service to such students will affect the whole school.

Adequate material and professional provisions for students with special education needs will benefit the whole school community.

At the same time, the enormous potential of special schools to serve wider populations must be developed. In this context following the Commonwealth Schools Commission Working Party Report statements are supported by the AEU.

"special schools should not be conceived of as facilities to relieve regular schools of students for whom educational provision is difficult. Special schools, however, can be a support to regular schools, and an integral part of general education provisions. The general role of special schools can be to provide 'centres' for specialised educational services, resources, equipment and personnel, where some children's needs can best be met at a particular time. Greater interaction between special and regular schools should be encouraged to remove the aura of difference and create better understanding between the two sectors."

N. Recommendations:

1. That the AEU and affiliates research procedures for determining the types of professional and material resources required by teachers of students with special education needs.
2. That the AEU and its affiliates be urged to acknowledge that programs such as the Disadvantaged Schools Program may not address all the needs of students with disabilities.
3. That the AEU endorses the need for a broad and thorough investigation of the education of women and girls with disabilities with particular reference to increasing their access to primary, secondary, and post-secondary education, vocational education and work experience.
4. That the AEU and its affiliates take steps to ensure that the Commonwealth Government establishes a national program for the education of isolated people with disabilities and their families. This program should provide:
 - (a) for the identification, collation and provision of information on resources available in each isolated region of the country.
 - (b) the creation of an agency to have an advisory/advocacy function for people with special needs, their families and service providers.
 - (c) on-going and up-to-date information to Government officers which will assist them in the management of their responsibilities and resources.
 - (d) a review of statistics, services and needs to the Federal and State/Territory Governments on an annual basis. This will establish a data base for the effective planning, maintenance and development of effective service provision.
 - (e) a review of assistance for educational, health therapy, accommodation and travel requirements for people with special needs. This review should seek to coordinate such assistance so that it best meets individual needs.
 - (f) adequate financial assistance for isolated families to gain access to special education and other necessary support services.
5. That Federal and State Government funds be allocated so that students with disabilities can participate in work experience programs.
6. That the Federal Government develop a national program of affirmative action whereby the disabled are employed by the Government and private enterprise.

5. THE RESPONSIBILITY OF GOVERNMENTS FOR SPECIAL EDUCATION

Even though parents are under compulsion across Australia to enrol their children for schooling (which implies a responsibility on the part of governments to provide schools and other educational facilities) there are students with disabilities in this country who, because of those disabilities, do not have access to schooling. AEU views this situation with concern and calls on governments to immediately make available the additional funds necessary to provide these students with the educational resource and facilities required to give them the education they are currently being denied.

A. General

Governments must ensure that all government schools and TAFE Colleges can provide or have access to a range of educational options and services for all children and adults, including those with impairments, disabilities or problems in education.

Governments have the obligation to provide the necessary resources so that schools and colleges can effectively and progressively provide "most advantageous" educational environments, integrated with appropriate specialist programs.

AEU demands the immediate extension of adequate resources to government schools providing for students with disabilities.

Special Education requires funding over and above the current recurrent funding to the States.

The Federal Government must provide the States with earmarked, per capita funds to maintain and extend programs to students with disabilities.

Consumer groups in education, i.e. the disabled, parent and teacher groups, must be included as equal partners in negotiations leading to State and Federal government priorities and in the accountability processes which must follow. Currently, inter-government procedures obscure rather than throw light on these priorities. Because of the trend to embed Commonwealth special education funds to the States in general recurrent grants, special measures are needed to ensure that funds are, in fact, used as intended.

B. Public Education/State Aid

State Aid within Special Education is seriously complicated by the unwillingness of governments to provide educational services to all children with special education needs, thus forcing the parents of some children to set up and maintain their own schools.

The assumption of responsibility for some such schools has occurred but the consequences are not universally adequate. The AEU calls on all governments to assume responsibility for all children with special education needs.

There is grave concern that the process adopted in funding non-government special education will be used by some systems as a method of obtaining additional government funding.

The AEU reiterates its policy on the need for full accountability by non-government schools for all government funds they receive.

C. Commonwealth/State Responsibilities

1. *The Commonwealth/State relationship*

The AEU acknowledges that education is primarily a State responsibility. It also notes that the Federal Constitution provides for Commonwealth involvement in particular aspects of education. Through the Commonwealth involvement in particular aspects of education. Through the Commonwealth Schools Commission the Commonwealth has provided some "seeding: money and some "top-up" money.

Nevertheless, surveys demonstrate that many, and in some States, the majority of students with special education needs do not receive adequate specialist programs.

In these circumstances, the AEU views with deep concern cuts to the Commonwealth's Special Education program which have been made by the Federal Labor Government in recent years.

The Commonwealth Government included Special Education Teacher Education within its general Professional Development program. Additional professional training for teachers is central to the provision of programs for students with disabilities. Funding of special education teacher training has been drastically affected by the loss of Commonwealth funds for professional development.

The Commonwealth should identify Special Education teacher training separately and increase its investment substantially.

The Federal Government's cuts to Special Education totally contradict Labor's stated commitment to the most disadvantaged in our society.

Further, the Commonwealth is complying with State demands for money without conditions being attached. While it is acknowledged that Commonwealth conditions have not always been sensitive to State educational structures, the alternative procedures now being adopted do not guarantee that Commonwealth Special Education funds will actually be spent on special education.

The AEU will consult with ACSSO with a view to pressing for more effective Commonwealth support for the establishment of better levels of funding for Special Education, for involvement of consumer (parent and teacher) organisations at all levels of decision-making and for stricter measures of accountability.

2. Teacher Education

It is acknowledged throughout the world that standard forms of teacher training are not sufficient to meet special education needs. Therefore, education systems must accept responsibility for the further training of sufficient teachers to meet those needs.

3. General Teacher Education Courses

Recognising the continuing difficulty in the recruitment and retention of special education staff, State and Territory Departments of Education should ensure that:

- (a) Initial teacher education courses include Special Education components. All teachers will be in professional contact with students with disabilities and therefore require skills in the area of diagnostic assessment of educational needs, curriculum, programming, teaching strategies, student assessment and program evaluation. Teachers also require knowledge about issues related to disability, integration, and referral to specialists.
- (b) All teachers have access to time release to attend in-service training on issues related to disability and integration. These in-services should be actively promoted by Education Department/s Ministries.
- (c) They develop incentives to improve the recruitment and retention of special education staff including reviews and restructuring of career paths where necessary.

- (d) Preferably, teachers have 3 years of regular classroom teaching before becoming Special Education Integration teachers, and have undertaken a Special Education course of at least one year's duration at post-graduate level.
- (e) Appropriately trained staff are able to move between regular education and special education without detriment to promotional opportunities in either stream.
- (f) Teachers working within the Special Education/Integration area have access to promotion within that area and access to the same transfer and promotion as other teachers.

4. Special Education Courses

- (a) Substantial post graduate programs in Special Education of at least one year's duration should be available including components in:
 - Hearing Impairment
 - Visual Impairment
 - Intellectual and Development Disabilities
 - Learning Disabilities
 - Physical Disabilities
 - Social and Emotional Development
 - School Counselling
 - Severe and Multiple Disabilities
 - Deaf-blind Education
- (b) Education Departments should ensure that the provision of paid full-time study leave to undertake Special Education courses is treated as a priority concern and such provision is additional to the general study leave allocation. Funds should also be made available to ensure teachers already involved in Special Education can undertake training in relevant institutions to ensure they are appropriately and adequately qualified.
- (c) Substantial practical experience should be included in both regular and special settings.
- (d) All Special Education courses should provide substantial access to information, knowledge and experience in a range of disability areas.

5. Employment of Teachers with Disabilities

The AEU supports the employment of appropriately - qualified teachers with disabilities. They provide a significant modelling role and assist the development of effective community and parent education. State employing authorities will be approached to remove any barriers to the training and employment of people with disabilities where adjustments can be made which would allow those people to teach effectively in the general service or in specific areas. These teachers should have access to promotion structures, superannuation schemes, and all conditions of service applying to other teachers.

6. Conditions of Employment for Teachers of Students with Special Education Needs

There is a direct relationship between the working conditions of teachers and school assistants (teacher aides) and the quality of program for the students. It is therefore imperative that the working conditions of special education teachers are no less than those of other teachers. Where inter-union and inter-professional coordination is necessary this should be actively sought.

The AEU supports the improvement of conditions for teachers and supports the efforts of unions representing school assistants and other para-educational workers (e.g. psychologists and social workers) to also improve their working conditions. This will ensure the quality programs as described in this policy are mounted and maintained.

Each affiliate is urged to develop and/or maintain detailed Special Education policies. These would include staffing levels, conditions of service, rights of students, parents and teachers, occupational health and safety, campaigning, superannuation, training and qualifications, in-service provisions, transfer and promotion, and study-leave.

The nature of students' disabilities and the special needs arising from these should be taken into account when determining these standards.

D. Recommendations:

1. That the AEU and its affiliates make all necessary approaches to the Commonwealth Government to provide funds specifically to train Special Education teachers in the States/Territories.
2. That the AEU and its affiliates take all possible steps to encourage the employment of appropriately trained personnel wherever students with special education needs are educated.
3. That the AEU research the process of funding non-government schools with a view to determining whether special education students may be used as a means of attracting additional government funding and resources without a genuine commitment to the education of these students.
4. That as an interim position, the AEU demand that the Commonwealth Schools Commission establish monitoring procedures to ensure that all recipients, particularly non-government schools and systems, account for the proper use of special education funds, and that all recipients demonstrate that they also maintain equal per-capita funding to special education students as well as directing the additional resources appropriated.
5. That the AEU, through its proposed Industrial Information Service, collate and disseminate information on working conditions and relevant affiliate policies for teachers of students with special education needs.

6. THE ROLE OF UNIONS

- A. It is not unusual for professionally progressive educators to see the union as a legitimate area for pursuing betterment for both students and teachers. Further, teacher unions have traditionally devoted extensive time and effort to advancing the quality of public education.

Thus special education is taking an increasingly higher profile in union affairs. However, the complexity of the practices and issues means that special education teachers have a particular responsibility to assist their colleagues and unions to appreciate the complexity and act appropriately.

Traditional attitudes towards disability and to underachieving students also affect our teaching colleagues. Teacher unions can play an important role in changing traditionally negative attitudes within their membership. To assist this process, unions should encourage greater participation of special education/integration teachers in union structures and develop affirmative action strategies in this area.

Special education committees, conferences, publications are all significant contributors to union effectiveness. Special attention needs to be paid to ensure that all policy statements and all campaigns acknowledge the approximate 20% of students who require special education attention and the nature of professional and material resources needed.

Thus funding and staffing campaigns, including infants/primary/secondary/TAFE campaigns, in fact practically all campaigns have within them a special education component or factor.

Whereas some of our campaigns have isolated us from the community, the special education component has substantial potential to bring together teachers, parents and the general community. It also is an issue which is relevant to every school/college community in the nation.

At this stage, the potential for positive involvement with colleagues and the community may not have been fully realised by all teacher union. The AEU and its affiliates therefore have clear responsibilities to maximise this involvement.

Union Cooperation with Parents

Tremendous potential for parent-teacher cooperation exists at all levels around this issue. In NSW for example a joint committee on Special Education had, in late 1985, 40 affiliated organisations. Some of these were state-wide teacher and parent groups, others were professional and particular interest groups. Of particular significance has been the growth of locality support groups in which parents and teachers are cooperating in seeking improvements in their schools. Such close association helps to neutralise the anti-union attitudes which are being developed and exploited by opponents of public education.

The parent-teacher core in each community will then help sensitise the whole community to the needs of students and schools/colleges.

Cooperation with Other Unions

Although trained teachers are central to the effectiveness of special education, its multidisciplinary nature requires that teacher unionists be in close contact with members of other unions and professional groups. Care must be taken to develop appropriate inter-union mechanisms to avoid demarcation problems and to encourage inter-union cooperation and coordination.

B. Recommendations:

1. That AEU affiliates are urged to establish and encourage Special Education committees in their unions and to take steps to ensure the integration of Special Education components at all appropriate levels of organisation.

Campaign planning should incorporate appropriate levels of organisation.
Campaign planning should incorporate appropriate recognition of the high proportion of students with special education needs.

2. That the AEU, at the national level, and the affiliates, at the state levels, consider how best to consult and cooperate with other unions and professional groups in order that joint action can be taken to improve aspects of public education particularly around special education needs.

7. **FURTHER ROLE OF THE AEU**

- A. A national scandal in education is the lack of legislation to ensure that governments are responsible for meeting the educational requirements of all people.

Australia is a signatory to United Nations declarations in this regard but Australian citizens have no right in law to demand educational services, particularly special education services.

Despite State/Territory differences in practices and terminology, there appears to have been collusion between state politicians and administrators aimed at reducing resources for Special Education. National coordination of union policies is essential to protect resource levels and conditions in Special Education.

- B. Recommendation:

That the AEU take the necessary steps to ensure that all affiliates are kept informed on the progress of the developing Special Education campaigns in each state. That a regular exchange of campaign information be organised.

APPENDIX 3

**Some notes on the current
situation and developments in
selected states**

Appendix

Some Notes on The Current Situation and Developments in Selected States

Queensland

The Department of Education position has, consciously, narrowly defined the population to receive special education services based upon:

- a categorical model of prevalence that does not take into account other existing disabilities (e.g. learning difficulties/disabilities, acquired brain injury) or emerging groups of special need students (e.g. Foetal alcohol syndrome students, student with Attention Deficit Disorder, learning disability or difficulty, behavioural disorders, acquired brain injury, etc.);
- a view that only 3% of the total school population falls within the six categories of impairment traditionally served (physical impairment, vision impairment, intellectual impairment, hearing impairment, autistic spectrum disorder, and speech-language impairment);
- a view that, although a further 12% (approximately) of students outside these six categories require additional assistance, they are not the responsibility of special education services and, more importantly are significantly less intensely resourced.

Education Queensland currently uses a process called “Ascertainment” to assess the educational needs of students with “low incidence disabilities” and this is used as the basis of allocating staffing and resources for these students. There are six ascertainment levels. Currently only students with an Ascertainment level of 4-6 receive additional staffing support. Education Queensland is currently trialing a process called “Profiling”, which the QTU understands is intended to replace Ascertainment.

For primary students with learning difficulties/learning disabilities a process called “Appraisalment” is used, but this process is used only to develop appropriate educational programs and does not generate or relate to the provision of staffing or resources.

Victoria

In 2001 Luana Meyer prepared a Review of the Program For Students with Disabilities and Impairments. The recommendations of this Review are still under consideration.

It criticises the current system on a number of grounds and proposes instead a system based on three funding elements:

- Targeted intervention for identified moderate/severely disabled students, which would be based on a similar but tightened methodology to current Disability and Impairment Funding;

- Special Educational Needs (SEN) School Allocation, which would be allocated to schools on a combination of population indicators and provide schools with the flexibility to provide additional support for students with special education needs including those with mild disabilities and impairments, learning difficulties, language problems and challenging behaviours.
- Special Educational Needs (SEN) Network Allocation to encourage networks of schools to collectively determine the natures and duration of support for the 10% of students with special learning needs, and give schools broad discretion on the use of resources to provide expertise in a range of areas.

New South Wales

There was a review of staffing of special schools and support classes in 2001. A limited trial of some of the recommendations is proceeding.

There is currently a review of integration funding and programs supporting students with low support needs in regular classes taking place.

In 2000-2001:

- Total Special Education Budget was \$477.4 million;
- Integration Support Funding was approximately \$45 million
- There were approximately 15000 students serviced by the Integration Funding Program;
- Of students with disabilities, 1/7 attended School for Specific Purposes (SSPs), 3/7 support classes and 3/7 were integrated.
- Integration for students with “low support needs” was \$10 million

Tasmania

Special Education Services and Resource Model

Special education services in Tasmania have been divided into those which are ‘specialist’ central funding (Category A) and those which are more ‘generalist’ (District funding).

Students eligible for Category A funding comprise approximately 0.9% of the student population. Eligibility criteria are:

- Severe physical disability (including medical)
- Intellectual disability (cut off below 50 on the Weschler test).
- Severe autism (high functioning autism and Asperger Syndrome are not included).
- Vision and hearing impairment.
- Multiple disabilities
- Psychiatric disorders (limited to a very small number of students because of lack of availability of psychiatric tests)

Approximately 550 students (0.9%) fit the above criteria and approximately 14 hours teacher aide time is available to them when they are included in regular schools. There are no gradations. A student is either on or off the Category A register. The bulk of the funding (over \$5 million is

available for these students.

A small amount of additional funding (approximately \$1 million) is available for all other disabilities and learning disorders. This includes social, emotional and behavioural disorders, ADD/ADHD, learning disorders, dyslexia, speech and language disorders, autism spectrum including those who do not qualify for Category A support, moderate to mild intellectual disability from IQ 50 plus.

A criticism of the system is that many students who do not qualify for the Category A support have equivalent or higher needs than those who do.

Earlier in 2002 the AEU wrote formally to the Department of Education asking how many students were in this district funded category. They responded by saying that they did not know.

APPENDIX 4

Victoria - Number of students with disabilities and impairments from 1984 to 2001

Victoria -Number of Students with Disabilities and Impairments from 1984 to 2001

Year	Regular Schools	Special Schools	Total Students with Disabilities	DEET School Population	Percentage of DEET Population
1984	0	5,314	5,314	572,613	0.93
1985	500	5,421	5,814	557,838	1.04
1986	2,140	5,243	7,561	546,137	1.38
1987	2,893	5,123	8,136	537,895	1.51
1988	2,744	4,916	7,867	532,217	1.48
1989	4,335	4,911	9,251	527,700	1.75
1990	4,918	4,849	9,829	526,576	1.87
1991	4,987	4,912	9,899	536,754	1.84
1992	5,619	4,738	10,357	539,231	1.92
1993	5,668	4,539	10,207	535,925	1.90
1994	5,705	4,604	10,309	528,152	1.95
1995	5,910	4,913	10,823	519,804	2.08
1996	5,950	5,336	11,286	522,524	2.16
1997	6,338	4,962	11,300	523,943	2.16
1998	7,039	5,231	12,270	525,998	2.33
1999	8,262	5,506	13,768	529,072	2.60
2000	10,142	5,396	15,538	531,535	2.92
2001*	10,650	5,716	16,367	536,687	3.05

*Incomplete data. Final figures will be known only at the end of the year.

Source: "Better Services, Better Outcomes in Victorian Government Schools", Office of School Education, Department of Education, Employment and Training, State of Victoria, October 2001.

APPENDIX 5

A brief case study of 7-10 High School in Tasmania

Case Study – 7 - 10

The following case study arose from a letter which was sent from a Tasmanian year 7 to 10 high school to the AEU branch describing the realities which teachers and their students face in a policy context which aims to be inclusive of students with a range of disabilities."

Melinda has severe sight impairment but can operate well with some technical assistance and 8 hours aide time given as a Category A student with disabilities. Jack has a verbal IQ of 55, a performance IQ of 80 and is dyslexic but willing to learn and cooperate. He is one of a group of five students in grade 7 whose IQs or literacy skills cause them major problems in accessing the mainstream curriculum. They receive six hours teacher aide support between them. Stephen, also in the group, has major behavioural problems and disrupts the whole group or whole class. He receives no extra support for his disabilities.

Paul, also in the group, is not able to write his own name, read three letter words or comprehend concepts that others in the group can. Is he a case of inclusion gone too far? Is he being denied an environment in which he can share experiences that he needs with others?

This highlights the first major problem with the criteria for disability support: student with traditionally recognised disabilities such as physical and sensory impairments are "in" for Category A funding, those with learning disabilities (mild to moderate mental retardation, specific learning disabilities eg dyslexia) or those with behavioural, social, psychological or mental health problems which significantly affect their learning needs, may receive a small amount of additional support from district resources but are not eligible for central disability resources.

Needs are not accessed according to ability to access the curriculum and ability to cope with the class learning program. It may be that Melinda's visual problems are, in fact, more easily dealt with than Jack's dyslexia for he cannot access print no matter what its size. Stephen takes up five times the energy senior team management meeting time, parent contact and special education programming time than any of the others.

Newly included students with disabilities, through no fault of theirs, have caused students who traditionally received assistance to be denied extra help. The high school used to offer literacy tutoring for all grade 7s with reading ages below 10 years, and others who struggled at the academic lower end of classes received assistance in English, Maths or Social Science. It was a far from perfect situation but one which has deteriorated as students with more severe special needs have been included.

APPENDIX 6

Response of the AEU to the Discussion Paper on the Disability Discrimination Act Standards in Education, July 1997

Response of the Australian Education Union
to the Discussion Paper on the
Disability Discrimination Act
Disability Standards in Education, July 1997

October, 1997

The Australian Education Union has over 164 000 members representing education workers in early childhood , government schools, and Colleges of TAFE across Australia, and also of post-school disability services in Victoria. As such, it has a long standing interest in the education of students with disabilities, and welcomes this opportunity to respond to the Discussion Paper by the Taskforce on Disability Discrimination Act Education Standards Established by MCEETYA.

However, the AEU also wishes to express its disappointment at the slow progress being made by this Taskforce on a matter that needs to be dealt with, with some urgency. The production of this Discussion Paper has taken many months and yet is basically only an initial list of questions. Furthermore, despite the elapse of this time the Taskforce still seems to be deliberating on whether or not to proceed to develop standards. It is the strong view of the AEU that the Taskforce should proceed to the development of some draft standards with some haste, in order that there is a basis for consideration of what they might look like in practice. The AEU would regard it as quite unacceptable if the Taskforce were to disband before such a set of draft standards had been developed.

The AEU believes that the current situation in regard to the implementation of the Act is grossly unsatisfactory, and that the Taskforce must deal with this. In particular, there is considerable debate, legal challenge and confusion around the interpretation of subsections 22(1-3), and of how subsection 22(4) relates to this, particularly with regard to the definition of *Unjustifiable hardship*. There is a need for some standards to clarify and elaborate how these clauses relate to each other, and this would be very much to the benefit of all parties concerned.

The AEU discussed the needs of Students with Special Needs at its 1996 Federal Conference and passed the attached resolution, titled *Policy Update: Students with Special Needs*, including the paper headed *Some Proposals for Inclusion in Disability Standards Under the Federal Disability Discrimination Act*. These should be read in conjunction with the *Policy on Special Education* which was adopted in 1987 and is currently subject to review.

The comments below in answer to the questions posed in the discussion paper are intended to elaborate, clarify, and draw attention to relevant sections in these documents.

1. *The DDA defines an educational authority as Aa body or person administering an educational institution@ and defines educational institution as a school, college, university or other institution at which education and training is provided.@ Do these definitions need to be explained further?*

The definition should be comprehensive of all educational settings. This definition is generally adequate. However, there is a growing problem with private providers in the post compulsory area. Such providers must be made to comply with those standards which would apply if the activity were carried out in a public institution. This may lead to increased costs and there would be attempts to persuade governments to fund these. This adds weight to the arguments that delivery through private providers is often economically inefficient, and such costs should be considered as part of the overall cost/benefit analysis.

2. *Should there be DDA Education Standards? If yes, why?*

The AEU strongly supports the development and application of Standards. This is clearly outlined in the Policy Update.

The current process consists of resolution through complaint arrangements, some of which are resolved before formal DDA complaints are made and some of which go through to high courts and serve to set case law. In all circumstances, this requires that there be victims. In most cases those victims are the students themselves and the education workers that teach them. For these people, there is considerable and often excessive stress and trauma involved in the process. For those teachers involved, there may well be long term personal and career consequences due to purely random and uncontrollable chance.

The educational institutions involved are also put under considerable pressure, both within themselves and in their relationship with the community, which has consequences that go way beyond the issue itself.

The AEU is concerned that Employing Authorities are too willing to take the line of least resistance, do not themselves accept full responsibility for the situation, and will only become involved when forced to by someone, usually a teacher or an educational institution, taking a stand against an unacceptable situation.

This is a totally unacceptable means of resolving the issues around students with special needs. It is destructive for the individuals concerned, for the educational institution, and ultimately for the effective implementation of the Act. It serves nobody's interests. It is therefore imperative that some level of certainty be given to the situation through the introduction of Standards which are known and applicable, and which remove victims from the process.

3. *In what areas or sectors of education could DDA Education Standards set down in more detail the rights and responsibilities of people with a disability and education providers?*

The AEU believes that standards should be set down for all educational settings from early childhood, through schools, post-compulsory and higher education, and including life-long learning. It should include open learning (i.e. not site based) and private provision.

Education should be accessible to all on a life-long basis, and there should be no discrimination against those with special needs at any stage or in any phases.

4. *What should be included in DDA Education Standards?*

In the *Policy Update* the AEU states that the standards should outline:

- a) adequate levels of resources;
- b) a range of services to be made available;
- c) a process for enrolment and integration;

- d) a placement review process;
- e) inter agency support networks and case management;
- f) dispute resolution procedures;
- g) protection for education workers= working conditions and Occupational Health and Safety;
- h) training and professional development of teachers and other education workers;

and the *Proposals for Inclusion* outlines how these might be developed.

5. *How will industry-based and workplace training be considered?*

In principle, industry-based and workplace training should be treated the same as that based in educational institutions. In practice, there will be a need to recognise some flexibility in the application of this principle.

6. *What would be the benefits or advantages of DDA Education Standards?*

The principle benefit has been outlined in 2 above.

Standards would also enable greater accountability by governments, help to determine budget requirements, and provide a clearer basis for discussion about the adequacy of provision.

7. *What would be the disadvantages of DDA Education Standards? What kind of provisions in DDA Education Standards would be likely to increase costs?*

The AEU believes that the advantages far outweigh any perceived disadvantages, and has stated above its disappointment at the slow progress made by the Taskforce. The AEU believes that placing a set of potential standards on the table would greatly benefit the debate and allow questions such as cost to be discussed in a more informed manner. Raising the question of costs in the absence of a set of guidelines is premature and not productive.

Any system of providing for those with disabilities has costs. The current unsatisfactory situation has a number of undesirable financial, personal, and institutional costs, including considerable expenditure on litigation. The purpose and advantage of a set of standards is that it should diminish the costs currently wastefully spent on an adversarial approach to resolution.

Properly planned provision, operating within a set of standards which ensures that the individual needs of students are addressed in a rational way, is more likely to give benefits in relation to costs than the current confused process.

Furthermore, the AEU points out that the process of inclusion of Students with Special Needs into mainstream educational settings has too often been accompanied by cost savings which have

reduced the adequacy of the provision and created stress for those involved.

8. *Are there other approaches such as improved promotion of the DDA, professional training and development for teaching and other staff, guidelines or increases in funding for particular services already in operation which could achieve the objectives of the DDA?*

These should be seen as complementary, rather than an alternative, to the introduction of standards. Currently provision of professional development and training and funding, are, for instance, inadequate. The introduction of Standards is likely to require an increase in provision in this area, and this is to be seen as one of the advantages of such standards. The evidence is that without the requirement to meet such standards, governments are unlikely to make adequate provision and it is left to individual institutions and teachers to attempt to overcome the inadequate provision.

The promotion of the DDA in itself will not be productive since it lacks clarity in application. It raises more questions than it answers, and promotion without standards is only likely to increase the number of disputes and the stress outlined above.

On the other hand, the AEU strongly supports the idea of widely publicising specific standards which are explicit and comprehensible. This could make a marked difference to understanding and agreement around the Act.

9. *If there are DDA Education Standards, what should be the time frame for implementation?*

Although the AEU supports proper consultation and discussion processes, and recognises these must take some time, there is a need for the implementation of standards as a matter of considerable urgency. As noted above, progress to date on this matter does not appear to have been given much priority, and the AEU would seek that this be remedied immediately. The AEU would regard it as totally unacceptable for this project to be abandoned without at least getting to the stage where some specific models are developed. It would be a travesty to stop this process without creating some robust debate around a proposed model.

The disputes and concomitant stress are not a matter of conjecture or prediction. They are happening now. AEU members, and others, are already involved in unwarranted stress. It therefore behoves the Taskforce to give some urgency to the effective implementation of the Standards which could clarify and remedy many of the situations being experienced.

10. *Where there are links between educational services and other agencies in providing support and services to enable students with a disability to access and participate in education and training, how can DDA Education Standards clarify the role of non-educational service providers?*

The AEU favours whole of government approaches. The onus and obligation rests with governments, not departments of government. The standards will therefore need to be adopted at appropriate levels and involve appropriate agencies in the consultation and implementation.

A considerable amount of research and policy development which is relevant has already been done around the concepts of 'Full Service Schools' and 'Healthy Schools'.

Such approaches see the school or other educational setting as the site for a whole of government approach to a problem. It is important that this is seen as a means of providing the right resources and expertise, not a way of adding to the workload of teachers or putting more social responsibilities onto schools as they currently exist.

They also create a situation in which the interaction between teachers and other professionals is collaborative and gives due emphasis to the professional judgement of teachers. Unfortunately, this is not currently always the case and there are cases where other professionals, who have a lack of understanding of the educational setting, have adopted a confrontational approach to teachers who are using their professional judgement.

Teachers and social and welfare professionals have shown that they can work together to the benefit of students, and the AEU is supportive of such cooperation where it is properly funded and implemented. The Standards could assist in creating cooperative relationships based on mutual respect of professional roles.

The Standards should therefore be framed in a way which emphasises the need for such collaboration and outlines the joint responsibilities. This is dealt with in more detail in *Section 8 Inter Agency Work* in the *Some Proposals* document.

11. *How, if DDA Education Standards are developed, will information about the DDA Education Standards be communicated to service providers, especially small ones, teachers, lecturers, students and their families and care givers and industry providers?*

Responsibility for dissemination of information about the DDA Education Standards must be with the Federal Government. State/territory Governments also must supplement the Federal Government in ensuring that the DDA Education Standards are known and understood throughout their areas of responsibility.

Information on the existence of the Standards and the requirements and obligations of service providers who enter into contractual arrangements with the Government or with other organisations to provide services must be contained in the contract documents. Such requirements and obligations must be included as part of the contractual arrangements entered into when organisations accept funding to provide services to people with a disability.

The use of modern information technology will help to overcome the problems experienced by small and medium sized organisations. Information must be made available through the internet. Individuals and organisations can then access this information at the workplace or where this is not possible, on a no cost basis at public libraries.

The AEU would be pleased to play a part in the dissemination of appropriate standards. This is a matter of considerable concern to our members, and we would use the resources of the union, such as journals, membership training courses and relevant meetings to ensure that standards were widely publicised. The Union also provides advisory services to members which would

utilise the Standards.

Comprehensive materials for teacher education courses must be prepared and distributed to the appropriate institutions. A process for maintaining accuracy and currency of materials must also be put in place.

APPENDIX 7

**AEU Submission to the DETYA
Consultation on Draft Disability
Standards for Education under
the Disability Discrimination Act
(DDA) November 2000**



**A SUBMISSION BY THE
AUSTRALIAN EDUCATION UNION
TO THE DETYA CONSULTATION ON DRAFT DISABILITY
STANDARDS FOR EDUCATION UNDER THE DISABILITY
DISCRIMINATION ACT (DDA)**

November 2000

Denis Fitzgerald
Federal President

Robert Durbridge
Federal Secretary

Australian Education Union
Federal Office
120 Clarendon Street
Southbank VIC 3006
PO Box 1158
South Melbourne VIC 3205

Telephone: 03 9254 1800
Facsimile: 03 9254 1805
Email: aeu@aeufederal.org.au

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1. Introduction

The AEU is the union representing 155 000 teachers and other education workers in pre-schools, public schools, and TAFE Colleges. The issue of disability standards is of considerable importance to our members, and therefore to the AEU.

The AEU responded to the earlier “Discussion Paper on the Disability Discrimination Act Disability Standards in Education” in 1997, and comments made here are made within the context of that response.

2. General Reaction to the Standards

The AEU remains strongly committed to the concept of disability standards in education. The AEU believes that in general the Draft Standards are a reasonable starting point, but that they leave too many areas of uncertainty and potential dispute. Criticisms and comments in this submission are therefore made with the intention of strengthening and building on the work that led to the current draft. The Standards as they stand would be an improvement on the current situation and the AEU would support proceeding with these rather than not proceeding at all, although the AEU believes that there is an opportunity to make them even more useful.

3. Need for Processes to be Defined

The primary omission in the Standards is the failure to establish processes for resolving differences between the parties involved. Without such processes, the establishment on the one hand of the rights of individuals and on the other of the obligations of employing authorities inevitably sets the scene for disputation. It is therefore imperative that the Standards establish processes within which these rights and obligations can be worked through rather than used as foundations from which to create conflict.

This need for processes is referred to in several places below.

4. Situation for Education Workers

The major criticism that the AEU has of the Draft Standards is that they do not sufficiently clarify the situation of teachers and other education workers. The Standards go some way to clarifying the role of employing authorities (though, as will be discussed below, there is need for greater specificity in some areas) and elaborate the rights of students and their parents. However, they do not deal with the issues confronted by those in the middle - the teachers and other education workers in systems of education such as public schools.

Most parents do not approach the Authority (e.g. education department) but the individual institution. It is normally at this level that individual situations and conflicts are dealt with. The Standards should acknowledge this and express Authority obligations in a way that ensures they are met at the level they occur. This is the face at which the interaction takes place, and yet there is little in the Standards which indicates what employees have a right to expect from higher up the system, or which gives a clear indication of how they respond to a situation they regard as inadequate.

In its earlier Response the AEU noted:

The current process consists of resolution through complaint arrangements, some of which are resolved before formal DDA complaints are made and some of which go through to high courts and serve to set case law. In all circumstances, this requires that there be victims. In most cases those victims are the students themselves and the education workers that teach them. For these people, there is considerable and often excessive stress and trauma involved in the process. For those teachers involved, there may well be long term personal and career consequences due to purely random and uncontrollable chance.

The educational institutions involved are also put under considerable pressure, both within themselves and in their relationship with the community, which has consequences that go way beyond the issue itself.

The AEU is concerned that Employing Authorities are too willing to take the line of least resistance, do not themselves accept full responsibility for the situation, and will only become involved when forced to by someone, usually a teacher or an educational institution, taking a stand against an unacceptable situation.

This is a totally unacceptable means of resolving the issues around students with special needs. It is destructive for the individuals concerned, for the educational institution, and ultimately for the effective implementation of the Act. It serves nobody's interests. It is therefore imperative that some level of certainty be given to the situation through the introduction of Standards which are known and applicable, and which remove victims from the process.

The current Draft Standards do not go any way towards providing a level of certainty, and continue to leave huge potential for disputes with all their inherent strains and traumas. They therefore are likely to fail to achieve what must be seen as one of their main objectives - the reduction of disputation.

5. Level of Compliance

Section 4 "Who must comply with these Standards" binds education authorities and institutions, including public institutions in a general way. As written, this could be interpreted to mean that individual institutions are bound by each of the Standards. Whilst not denying the generality of the DDA, there is a question as to whether all of the Standards are equally pertinent to both authorities and individual institutions. Such an interpretation would ignore the fact that some institutions do not have the autonomy to comply with some of the Standards. The failure to outline the respective but differing obligations of Authorities and institutions leaves institutions and education workers as "the meat in the sandwich" between the specified rights of the student and their parents and the unspecified obligations of Authorities to ensure that resourcing is adequate to meet those rights.

The Standards do not adequately specify the range of resources which Authorities should supply to their institutions in order that they can meet their obligations under the Act, nor does it specify that these must be additional to standard resourcing. The potential for systems to cost shift responsibility to the individual institution remains. The capital costs for adjusting physical

structures must be additional to institutional budgets and there must also be additional support for the educational program of the institution. The costs of adaptation can often be considerable.

6. Right of Enrolment

A key issue of contention is frequently the extent to which individual institutions can argue “unjustifiable hardship”, or conversely the extent to which systems can meet the Standards by planned system provision, such as the provision of schools designated as appropriate for students with specified disabilities. The Standards leave a considerable degree of confusion on this matter.

Section 4, referred to above, taken in conjunction with Section 5 on Enrolment, would appear to leave the issue of reasonable adjustments at an institution level, and place the onus for reasonable adjustments within that institution, even though the discretionary funding may not be within the autonomy of the institution, and the system may make alternative arrangements.

Students with disabilities must receive the range of resources, including such things as therapy, in a way that does not impinge on the general running of the schools and other students, or on the ability of the Authority to provide a high level of education services generally in the area. At the same time, many disabilities, can and should be accommodated within any school.

The AEU repeats its strong belief that whilst it is supportive of moves to increase the integration of students with disabilities into mainstream education, there are considerations that go beyond the wishes of the individual parent and student, and these must be recognised within the Standards. This issue of enrolment is not best dealt with solely at the individual institution level. This again emphasises the importance of a process that considers enrolment and reasonable adjustment on broader basis.

The right to enrol also needs to make clear that prospective students have a choice between mainstream schools and those with specialist resources, ie. education support schools , centres or units. The making of choices should be informed so a well resourced consultation process should be articulated allowing all stakeholders and service providers to resolve the issues. This may also apply to the Section on Participation (Section 6).

7. Reasonableness

The AEU notes that “the impact of the appropriate actions or adjustments on other students and on staff is included in Section 3.5 on “Reasonableness”, and welcomes this inclusion as an important consideration.

However, this section talks of “considered judgement”, but gives no indication of who makes that judgement. Whilst the Standards, quite rightly, give considerable weight to the rights and wishes of students and their parents, there is little mention of the role of expert opinion or the context within which this “considered judgement” will take place. Decisions should be based not only on what the parent wants for their child, but expert advice on what is in the best interests of the child, and the professional opinion of teachers, and this must take place within a defined process.

8. Unjustifiable Hardship

There is no attempt to describe “unjustifiable hardship”, a key term which remains highly

contestable. Some elaboration, perhaps including examples of acceptable and unacceptable practices based on evidence from elsewhere, is necessary if the Standards are to begin to progress the issue.

The AEU also believes that strictly speaking in arguing unjustifiable hardship one is arguing that one is discriminating lawfully, not that one is not discriminating. Therefore the statement in Section 5.2 which states that “education providers are obliged to ensure that prospective students with disabilities are not discriminated against...” would also seem to be technically incorrect in that it goes beyond the terms of the DDA.

9. Harassment

The Section on Harassment (3.6) is supported by the AEU, but does not go far enough. It should be extended to ensure that none of the parties in the process are harassed. The right of all students with disabilities to quality advocacy is supported, but regrettably much advocacy at present tends to be confrontational and results in the harassment of teachers and other education workers. Establishing clear and transparent processes within which standards of advocacy are set would alleviate some of the problems in this area.

APPENDIX 8

AEU Tasmanian Branch Submission to the Review of Inclusion

AEU Tasmanian Branch

**Submission to the
Review of Inclusion**

June 1999

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Summary of Key Findings

The growth in supported placements for students with disabilities in regular schools has been significant in recent years. However, the infrastructure support in the form of resources and services has not kept pace with this growth. Change is needed to develop a better funding model and increase the quantum of funding for students with disabilities in regular schools.

There are substantial claims to confirm the value of inclusion for some students, particularly those with physical disabilities, vision or hearing impairment. Nobody is saying it is the best thing for all students all the time. Concerns have been expressed about the value of full inclusion for students with significant intellectual disabilities. Many educators talked about the widening gap which occurs from early childhood through to upper primary school, high school and college. There is a clear need to cater for the education of students with special needs in a range of settings from full inclusion, to special units/classes, concurrent part-time enrolment and enrolment in special schools. It is not educationally viable to expect all schools to cater for all disabilities. There are currently some very successful cluster arrangements and this area needs further investigation.

The AEU does not accept that a total inclusion policy is in the best interests of all students with disabilities. In the interests of equity, the AEU supports the retention and development of a range of educational facilities, each with sufficient professional and para-professional staff to provide appropriate specialised educational programs. Any alternative to this position amounts to planned deprivation and discrimination by the Tasmanian Government and the Department of Education.

Some students with disabilities are not receiving anywhere near the support they require in their education either because of marginal exclusion from the current funding register or through being excluded from the list of categories. The AEU is particularly concerned that some disabilities are not being recognised and consequently not being remediated. For example, socially and emotionally disturbed students need to be classified as having a disability in order for services and support to be provided. The current funding model needs a complete replacement by a model which identifies and assesses the needs of each student on a case by case basis.

The on-going inclusion of students with disabilities in regular classes places considerable pressures and demands on teachers, and results in an intensification of teachers' work. This intensification must be underwritten by satisfactory training and support. Teachers have the professional, industrial and civil rights to make decisions in consultation with students, their families and other service providers about programs and resources most appropriate to the needs of students with disabilities. Teachers' views must be respected and, where necessary, acted upon.

The work of teacher assistants is greatly undervalued by the education system as whole. Teacher assistants need position descriptions which reflect the range and responsibility of their duties, appropriate pay and conditions, guarantees of training, accredited and articulated career paths. They should be centrally employed and be permanent para-professional staff.

All students with disabilities need access to therapy services but of differing intensity. Occupational therapists and physiotherapists are involved in diagnostic screening, active hands on programs with students and on-going consultation with parents and teachers. As the access to therapists is so limited and they work from a medical model rather than an educational one, consideration should be given to employing these specialists through the Department of Education rather than the Department of Community and Health Services.

The level of funding needs to be expanded to enhance the delivery of educational services to students with disabilities in regular classes. Quality of service, in which resource provision plays a significant part is central to successful inclusion. Where students with disabilities are included in regular classes, this can be achieved through a number of specific measures which include:

- a) limiting the size of classes containing students with disabilities through a component in the staffing formula;
- b) establishing a minimum number of centrally-funded professional days for teachers and teacher assistants; and
- c) providing a satisfactory level of centrally-funded time release for teachers and teacher assistants for planning, case conferencing, evaluation and report writing.

It should be recognised that students with disabilities may require the provision of special facilities not usually found in neighbourhood schools in order to have equal access to educational services. Appropriate modifications and/or equipment must be in place prior to placement of a student in any facility. The determination of needs/suitability of the physical environment should be determined as part of the ascertainment process involving all key stakeholders.

Because the area of inclusion has been continually evolving and developing, there is significant confusion and uncertainty about what to expect and where the locus of responsibility lies. As the policy was written in 1994 and is due to be updated, special education remains largely unregulated and thus open to a mixture of creative arrangements and exploitation. In order to assist schools in the provision of educational services to students with disabilities, clear guidelines need to be put in place in a number of areas. These include:

- a) a charter for district support services to clarify the roles and responsibilities of support staff and ensure quality and consistency of service provision throughout the state;
- b) the development of protocols to provide guidance on school excursions, transition processes, and to complement the existing Student Health Care Guidelines; and
- c) the further development of appeal and grievance procedures for resolving problems which arise in respect of services and placement.

List of Recommendations

Systemic and school performance:

▶ *Systemic performance*

Recommendation 1:

That all placement decisions concerning students with disabilities should be made by professional staff (teachers, guidance officers and others) in consultation with parents and be based on:

- a well developed individual educational plan (IEP) with an emphasis on the needs of the student;
- the needs of his/her peers; and
- the satisfactory provision of services.

Recommendation 2:

That the government must maintain and extend a full range of specialist services for students with special needs through a parallel range of educational settings, including each of the following:

- a) special schools;
- b) special education units in regular schools;
- c) special education classes within regular schools;
- d) special service provisions in those instances in which students with special needs are placed in the mainstream system.

Recommendation 3:

That this continuum of services for special needs be respected, acknowledged and unified into a more holistic system of education.

Recommendation 4:

That behaviour management units be established to enable teachers to work intensively for brief or more extensive periods with students who are experiencing social and emotional dissonance and not coping in regular classrooms, and to enable students without behavioural problems to make some progress without disruption.

Recommendation 5:

That clustering of services and resources in particular schools for particular disabilities must be investigated as a matter of priority as it is not appropriate educationally or economically to expect all regular schools to cater for every type of learner with disabilities.

Recommendation 6:

That wherever it is deemed to be in the best interests of students to set up special units or special classes in regular schools, there must be no diminution of physical resources to the 'non-special' students of these schools.

Recommendation 7:

That students with special needs, once identified and subject to a periodic assessment of needs, are able to access concurrent enrolment in both special and regular settings where appropriate.

Recommendation 8:

That a charter be drawn up for the operation of the District Support Services which highlights duties, rights and responsibilities in order to ensure quality and consistency of provision throughout the state.

Recommendation 9:

That teachers working in district support schools be:

- a) professionally skilled;
- b) able to demonstrate proven classroom experience with students with disabilities.

▶ ***School performance***

Recommendation 10:

That a Disability Index be developed to become a component of the staffing formula in all schools. The Disability Index would look at the range of disabilities present together with their severity.

Recommendation 11:

That the DoE Enrolment Procedure also encompass a Review Procedure to reflect changing student needs.

Recommendation 12:

That the DoE Grievance Procedure be updated in order for it to be applied not only to complaints arising from placement, but also to complaints which arise in relation to the service implications of changing needs.

Recommendation 12(a):

That an independent review committee be established to consider grievances and to act as a mechanism to deal expeditiously with conflicts.

Recommendation 13:

That all schools and colleges:

- a) be provided with advice on transition planning from year to year and school to school;
- b) establish special education committees or similar mechanisms;
- c) ensure that all teachers and teacher assistants with direct responsibility are fully

involved in the decision making, planning and evaluation processes for students with disabilities; and

- d) ensure the school/college's policies and procedures are supportive of all students with special needs.

Outcomes for students with disabilities, including:

- access;
- participation; and
- progress towards identifiable goals.

Recommendation 14:

That clear protocols for schools/colleges be drawn up in the following areas:

- a) Clear responsibility guidelines for paramedical support to complement the DoE *Students' Health Care Requirements* (1996) must be drawn up to delineate the responsibilities of parents, teachers, teacher assistants and medical personnel.
- b) In cases of students requiring toileting and assistance at meal times, additional staff must be available according to the individual's particular needs as negotiated.
- c) Guidelines for the transport of students with disabilities on buses and excursions must be developed.

Recommendation 15:

Where existing facilities must be used for students with disabilities, any necessary modifications should be completed as a centrally-funded high priority, and with all safety standards met. As an absolute minimum, the Australian Standards Association recommendations for access by the disabled (AS 1428-1988) must be strictly adhered to.

Recommendation 16:

That all unfenced playgrounds should be fenced to the necessary security standards as a centrally-funded high priority to cater for children.

Resource management:

▶ *The mechanisms used to allocate special education funds*

Recommendation 17:

That the declining per capita funding for students with disabilities and the increase in the number of students be recognised as a growth cost which has not been met but which should be met. An additional allocation redressing this shortfall should be included in funds for student support.

Recommendation 18:

That the current funding model be replaced by a model which identifies and assesses the needs of each student with disabilities on a case-by-case basis. It should be:

- a) based on the student's support needs (as reflected in the Disability Index) in an educational setting;

- b) targeted to individual students;
- c) transferable with the student;
- d) allocated according to a common procedure and eligibility requirements;
- e) have a built in buffer zone to eliminate marginal exclusion of some students; and
- f) able to be flexibly deployed by the school.

Recommendation 19:

That the following disabilities be fully recognised and catered for as reflected in the Disability Discrimination Act (1992) in order for students to receive the resources, services and support which will assist them in their schooling:

- a) Students who are socially and emotionally disturbed (including ADD/ADHD, conduct/oppositional defiance disorder);
- b) Students with intellectual disability with assessed IQ range 50 - 70;
- c) Students with severe learning disabilities (including dyslexia); and
- d) Students with autism spectrum disorder.

Recommendation 20:

That the process for the needs based funding model include provision for appeal and reappraisal by the parents, the student or the school in cases where there is doubt about the appraisal/assessment procedure, situations where needs change or exceptional circumstances arise.

▶ ***The management and use of available resources and support***

Recommendation 21:

That a guarantee of continuity of resourcing (eg. teacher assistant time, support teacher, and material resources) be implemented for a quadrennium subject to annual review to alleviate uncertainty for schools and assist in decreasing teacher and teacher assistant stress levels.

Recommendation 22:

That all necessary physical facilities, including provision of adequate classroom space, equipment (indoor and outdoor), computer hardware and software needed for the education of each student with disabilities be centrally provided. A report is to be provided by the DoE to the school in each case advising the school of all appropriate facilities/prostheses, and which of these are appropriate for the particular student. This report must be made available to all staff for discussion prior to any enrolment procedure.

Recommendation 23:

That in order to ensure access to the full range of available resources, community resource lists be developed and technology and equipment libraries for disabilities be expanded to meet the needs of students, educators and parents.

Recommendation 24:

That the strategy for technology in schools take account of the needs of students with disabilities and make provision for meeting them through central policy, planning and budgeting arrangements.

Recommendation 25:

That the Government employ physiotherapists and occupational therapists through the Department of Education as a means of improving access to therapy services and utilising therapy in an educational context.

Professional development

▶ *Pre-service and in-service implications*

Recommendation 26:

That Graduate Diploma and Masters Courses in special education be given greater accessibility, status and recognition in order to develop professional skills, greater depth of understanding and expertise and keep abreast of changes in the area.

Recommendation 27:

That the Bachelor of Teaching Degree, Bachelor of Education Degree and, where practicable, the school experience placements, must include experience in teaching students with disabilities and methods for implementing individual education plans.

Recommendation 28:

That teachers working with students with disabilities must be provided with a minimum of six centrally-funded additional release days per year for professional development which takes into account:

- a) general professional development on inclusive practice and methodologies;
- b) manual handling, lifting and specialist technologies;
- c) stress management;
- d) professional development in specific disabilities and learning difficulties; and
- e) on-going support.

▶ *Teachers' beliefs and understanding in relation to the education of students with disabilities in regular classrooms*

Recommendation 29:

That it be acknowledged that the class teacher has a vital role to play in ensuring that the appropriate inclusion processes have been followed and that their views must be respected, considered and where necessary acted upon.

Recommendation 30:

That a provision of a minimum of 0.2 teacher allocation be made to regular schools for each student with disabilities in order to provide time release for teachers for planning, case conferencing, evaluation and report writing. This is a minimum requirement, and school special education committees, after consultation with all appropriate persons, may determine that up to 1.0 (per student) additional special education staff is required.

- ▶ ***Teacher assistants' beliefs and understanding in relation to the education of students with disabilities in regular classrooms (AEU addition)***

Recommendations 31:

That a position description be developed which reflects the actual roles and responsibilities of special teacher assistants working with students with disabilities.

Recommendation 32:

That all special teacher assistants be centrally employed and have access to permanency in order to ensure continuity of service and retention of their skills and knowledge within the education system.

Recommendation 33:

That where the student requires supervision outside the classroom during recess, lunchtime and before and after school, that this be recognised in the provision of teacher assistant time to ensure on-going care for the student and to enable the teacher assistant to receive appropriate rest breaks.

Recommendation 34:

That all special teacher assistants must have access to nationally accredited courses which provide credentials which recognise their important and evolving role, provide career pathways and enable them to seek further relevant qualifications.

Recommendation 35:

That special teacher assistants have a minimum of six days (full-time or to be applied pro rata on the basis of time employed) centrally-funded professional development each year within employed hours.

Recommendation 36:

That a formula be devised to provide non-contact time in order for special teacher assistants to participate in collaborative planning, programming, evaluating and case conferencing.

Recommendation 37:

That a provision of a minimum teacher assistant allocation of 0.1 for each student with disabilities be made. This is a minimum requirement - school staffs, after consultation with all other appropriate persons, may determine that up to 1.0 (per student) additional special education staff are required.

Policy Review

Recommendation 38:

That the current policy wording 'Placement of students with disabilities in regular schools is the preferred educational option for Tasmania.' be deleted and replaced by: 'In order to provide the most advantageous environment for students with disabilities in Tasmania a commitment be made to maintenance of the full range of educational service options including placement in regular classes, special units and special classes in regular schools and special schools.'

Recommendation 39:

That the existing Inclusion Policy be rewritten as a result of these recommendations.

Systemic and school performance:

▶ *Systemic performance*

The amount of effort going into the education of students with disabilities in Tasmania is obviously greater now than at any other point in the history of special education in Tasmania. However the importance of education for students with disabilities has never received full acknowledgment and commitment from any Tasmanian Government. Parents have always known the importance of providing education for students with disabilities, and have fought long and hard to ensure their children have the opportunity to learn. The dedication and achievements of teachers, teacher assistants and other education workers needs to be celebrated. However, the inclusion issue has created much controversy in practice, and this needs to be examined and addressed.

AEU research and consultations have revealed that the way the Inclusion Policy is implemented reveals gaps and inadequacies. Funding is inadequate, training is minimally accessed, teachers and teacher assistants are committed but frequently stressed and disgruntled. Practice tends to be ad hoc and reactive, rather than following carefully constructed guidelines and policies. Some of the effort going into inclusion could be better directed towards ensuring a greater range of service provision for students with disabilities other than full inclusion. The outcomes for students are being determined by an economic agenda. Everything in relation to special schooling and provision for inclusion has funding implications. There is a need for clear models of how well inclusion can work at a pedagogical level when the appropriate costing has been done.

The inclusion policy has not been properly implemented. The infrastructure was not put in place before the policy was developed. Jenkinson (1997) documents the situation in Alberta, Canada where once the commitment to inclusion had been made, planned steps and careful consultation were undertaken. The Alberta program was phased in over five years with an initial phase of raising awareness leading carefully to gradual introduction of students with disabilities into mainstream settings. The final step was the introduction of a new inclusion policy. This approach allowed for the policy to be more realistic and to be aware of what could actually be achieved. In Tasmania this situation was reversed with the policy appearing before an infrastructure was in place.

At one of the AEU's consultations, a comparative reference was made with the implementation of Information Technology in Schools.

'Teachers have the opportunity and expectation of attending a course in computing prior to using one in the classroom. When it comes to inclusion, teachers do not have the opportunity to learn about special needs or attend a course prior to the student with disabilities being enrolled in their classroom.'

Between the two extremes (full inclusion and special schools) are large groups of educators and parents. Some are confused by the concept (inclusion) itself. Others are trying to determine what is legally required and asking what is best for children and what schools and school personnel must do to meet these needs.

Inclusion is presented to parents on the grounds of equity, but some feel there is a denial of choice. The presumed benefit of inclusion to the child is seen as paramount. Some parents are pressured into accepting regular school arrangements through community expectation. They feel they 'should', regardless of their own sense of anxiety, concern and guilt about doing so. Jenkinson makes the powerful statement that a policy of full inclusion allows no more choice than a policy of complete segregation. (Jenkinson, 1997, p. 157)

There needs to be a better balance between special settings and inclusion. All the decisions should be made only after detailed examination of all the relevant factors including the availability and continuity of support and resources. Any changes should be made in such a way that they are not irreversible.

Traditional special education in special schools has changed dramatically as special schools are now the province of very high needs students. There is a view among teachers that those intellectually disabled students who would have received special support and attention, particularly as they progress through their education, are missing life skills learning. Special schools are the right environment for optimum learning for many students with profound intellectual disabilities. The methodologies for teaching very intellectually disabled students and mainstream students are very different. Many teachers pointed out how the ability gap widens increasingly with age to a point where even in upper primary, and more apparently, in secondary schools, the result of full inclusion can be inhumane. Teachers talk about how students with significant intellectual disabilities, as they move to the older years are less and less able to participate in the regular classroom program. Even high schools which have moved towards curriculum streaming have found that students with severe intellectual disabilities do not cope in the lowest stream in more academic classes. Socially the students with disabilities can be defenseless against more intelligent, manipulative

others. Essentially inclusion as it is currently practised is based on an early childhood model, which presents difficulties in upper primary and can become unworkable in high schools. At one of the AEU consultations the point was made that students attending a special school under the previous model of special education had demonstrably better educational outcomes than those students who are now included in regular classes.

Some schools would benefit from a special unit or program which is staffed appropriately, has resources and accommodation. There has been much uninformed criticism and stereotyping of special education units/classes. At its most extreme this portrays them as ghettos where students are kept away from and do not socialise with other students, and in so doing are not fulfilling their potential. In fact, special units/classes have grown and developed, with those (that still exist) working to achieve an optimum balance between the benefits of participation in curriculum options and of having a safe base - particularly where the teenagers are intellectually disabled and show on-going or recurring learning and behaviour problems which are severe and where consequently full inclusion is inappropriate.

The general view of respondents is that students with physical disabilities, vision and hearing impairment are doing well. Students with intellectual, social, emotional and behavioural difficulties are not necessarily progressing as well as they could. Inclusion for intellectually disabled students is more successful in the early years from kindergarten to year 3 but as the student grows older the learning gap widens. It is in this area that there need to be more alternatives to full inclusion. This is where special units in the school grounds are useful so that students can learn communication and life skills in a secure area, but still spend some time in regular classes. Special classes could start in upper primary.

The experience of a widening gap is clearly one with which other states, territories and systems have had to grapple. In New Zealand almost all children with Down Syndrome commence school in regular classes, but move to special settings as they move through their education.

Students with significant intellectual disabilities are more likely to need schooling in an environment different from the regular classroom in order to allow positive learning outcomes in life skills and better social interaction with peers of their own ability. In Sweden, even though there is a policy of one school for everybody (Fex, 1987, in Ashman, 1994), some students, those with severe intellectual disability and hearing impairment in particular, are educated in special settings, but the emphasis is on special classes in regular and neighbourhood schools.

The Claremont Project is invariably cited by Departmental officers, district support schools, teachers and parents as a successful model of inclusion. Indeed it is well resourced and provides a positive learning environment for all students. However, it is successful precisely because it defies the logic of inclusion as it is practised elsewhere in Tasmania. The practice as espoused in the DoE's Inclusion Policy is to enrol students with disabilities at their neighbourhood school, thus dispersing them throughout the state rather than concentrating a particular disability in one school precinct. Ashman (1998) reminds us that hearing impaired persons do not always see themselves as disabled but rather as a cultural/linguistic minority and resist inclusion

in mainstream classes. It is thus a hybrid special/regular school model, and as such warrants close examination as having potential application for other categories of disability.

Special schools have suffered as a result of inclusion. All the emphasis has been on developing inclusive practice and changing the structures of regular schools. They have become a disparaged neglected area, almost ghettos. They now have:

- a) much higher needs students;
- b) larger class sizes;
- c) less attraction for parents;
- d) occupational health and safety at crisis point. (In 1998 Hazelwood Special School lost 44 staff days due to physical injuries);
- e) staff stress; and
- f) minimal career development for staff.

Most groups and individuals believe that inclusion in the regular classroom is appropriate provided that a continuum of placement options and services must be available. This notion of a continuum within a holistic system needs to be developed.

Rural schools have had to cater for some disabled students, as no other options were available. However, in the past, families often moved away to major centres in order to gain access to the specialised facilities in special schools. With these schools being used less frequently, and with the closure of most residential facilities, more and more families with children who have disabilities are remaining in their local communities, as, of course, is their right. In isolated geographical areas schools are not able to get access to the support structures available in urban areas. Some of these areas - the North East, Circular Head and the East Coast would be better served by a special facility.

Inclusion is occurring in a very different social landscape from that which existed 20 years ago. Many more students exhibit challenging behaviours. Many social and economic factors impact on schools. Changes in recent years, including economic disruption and dislocation of the workforce, the increased proportion of the workforce dependent on social welfare payments as their sole form of income, the concentration of welfare recipients in welfare housing which is ill-supplied with other essential services, the existence of a poverty cycle stretching across several generations of the same family and the increasing rate of instability or disintegration of the students' home environment, are seen as factors affecting student behaviour.

Regular classroom teachers cannot be expected to deal with violent, disruptive student behaviour of serious concern together with their responsibilities to other students. There are no structural supports in place to work one-on-one with the students to enable them to manage anger and aggression and modify behaviour. The establishment of behaviour management units would enable teachers to work intensively with small groups of students and gradually reintroduce them into the regular class environment with the support they need.

There is a need for a clear set of guidelines in relation to the role and responsibilities of the district support services. There are currently no guidelines for support staff. We have a state-wide system which is, in practice, six different systems because the variance between districts is considerable. Some districts are more devolved than others. Teachers in regular schools are uncertain of what they can expect from support schools. Some support schools allocate teachers to clusters of schools in order to provide regular services to them, other support schools work on an on-call basis. Some support teachers work more with the class teachers rather than with the students, while others are prepared to take classes for regular teachers to give them time off class for planning. A charter needs to be drawn up in relation to rights and responsibilities of support schools.

Recommendation 1:

That all placement decisions concerning students with disabilities should be made by professional staff (teachers, guidance officers and others) in consultation with parents and be based on:

- a) a well developed individual educational plan (IEP) with an emphasis on the needs of the student;
- b) the needs of his/her peers; and
- c) the satisfactory provision of services.

Recommendation 2:

That the government must maintain and extend a full range of specialist services for students with special needs through a parallel range of educational settings, including each of the following:

- a) special schools;
- b) special education units in regular schools;
- c) special education classes within regular schools;
- d) special service provisions in those instances in which students with special needs are placed in the mainstream system.

Recommendation 3:

That this continuum of services for special needs be respected, acknowledged and unified into a more holistic system of education.

Recommendation 4:

That behaviour management units be established to enable teachers to work intensively for brief or more extensive periods with students who are experiencing social and emotional dissonance and not coping in regular classrooms and to enable students without behavioural problems to make some progress without disruption.

Recommendation 5:

That clustering of services and resources in particular schools for particular disabilities must be investigated as a matter of priority as it is not appropriate educationally or economically to expect all regular schools to cater for every type of learner with disabilities.

Recommendation 6:

That wherever it is deemed to be in the best interests of students to set up special units or special classes in regular schools, there must be no diminution of physical resources to the ‘non-special’ students of these schools.

Recommendation 7:

That students with special needs, once identified and subject to a periodic assessment of needs, are able to access concurrent enrolment in both special and regular settings where appropriate.

Recommendation 8:

That a charter be drawn up for the operation of the District Support Services which highlights duties, rights and responsibilities in order to ensure quality and consistency of provision throughout the state.

Recommendation 9:

That teachers working in district support schools be:

- a) professionally skilled;
- b) able to demonstrate proven classroom experience with students with disabilities.

Systemic and School Performance

▶ *School performance*

Under the circumstances schools perform magnificently well and manage what resources there are only because of heavy reliance on the good will of the staff, the use of school resources and volunteer support. 'Burnout' is a real risk. Teachers feel that success under current funding levels could jeopardise future levels.

'There is a view that the DoE is "not hearing us because we are doing OK".'

'Mainstream schools and teachers who do well get "labelled" and find they are taking students with disabilities year after year because of their recognised expertise.'

The most common concern expressed by teachers is the lack of support available in the regular classroom to meet the level of special needs. This is said to put pressure on everyone, especially the class teacher, resulting in increased teacher stress. It also means that many special needs children are not progressing as well as they should be. Teachers did, however, discuss the positive effects that inclusion could have for the student and the class. For the student with disabilities, confidence and independence could increase by being in a normal class with positive peer role models. For the class, having a student with special needs could help develop tolerance of difference and helping attitudes.

The most common requests from teachers are for increased teacher assistant support, smaller classes and greater time release to deal with the multitude of issues arising

from having the student with disabilities in their classroom. In today's economic situation, staffing and budgets are so tight that it can be very difficult to have much flexibility or give in the system. For schools, providing extra staffing has a cost attached, and all too often that cost can only be met at the expense of another program. Some schools strive to keep class size numbers down, but this means that other classes are unfairly increased at a time when financial constraints mean that class sizes are already larger than the optimum size. Schools manage by adjusting class sizes accordingly but need systemic support.

'Class size is referred to as an internal school planning problem which is not realistic'

Inclusion has always been predicated on smaller classes. It was never intended to occur in large classes. A central formula must be developed for schools which enrol students with disabilities in order to provide additional centrally-funded staff and reduce class size according to its composition. Ashman (1994) p. 80 notes that in Italy that despite a lack of planning, the laws were supported by a ruling that integrated classes should not exceed 20 in number.

Another major issue for schools is the number and percentage of students with very high needs who do not gain access to the Category A register. As some teachers have said:

'It's not the Category A students we're concerned about. It's those who miss out.'

Therefore those students who miss out on this level of support filter down into the next tier or Category B and create the effect of the distorted triangle. The intended recipients of Category B funding are then pushed off that register. Schools then find it necessary to cater for students with high needs who do not gain access to the register from their own resources as best they can.

In recent years demand for Category A funding has outstripped the available resources as funding has only increased to meet salary and CPI rises, so there has been no real term increase to meet the demand. For example, in 1999 there were an additional 30 students on the category A register. After moderation processes the submissions from schools to their districts amounted to \$2.6 million. Less than \$2 million was available, representing an overall shortfall of \$620,000 or over \$2,000 per student for supporting students in receipt of Category A. As a consequence, a discounting of 27% occurred across all districts. Some additional commonwealth funding became available early in 1999 but this was insufficient to make up the shortfall. The reality for schools is a distortion of the triangle, where the pressure for resourcing from the top part of the triangle (very high and high needs) has created a trickle down effect on the resourcing levels for moderate needs students.

Teachers are not always prepared for the student with disabilities. The arrival of the student can occur in a matter of days without prior knowledge and preparation. Specialists teachers such as flying start, music and physical education in primary schools are frequently not prepared. The AEU negotiated an Enrolment Procedure for Students with Disabilities with the Department of Education in 1998 in order to ensure that there is prior planning and consultation with the class teacher and a whole school approach. This enrolment procedure has provided much needed guidelines but needs

examining and revising in the light of this Review. It should also have built in to it a review process to reflect changing circumstances in relation to the student's educational, social or medical needs.

Similarly, the negotiated Grievance Procedure should not only deal with grievances in relation to placement but also grievances in relation to changing student needs and the resources required to meet these needs. At present, the stated procedure only applies to placement.

Many schools are now making a point of preparing 'following on' teachers and teacher assistants, developing their own professional development policies and priorities and learning from their own experiences.

Recommendation 10:

That a Disability Index be developed to become a component of the staffing formula in all schools. The Disability Index would look at the range of disabilities present together with their severity.

Recommendation 11:

That the DoE Enrolment Procedure also encompass a Review Procedure to reflect changing student needs.

Recommendation 12:

That the DoE Grievance Procedure be updated in order for it to be applied not only to complaints arising from placement, but also to complaints which arise in relation to the service implications of changing needs.

Recommendation 12(a):

That an independent review committee be established to consider grievances and to act as a mechanism to deal expeditiously with conflicts.

Recommendation 13:

That all schools and colleges:

- a) **be provided with advice on transition planning from year to year and school to school;**
- b) **establish special education committees or similar mechanism;**
- c) **ensure that all teachers and teacher assistants with direct responsibility are fully involved in the decision making, planning and evaluation processes for students with disabilities; and**
- d) **ensure the school/college's policies and procedures are supportive of all students with special needs.**

Outcomes for students with disabilities including:

- **access;**
- **participation; and**
- **progress towards identifiable goals**

Some students benefit from accessing regular schools, while others who should not be in the mainstream are actually limited by being included in the mainstream. In spite of the effort teachers make towards alternative curriculum development and the construction of IEPs, some situations have been described as almost 'baby sitting'. It is not just resource issues, there is also a need to make informed judgements through individual case-by-case assessments.

The role of special schools has changed. Some students were given part-time enrolment in special schools and regular schools, but due to funding constraints this is no longer available. Parents in some districts are forced to choose full-time enrolment in one setting or another. There needs to be a choice and mix of programs available between full inclusion and special schools. On-going assessment is essential in order to ensure that appropriate education is being made available. Students need a meaningful and relevant education. There should be clear options available including full and part-time schooling, combinations of special and regular schooling options and special units and support classes. This needs to be assessed individually.

Ironically, if we carry out inclusion without providing appropriate accessibility, then the entire act of inclusion is rendered meaningless. In this context, 'accessibility' refers to sufficient accommodations that can afford disabled learners an equal access footing with others. For physically disabled students, access refers to, for example, ramps for wheelchairs; on the other hand, for deaf learners, access refers to the provision of sign-language interpreters so that visual language is available at all times. For each student it means considering his or her specific cognitive, social and emotional needs.

The geography and environment of the school needs to be appropriate before the child comes. Special modifications and equipment may include ramps, toilets, withdrawal area, sick bays, paths, covered ways, hot water taps, showers, access to classrooms (wider doors), carpets, acoustic tiling, increased lighting, hand rails, intercoms, lifts,

special playground equipment or lockable doors according to specific needs of students.

Closer attention needs to be paid to the measure of 'reasonable adjustment' when assessments of the physical layout of schools are done. Many schools still do not have fenced playgrounds. Some adjustments are paid for centrally, but others, such as fences, are not. This can pose real budgetary problems for schools.

Some thought should be given to clustering resources to achieve economies of scale. This enables the centralising of time and resource allocations and skilled personnel in one place rather than skilled people in every school. For example, the hearing impairment project at the Claremont Cluster and hearing and vision impairment cluster at West Launceston are good models.

The positive aspects of special students attending local neighbourhood schools mean that students benefit from staying in the immediate area with friends and family, developing skills to enable them to participate in the local community and being accepted by it. Many teachers are appreciative in saying 'our kids are growing up with tolerance and are learning good values'. All students benefit from the inevitable change in teaching styles.

Flexible programming needs to be investigated more closely. Activities in intensive programs do not always fit with mainstream education programs. Sometimes the student with disabilities does not wish to be doing a different activity, whether it is relevant to the child or not. This creates added pressure.

The learning program should be 'case conferenced' regularly but release time for teachers is scrounged from their non-contact time and, for teacher assistants, time is not made available for this at all. Parents should be involved in conferences. This would avoid the inevitable conflicts of educators goals versus parent goals. Teacher assistants work with teachers to identify goals, and thus have a key role in educating the student. There is also not sufficient input with regard to accessing the relevant student information from therapists and other specialists.

Compromises are being made between educational and social inclusion goals. We need to ask whether educational or social inclusion is taking place. Some activities isolate and separate within a mainstream context. We *appear* to meet the needs of each child. What is the reality? Are goals being achieved if the student is essentially 'just sitting' there? Aims and goals differ. It is extremely difficult to meet both aims and goals of the class and those of the individual student. There is progress towards overall goals, but expectations need to be understood and need to be reasonable. It is difficult to establish a reference point as there are so many variables. Much depends on the level of support and the severity of the disability.

The DoE publication *Students' Health Care Requirements (1996)* has provided valuable advice and information to schools, but greater clarification is needed in relation to medical intervention. The issue is of grave concern to both teachers and teacher assistants alike. Teachers are administering medication even though it is not the role of the teaching profession. Teacher assistants are reluctantly administering medication because they feel they have no choice.

Students who need toileting also present problems in regular classrooms. Some teacher assistant time is allocated to these students, but teachers must manage irrespective of whether the assistant is there or not. This has frequently meant teachers have been forced to leave a class unattended in order to manage the toileting. Clearly some students with physical disabilities do not need a full-time assistant for toileting needs alone, but the teacher cannot be expected to leave the classroom. Some students frequently need toilets which are located too far away from the classroom and have no covered access which presents problems in cold weather.

Transporting students with disabilities in regular schools for excursions and field trips continues to present problems. There are issues of cost and who pays, safety, lack of special seating provisions in buses and equity of opportunity for the student. Some schools require that the student with disabilities remain at school, others arrange to transport the child only if the child's parent/guardian is on board the bus, and others cobble together arrangements which are neither safe nor satisfactory. It is risky from a number of perspectives for teachers to transport students in their own cars.

A number of respondents referred to the problem that highly transient students with special needs caused when they came to school. The high degree of transience of this group of students obviously requires further investigation. Although it is not part of this current research, it has serious implications for funding for those marginally excluded from Category A. Unlike Category A students who take their funding with them when they move to another school, those who are marginally excluded do not. With a high percentage coming from low socio-economic areas some of the reasons centre around looking for employment, looking for better/cheaper housing, and children living with members of the extended family. Whatever the reasons, there are serious implications for the quality of educational provisions and learning, and for the adequate continuation of funding for this group of students with special educational needs.

Recommendation 14:

That clear protocols for schools/colleges be drawn up in the following areas:

- a) **Clear responsibility guidelines for paramedical support to complement the DoE *Students' Health Care Requirements* (1996) must be drawn up to delineate the responsibilities of parents, teachers, teacher assistants and medical personnel.**
- b) **In cases of students requiring toileting and assistance at meal times, additional staff must be available according to the individual's particular needs as negotiated.**
- c) **Guidelines for the transport of students with disabilities on buses and excursions must be developed.**

Recommendation 15:

Where existing facilities must be used for students with disabilities, any necessary modifications should be completed as a centrally-funded high priority, and with all safety standards met. As an absolute minimum, the Australian Standards Association recommendations for access by the disabled (AS 1428-1988) must be strictly adhered to.

Recommendation 16:

That all unfenced playgrounds should be fenced to the necessary security standards as a centrally-funded high priority to cater for children with special needs.

Resource management

▶ *the mechanisms used to allocate special education funds*

There is a strongly expressed view that the Review of Inclusion cannot be limited to Category A students only. Category A is an artificial and arbitrary construct that does not recognise the full range of students with special needs who are included in regular schools. As the student demand increases and funding fails to increase to meet the demand, fewer and fewer students are able to access the Register. Whole categories of special needs are marginally excluded from the Register. Students with social and emotional disabilities recognised in the Disability Discrimination Act cannot access the Register. Students experiencing social and emotional dissonance frequently require higher support than students with physical disabilities. For Category A, a child's disability needs to be 'relatively easy to identify'. With autism, with the cause being neurological and the manifestation behavioural, this criterion is not readily met. Currently the students who do not gain access to the Category A register become the Category B students, so the intended recipients of Category B funding now receive no additional support.

The current funding model is too restrictive and limited, and in its approach almost assumes a homogeneity of Category A students. The approach of the funding model is in direct contradiction to the very individual programs which need to be provided to the students. Under this model some students automatically receive support e.g. physical disabilities and Down Syndrome while other students with higher needs may miss out. The current funding model which limits the categories of students with disabilities who can access the support and resources must be revised. Apart from some fiddling around the boundaries, the line is drawn where the money runs out. We need to work forward from the basis of need rather than backwards from a pot of money. For example in the United Kingdom, all students with disabilities are 'statemented' which means that their needs are documented and resources, services and support are matched to the range of educational, social and medical needs. This process has emanated from legislation which has established standards of practice for the education of students with disabilities.

The following categories must be supported and recognised as disabilities:
Students with intellectual disability assessed IQ range of 50 -70;
Students who are socially and emotional disturbed (including ADD/ADHD)
Students with severe learning disabilities (including dyslexia);
Students with autism spectrum disorder.

These additions are consistent with the *Disability Discrimination Act (1992)* [p. 4] which states that:

"disability", in relation to a person, means:

- (a) total or partial loss of the person's bodily or mental functions; or

- (b) total or partial loss of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or
- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.'

The current allocation of support according to categorisation by type and degree of primary disability is a most inadequate funding mechanism. The process of categorisation includes some students but excludes others. It is too blunt a proxy to meet the learning needs of students with disabilities. Resourcing based on the support needs of individual students in an educational setting would be more efficient and effective and reduce the focus on some identifiable disabilities towards a focus on meeting student needs.

Most of the support provided is to enable students to function as successfully as possible in a particular environment. This may relate only indirectly to 'educational need' as defined through formal curricular requirements. For example personal care considerations such as eating, hygiene, toileting and medication are a major component of some support requirements. While the support is provided primarily to the individual student, it is also being provided to the teacher and to some extent to other students. It is there to make the whole situation work, rather than set up an individual micro-environment.

Recommendation 17:

That the declining per capita funding for students with disabilities and the increase in the number of students be recognised as a growth cost which has not been met but which should be met. An additional allocation redressing this shortfall should be included in funds for student support.

Recommendation 18:

That the current funding model be replaced by a model which identifies and assesses the needs of each student with disabilities on a case by case basis. It should be:

- a) based on the student's support needs as reflected in the Disability Index in an educational setting;
- b) targeted to individual students;
- c) transferable with the student;
- d) allocated according to a common procedure and eligibility requirement;
- e) have a built in buffer zone to eliminate marginal exclusion of some students; and
- f) able to be flexibly deployed at the school.

Recommendation 19:

That the following disabilities be fully recognised and catered for as reflected in the Disability Discrimination Act (1992) in order for students to receive the resources services and support which will assist them in their schooling:

- a) Students who are socially and emotional disturbed (including ADD/ADHD, conduct/opposition defiance disorder);
- b) Students with intellectual disability with an assessed IQ range of 50 -70;
- c) Students with severe learning disabilities (including dyslexia); and
- d) Students with autism spectrum disorder.

Recommendation 20:

That the process for the needs based funding model include provision for appeal and re-appraisal by the parents, the student or the school in cases where there is doubt about the appraisal/assessment procedure, situations where needs change or exceptional circumstances arise.

► *The management and use of available resources and support*

Resource management is difficult for schools because of the large shortfall in funding. All teachers and principals speak of a shortfall in funding and report the following issues:

- a) finding creative and effective ways to use limited money and resources;
- b) the need to get best value for money;
- c) the uncertainty about future funding;
- d) getting enough resources; and
- e) dealing with the time consuming nature of submission writing for funding.

Other administrative challenges also include:

- a) ensuring equity of provision for students with special needs, average students and students with special abilities;
- b) developing policies and systems within the school;
- c) liaising with parents; and
- d) finding satisfactory resources.

Support for students depends to a large extent on the goodwill of teachers. Teacher assistants are volunteering to 'bank' time and agree to flexibility in their employment. There needs to a great deal more support and recognition for teacher assistants. These employees form close bonds and special relationships since they often work one-to-one. The level of availability and competency of the teacher assistant has a direct impact on teacher performance. Teacher assistants need long-term security of employment and reasonable rates of pay. It is completely unacceptable for such highly responsible and valuable employees to have such poor pay and working conditions. Under the funding model no consideration is given to the allocation of aide time to cover recess, lunch time supervision and before/after school supervision. Schools fund this from their own resource packages.

There is a great need to team together with the community. There needs to be available a collaboratively designed list of resources, a list of where materials are located and a list of resources available. A clearly set out glossary of professional support networks and catalogue of available resources would be helpful.

Teachers and teacher assistants need access to a range of equipment without having to wait for long periods of time or, in some cases, never receiving the equipment requested. For example in one primary school an Archimedes computer, an essential communication tool for a cerebral palsy child took two years to receive. Some teachers report never having received items requested.

A large proportion of teachers cited the difficulty of accessing assistance from speech pathologists, physiotherapists and occupational therapists. Physiotherapist and occupational therapists are not employed by the Department of Education, yet can provide so much vital assistance to students in the areas of perceptual motor problems. Teachers mentioned that in some other states/territories these therapists are employed by the Department of Education, thus allowing for more effective coordination of services and bringing therapists into an educational modus operandi rather than a medical one.

Recommendation 21:

That a guarantee of continuity of resourcing (eg. teacher assistant time, support teacher, and material resources) be implemented for a quadrennium subject to annual review to alleviate uncertainty for schools and assist in decreasing teacher and teacher assistant stress levels.

Recommendation 22:

That all necessary physical facilities, including provision of adequate class room space, equipment (indoor and outdoor), computer hardware and software needed for the education of the student with disabilities be centrally provided. A report is to be provided by the DoE to the school in each case advising the school of all appropriate facilities/prostheses, and which of these are appropriate for the particular student. This report must be made available to all staff for discussion prior to any enrolment procedure.

Recommendation 23:

That in order to ensure access to the full range of available resources, community resource lists be developed and technology and equipment libraries for disabilities be expanded to meet the needs of students, educators and parents.

Recommendation 24:

That the strategy for technology in schools take account of the needs of students with disabilities and make provision for meeting them through central policy, planning and budgeting arrangements.

Recommendation 25:

That the Government employ physiotherapists and occupational therapists through the Department of Education as a means of improving access to therapy services and utilising therapy in an educational context.

Professional development

▶ *pre-service and in-service implications*

Teachers have spoken about how, over the past five years, there has been a reduction through staff losses in time allocated to special education in the undergraduate training program and how in New South Wales the state government contributes to the cost of a Special Education Diploma qualification. There is a need to have well prepared students who are able to participate in the inclusion program in their first year of teaching. There needs to be a continued skills mix of both experienced teachers and new teachers. Skills are lost as teachers retire.

Professional development for teachers and teacher assistants is an on-going systems problem. The quality and availability of professional development has not been adequate. Professional development is largely done in the teachers' own time and at their own expense. Despite the extent of professional development on offer in most areas, there is limited professional development funding. Where the professional development is available, many teachers do not have the time release and relief to go. Professional development is not always able to be taken up by teachers on a regular class teaching load. Professional development is invariably extra, above load. When teachers return from training, they have no time to follow up with reading or planning.

Teachers and teacher assistants need (a) general professional development on inclusion and methodologies (b) professional development in specific disabilities and learning difficulties and (c) on-going support.

Many teachers and teacher assistants have not received any training in occupational health and safety, lifting and manual handling. Training on these matters should not be optional. It is the obligation of the employer to ensure that time and relief is made available for all teacher assistants for training. This area needs to be targeted. There should be a set of mandatory requirements and guidelines.

Managing stress is a tremendous problem for teachers and teacher assistants. Time off class for planning, programming and evaluating with the teacher assistant is crucial. Presently, teachers are often left to adapt curriculum on the spot because of the time constraints placed on them. On occasions, teachers provide students with disabilities with 'busy sheets' which contain activities designed to occupy the student, but which address no real educational goals.

In order for academic work to be suitably prepared, time is required for teachers to consult with and advise the teacher assistant prior to classes. Weekly meetings are necessary in order to set objectives and evaluate progress. Teacher assistants should also be allocated planning time to organise lessons.

In relation to inclusion, the knowledge base of high school teachers appears to be limited. At one consultation with a large high school, teachers stated they had never heard of Individual Education Plans (IEPs), despite having several students with disabilities enrolled in their classes. Complaints from high school teachers need to be addressed within a longer term context of how inclusion, integration and special facilities can co-exist within high schools.

Improved access to professional development for teachers will have the following benefits. It will:

- (a) improve access to resources (for example the use of computers), activities and social experiences for students with disabilities;
- (b) assist in students' cognitive advancement; and
- (c) reduce difficulties with behavioural problems.

Recommendation 26:

That Graduate Diploma and Masters Courses in special education should be given greater status and recognition in order to develop professional skills, greater depth of understanding and expertise and keep abreast of changes in the area.

Recommendation 27:

That the Bachelor of Teaching Degree, Bachelor of Education Degree and, where practicable, the school experience placements, (practicum and/or internship) must include experience with students with disabilities and methods for implementing individual education plans.

Recommendation 28:

That teachers working with students with disabilities must be provided with a minimum of six centrally-funded additional release days per year for professional development which takes into account:

- a) general professional development on inclusive practice and methodologies;
- b) manual handling, lifting and specialist technologies;
- c) stress management;
- d) professional development in specific disabilities and learning difficulties; and
- e) on-going support.

► *Teachers' beliefs and understanding in relation to the education of students with disabilities in regular classrooms;*

Teachers support the philosophy of inclusion, but the reality paints a picture of hard working, dedicated teachers suffering stress and burnout. Teachers are aware that, when adequately resourced, students with certain disabilities can benefit tremendously. However, the very nature of some disabilities prevents full inclusion, irrespective of the resources.

It is the gap between the resources, support and services needed and the amount finally granted that creates the major difficulty and objection by the classroom teachers to inclusion. Schools cope at the expense of the health and well-being of teachers. Teachers try to make things work. They have a desire to achieve but ask at what cost to the other students. Even though mainstream children do become more accepting of children and adults with disabilities, sometimes teachers are dealing with an 'in your face' situation where students should not really be in mainstream schooling, because they are not coping educationally or socially.

'It's easy to take the high moral ground on these issues, but are we really helping.'

Teachers have a very real fear of expressing an opinion different from the prevailing hegemony about inclusion. By expressing concerns about the efficacy of inclusion they fear that they will be labelled as discriminatory 'bigots', even 'Nazis' by the education establishment. This extends to a concern that their careers will be jeopardised if they do not support the dominant paradigm.

A major concern for teachers is that if they are seen to be coping (and there are considerably varying degrees of coping) then support and services are reduced as well as teacher assistant time.

'The average child continually misses out on the teacher's time and attention, because of the interruptions, and extra demands placed on the teacher. Some students with disabilities are particularly disruptive. They throw tantrums, scream and thrash around, thus the child needs to be restrained resulting in injury to the person doing the restraining. Other children in these classes find it frightening, and it can occur on a daily basis.'

A lot of valuable learning and teaching time is taken up with special needs students, reducing the time dedicated to mainstream students. There is often considerable resentment about the amount of time and effort required for one student.

There is a huge difference in the amount of equipment, support and services provided for students with vision and hearing impairment compared with support for those students with intellectual disability. This has its sources in the historical model of disability, where visually and learning impaired children received support, but students with severe intellectual disabilities were considered uneducable.

Teachers are not trained for, nor did they ever expect to teach children with high support needs. Teachers are given little choice about whether they receive a student with disabilities or not and they are offered minimal professional development to prepare them for this challenge. It is rare for teachers to be consulted regarding their views about the suitability of inclusion.

'The planning and time spent for one child with disabilities is equivalent to the planning and time spent with all of the other 28 put together.'

The model of support means that a teacher teaching a student with disabilities can have more than half a dozen adults in her/his classroom at any one time; support teachers, therapists, assistants, parents, Flying Start teacher, etc. many of whom arrive without prior warning or invitation. There are times when coordination of all these adults becomes a strain for the classroom teacher and distracts him or her from the actual teaching he or she is required to do. The teacher can feel under pressure, under observation and be unable to relax.

A further problem created by all these other adults is the intrusion into the classroom teacher's own non-contact time. All of these visitors wish to consult with the teacher during her/his preparation and lunch time. Finding time to communicate with other service providers is difficult for all professionals and it seems clear that the DoE needs to plan some model to allow for this to happen so that the classroom teacher's own time is not monopolised by the needs of children with disabilities.

Stress is a major drawback in having a student with disabilities in the classroom, particularly for a primary teacher. The coordination of all the visiting adults, planning and evaluating with the TA, the development of an individual learning plan, the preparation for other students in the class, managing the behaviour of the class, and making a conscious effort not to let the inclusion of the student with disabilities affect the learning of the rest of the class all contribute to the stress.

Recommendation 29:

That it be acknowledged that the class teacher has a vital role to play in ensuring that the appropriate inclusion processes have been followed and that their views must be respected, considered and where necessary acted upon.

Recommendation 30:

That a provision of a minimum of 0.2 teacher allocation be made to regular schools for each student with disabilities in order to provide time release for teachers for planning, case conferencing, evaluation and report writing. This a minimum requirement, and schools staffs after consultation with all appropriate persons may determine that up to 1.0 (per student) additional special education staff are required.

▶ *Teacher assistants' beliefs and understanding in relation to the education of students with disabilities in regular classrooms (AEU addition)*

Teacher assistants are currently not recognised by the system as an integral part of the team working with the students with disabilities. Teacher assistants need time to plan with the teacher, they need to be involved in case conferences, they need professional development, higher pay, better conditions and permanency. The recruitment and retention of teacher assistants is a major issue for schools. Trained, experienced, effective teacher assistants are said, by teachers, to be worth their weight in gold.

Even when students with disabilities participate fully in school activities, they often do so with additional support from TAs. There are no official documents which effectively reflect the range of responsibilities which TAs take on in their schools. TAs may have responsibility for the following:

- (a) Curriculum adaptation, lesson preparation and evaluation;
- (b) Assistance in the classroom with verbal communication if necessary;
- (c) Working as part of team with a variety of people including teachers, parents, therapists and other specialists;
- (d) Personal hygiene through assistance with toileting, feeding, clothing washing etc.;
- (e) Mobility assistance where necessary to classrooms, playground, toilet, car/bus recreation areas etc.; and
- (f) Intensive supervision. Students described as having severe disabilities may require one-to-one attendant care to ensure their own and/or other children's safety inside and outside the classroom.

There is no position description which recognises the nature and range of their role. This requires urgent attention in order for the TAs to be better equipped to carry out their role.

A characteristic vital to successfully fulfilling the role of the TA is the ability to work as part of a team. TAs are usually required to work with many different people, for example, students, a variety of teachers, the school principal, parents, therapists, speech pathologists and other specialists. Working with so many people requires flexibility in work habits to accommodate the teacher's curriculum requirements for the student and flexibility to address the concerns of parents.

The bond which the TA forms with the student with disabilities has, in recent times, been pejoratively referred to as the student having a 'velcroed aide' which sets her/him apart from other students. This term seeks to deride and deny the close relationship the TA establishes with the student. Teamwork with the student and his/her parents is essential to educational progress and the development of a good relationship or bond with a student and his/her family is one of the greatest benefits of being a TA. It can be very rewarding to work continuously with a student and to see the progress made. In AEU consultations, TAs spoke of the intimate knowledge they have of the student, and how they know the student better than anyone except his/her parents.

Good relationships with teachers are also important. At one school visited by the AEU, a teacher and TA talked about the particularly good relationship they had where they worked closely as a team to solve problems, plan and assist each other in difficult situations. The teacher stated that he enjoyed the experience of sharing problems, humorous situations and being supported by another adult in the classroom.

No special teacher assistant should be without training. The training and conditions of assistants is the system's problem and not a school one.

At present teacher assistants have no time release for planning with teachers. In order for the IEP to be suitably addressed, time is required for teachers to consult with and

advise the TA on a regular basis. Time release is not available for TA's to attend case conference meetings.

'Everyone is there except the TA. Teachers, physios, O.T's, parents and support teachers attend meetings about the child's program. Yet TA's know the kids better than anyone else. The TA's should be involved in setting the curriculum and therapy needs for the students.'

TAs pointed out that their presence at the case conferences would lead to a better balance and match of educational and therapy needs.

In some schools relief assistants are always employed when a teacher assistant is ill, but in others no provision is being made for teacher assistant relief arrangements. If an assistant is away, the child stays at home. This is dependent on a parent's good will.

In some schools teacher assistants spend part of the student time allocation in the playgrounds at break times supervising the student/s with disabilities in order to ensure safety. Where this occurs the school has to pay for an additional allocation from their resource package.

Providing TAs with time to meet and adapt lessons will not, however, solve all problems. TAs are generally not sufficiently trained to adapt curriculum to meet the needs of individual students and need a great deal more assistance in order to fulfil this role. Other areas for development include occupational health and safety, using technology such as computer software and hardware, different methods of assisting learning and meeting needs, and various forms of therapy (for example speech and physical). TAs can readily identify what they need for their professional development. It is just that it is rarely provided. Some TAs have enrolled for, and completed, nationally accredited units in the Tasmanian Educational Consortium Course and the University Graduate Diploma and Masters Degree in Special Education. This is usually the first professional education they have had since completing high school. However it is not recognised in terms of a proper salary and career path.

TAs come into their challenging positions without qualifications and learn as best they can on the job. They have minimal access to training, no career path, a temporary status and are poorly paid. Considering their level of responsibility, they are not being valued nor used effectively. They have been actively 'put off' by their employer at the end of each year as a cost saving device to ensure there is no continuity and therefore no responsibility to continue to employ them. TAs' working lives have all the characteristics of an archetypal 'pink ghetto' - low status, low pay, lack of permanency, poor conditions, highly labour intensive, and the vast majority are women.

If special TAs could be better equipped for their role, it would lead to improved student outcomes.

Recommendations 31:

That a position description be developed which reflects the actual roles and responsibilities of special teacher assistants working with students with disabilities.

Recommendation 32:

That all special teacher assistants be centrally employed and have access to permanency in order to ensure continuity of service and retention of their skills and knowledge within the education system.

Recommendation 33:

That where the student requires supervision outside the classroom during recess, lunchtime and before and after school that this be recognised in the provision of teacher assistant time to ensure on-going care for the student and to enable the teacher assistant to receive appropriate rest breaks.

Recommendation 34:

That all special teacher assistants must have access to nationally accredited courses which provide credentials which recognise their important and evolving role, provide career pathways and enable them to seek further relevant qualifications.

Recommendation 35:

That all special teacher assistants have a minimum of six days (full-time or to be applied pro rata on the basis of time employed) centrally-funded professional development each year within employed hours.

Recommendation 36:

That a formula be devised to provide non-contact time in order for special teacher assistants to participate in collaborative planning, programming, evaluating and case conferencing.

Recommendation 37:

That a provision of a minimum teacher assistant allocation of 0.1 for each student with disabilities be made. This is a minimum requirement - school staffs, after consultation with all other appropriate persons, may determine that up to 1.0 (per student) additional special education staff are required.

Policy Review

The Disability Discrimination Act (1993) does not actually mandate the way education of students with disabilities is to be provided in Australia. This is left to each state/territory. The result is that each state/territory in Australia has varying policies and approaches. Because the legislation never uses the terms inclusion or integration there is considerable debate around what is actually required. As in other issues of this type, interpretation of the original law is constantly evolving as case law grows.

Inclusion did not begin with the current policy. Prior to 1994 there was inclusion of special needs students in regular schools, but it was carefully guided and directed by professionals. Decisions were made on a case-by-case basis.

There is general disagreement with the Inclusion Policy Statement that:

'Placement of students with disabilities in regular schools is the preferred educational option for Tasmania.'

Inclusion is not for all students, all schools or all teachers. There needs to be maintenance, further provision of a range of options with genuine choice between inclusion, special schools and all that falls in between (special units, special classes and part-time enrolment). Having this statement preceding the policy reduces or blocks out negotiations among stakeholders. It immediately begs the question, 'Whose preference is it?' Given that the 'ideal' preference is dictated by the Policy Statement, those parents not accessing inclusion feel that they are not getting what they are being told is the preferred option. Consequently, some parents feel that educational settings other than full inclusion are second-rate because they are not the policy preference.

The role of professional judgement, decision making and assessment has been negated. The ideology contained in the first sentence prevents implementation of a range of options and determination of the appropriate option for students from that range. The statement does not account sufficiently for the needs of the child including the type of disability, age, location, family situation nor the practicalities of the design and setting of the school. The decision to include a student, or not, should be done on a case-by-case basis through parental consultation with educational professionals. Considerations should be made on issues of merit rather than of philosophical or ideological stance.

The preference clause needs to be removed. It assumes that professional people and parents are not clever enough to make rational choices.

As discussed earlier, the current funding model (Category A and Category B) does not meet the needs of the DoE's Inclusion Policy.

'We are consumed with having to cut our cloth accordingly rather than clearly identifying what we need and how much it will cost. We need to establish clear benchmarks. In an ideal situation schools would be able to plan for the resources required to meet the child's educational goals.'

Recommendation 38:

That the current policy wording 'Placement of students with disabilities in regular schools is the preferred educational option for Tasmania.' be deleted and replaced by: 'In order to provide the most advantageous environment for students with disabilities in Tasmania a commitment be made to maintenance of the full range of educational service options including placement in regular classes, special units and classes in regular schools and special schools.'

Recommendation 39:

That the existing Inclusion Policy be rewritten as a result of these recommendations.

Sources of Information for the Submission

▶ **Forums**

AEU Hobart - Teacher Assistants' Forum
AEU Hobart - Teacher Forum
Huonville High School (Huonville Area)
Launceston Teachers Centre (Launceston Area)
New Norfolk Primary School (Derwent Valley Area)
Parklands High School (Burnie Area)
Reece High School (Devonport Area)
Scottsdale Primary School (North East Area)
Smithton Primary School (Circular Head Area)
St Helen's District School (East Coast area)

▶ **School Visits**

Blackmans Bay Primary School
Derwent Support Service
Early Special Education Campbell Street
Kingston High School
Tasman District High School

▶ **Submissions received**

Bowen Road Primary School (ten individual staff submissions)
Cressy District High School
Hillcrest Primary School
Howrah Primary School (11 individual staff submissions)
Newstead Heights Special School
Mr Dean Jackson
Mr Viktor Zappner
Mrs Chris Styles
Mrs Penny Smith
Smithton High School (six individual staff submissions)
The Don College

▶ **Additional material was sought and received from:**

Ms Julianne Moss, Faculty of Education, University of Tasmania
The Tasmanian Council of State School Parents and Friends

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