

AUSPELD

**THE AUSTRALIAN FEDERATION
OF SPELD ASSOCIATIONS**

Recognition and Support for People with Learning Disabilities

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**SUBMISSION TO THE COMMONWEALTH SENATE ENQUIRY INTO THE
EDUCATION OF STUDENTS WITH DISABILITIES, INCLUDING
LEARNING DISABILITIES, THROUGHOUT ALL LEVELS AND
SECTORS OF EDUCATION**

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Preface

The Australian Federation of SPELD Associations (AUSPELD) thanks the Commonwealth Senate Employment Workplace Relations and Education References Committee for initiating an Inquiry into the Education of Students with Disabilities.

AUSPELD has spent over thirty years providing support in response to the needs of children and adults with Specific Learning Difficulties (SLD) / learning disability, and those who care for, teach, and work with them. As AUSPELD was instrumental in the establishment of the first Inquiry in 1974, we regret that there is still the need to advocate on their behalf. However, we look forward to more inclusive and equitable outcomes for the life-long learning of those disadvantaged by SLD, than currently exist.

Introduction

An Inquiry into the Education of Students with Disabilities, must:

- first, make clear the disability categories which are included within the target population of the Inquiry,
- and second, to enable those students who may be disadvantaged by a disability to access service provision and also the curriculum, with equity,
- by separately identifying their actual and probable needs to determine which are disability specific (such as wheelchair ramps or braille readers), and which are educational (such as appropriate assessment and adjusted instruction to accommodate their learning needs).

There has been an extended and persistent debate regarding the definition of disability in relation to learning, irrespective of any other disability or disadvantaging life-factors a student may experience. The learning difficulties / disability debate, at all levels, beyond any educational use, continues to cause political conflict which greatly influences funding decisions and interpretation of policies. A continuation of that debate herein would probably not be of benefit. However, as with any term, it only becomes functional when a mutual understanding exists between stakeholders.

Therefore, in construing this response, we submit that difficulty learning can be generated by external circumstances (family, communities, opportunities, experiences) and/or internal circumstances (inherent, sensory, physical, neurological). The circumstances which AUSPELD defines as being characteristic of Specific Learning Difficulties, or learning disability:

- are considered to be intrinsic to the individual,
- can cause a person to learn differently,
- are not linked to intellectual impairment (except incidentally),
- may coincidentally exist with problems in self-regulatory behaviours, social perception and social interaction,
- are life-long,
- result in difficulty accessing the curriculum unless identified early and educational adjustments appropriate to individual need are provided, to prevent failure.

The most common Specific Learning Difficulty is dyslexia, which is a reading and written language disability.

Terms of Reference

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

- (a) *whether current policies and programs for students with disabilities are adequate to meet their educational needs, including, but not limited to:*

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

In 1990, the National Health and Medical Research Council (NH & MRC) defined learning difficulties as resulting from a combination of intrinsic manifest factors such as intellectual disability, physical and sensory defects and emotional difficulties, and inadequate environmental experiences and lack of educational opportunities. The NH&MRC then defined a sub-group with learning disabilities resulting in achievement significantly below expectation for age and general ability, and presumed to be intrinsic to the individual, but not considered to be the direct result of any of the above causative factors.

In relation to learning, the definition of disability in the *Commonwealth Disability Discrimination Act (DDA -1992)* states that a disability shall be “a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction”. This definition clearly describes the educational status of students with a learning disability (the legal term used in the USA) / Specific Learning Difficulty (the legal term used in the UK and that used by AUSPELD). However, the intent of this definition seems to focus on identified learning needs, or educational function, as the guiding circumstance to access special learning support, rather than the disability.

The Australian Human Rights and Equal Opportunity Commission (HREOC), who hears the disability discrimination complaints, states that learning disability is covered by the DDA (www.hreoc.gov.au/disabilityrights).

The *NSW Disability Services Act (1993)* defines disability as being attributable to intellectual, psychiatric, sensory, physical or like impairment resulting in “significantly reduced capacity in one or more major life activities such as communication, learning (and) decision making...”. However, the New South Wales Department of Education and Training (NSW DET) includes only manifest disabilities in its definition of disability (www.det.nsw.edu.au/disabilityaccess) such as intellectual disability or vision / hearing impairment.

NSW DET does not directly recognise learning disability, dyslexia or Specific Learning Difficulties except by inference from the definition of their term “significant learning difficulties”. Under NSW DET policies, students considered to have significant learning difficulties and who have demonstrated failure can access additional help for their learning (as available), but they do not qualify for help afforded those considered to have a disability within the NSW Disability Framework. This situation has become especially critical in high school where currently behaviour management seems to take precedence over addressing the likelihood that unacceptable behaviour can be an outcome of a student’s unattended learning disability.

According to McCrae (1996) “The critical matter for educators is to respond not to disability but to educational need as it presents “ (Integration /Inclusion Feasibility Study in New South Wales). A Commonwealth funded User Guide to the DDA (Tait, 1997) gives autism, dyslexia, attention deficit disorder or an intellectual disability as examples of conditions which would

cause a person to learn differently. However, for as long as state departments of education deny the existence of learning disability / Specific Learning Difficulties - such as in New South Wales and South Australia - the needs of this group of students will not be addressed, resulting in continued costly and often humiliating remedial education.

The comprehensive Commonwealth document Mapping the Territory- Primary Students with Learning Difficulties: Literacy and Numeracy (DETYA 2000) uses the term learning disability, but stresses it does not refer to students covered by the Commonwealth's definition of a student/child with a disability which is intrinsic to the individual. This clearly describes the exclusion of those people with Specific Learning Difficulties. Such exclusion would seem to be in conflict with the DDA (1992).

In evidence given to the NSW Standing Committee on Social Issues (February 2001), "DET has suggested that allocation of specialist resources for children with special learning needs should be based on a 'functional' approach which looks at the educational needs of the student rather than focus on cause" (Foundations for Learning..., p.60). AUSPELD agrees with this position. However, SPELD NSW is concerned about what seems to be an attempt by NSW DET to base the identification of students with Specific Learning Difficulties upon medical factors, not educational factors, in order to access resources.

"DET has told the Committee that it does not support the use of the term 'learning disability' to describe children who have ongoing problems with areas of the curriculum such as literacy and numeracy. ...the Department advised that it would be difficult to avoid the need to obtain a medical diagnosis" (Foundations for Learning...,p.60).

Medical certification should not be required for an educational issue. SPELD NSW has now received the Terms of Reference for a NSW DET Review of Support for Students with Low Support Needs (April 2002). The first term of reference is as follows: "assess the current criteria and processes for the identification of students with low support needs who require additional support and report on possible improvements and the efficacy of Health Department involvement".

If satisfying Commonwealth targeted funding guidelines is the reason for NSW DET's position, then we submit that 'learning disability' must be specifically included in targeted funding criteria, as it may be the only way to gain the ongoing learning support which students with Specific Learning Difficulties require. However, AUSPELD is very aware of resource pressures related to the provision of programs for designated students which has led to a funding drain away from an integrated model founded upon student educational need.

Australia has proved that quality education can be realised based firstly upon educational need, as Australia has been cited internationally for its top-rank in literacy achievement of students from non-English speaking backgrounds (2000, *Knowledge and Skills for Life*, OECD).

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

The issue that plagues all systems that differentiate learning disabilities is one of assessment. When is a learning difficulty really a learning disability? One needs to adopt a careful but rather generous approach to this matter, since scientific study has not yet enabled us to make completely accurate assessment of learning disability.

However, there is valid evidence that there is a group of children for whom ongoing treatment and/or support is needed, and for them, not even a term in an Intensive Reading class is

sufficient. For example, Torgeson, Wagner and Rashotte (1994) identified dyslexic children who may be “treatment resisters”. These authors argued that in addition to a systematic programme of phonological based instruction there should be an equally systematic program that addresses the development of reading fluency and comprehension. Similar results were found by Nicolson et al. (1999).

Also, Centre, et al. (2000) found, in their evaluation of Reading Recovery, that 35% of their subjects had not benefited from Reading Recovery, while 30% of the controls had reached average reading levels without Reading Recovery. Reading Recovery was superior to resource teacher intervention or classroom teaching at 15 weeks, but at 30 weeks, there were no differences on 7 out of 8 measures used. Twelve months later, 35% of the tutored group had benefited, 35% had not, and 30% of the controls (untutored) had reached average reading levels anyway.

There are obviously arguments for providing special provisions for students who fall under NSW DET’s category of “significant learning difficulties”. These students typically require ongoing support rather than short-term intensive support. The latter will help them, but unless it is maintained for a required length of time, progress usually ceases and regression may occur. This is well documented in Turner, M.,(1997) *The psychological assessment of dyslexia* (London: Whurr).

Such children are also probably many of those whom NSW DET identifies in Band 1 of the NSW Year Three Basic Skills Test and Bands 1 and 2 of the Year 5 Basic Skills Test, and again in the low and elementary bands for reading of the Year Seven English Language and Literacy Assessment. An unfortunate reality is that within the NSW Literacy and Numeracy Strategy, currently children must demonstrate this failure before satisfying stated guidelines to access additional learning support.

Despite political and policy rhetoric about early intervention and equity, this is a deficit model focussing on remediation, and is the major barrier to the early identification of Specific Learning Difficulties by teachers. Further, it has also been suggested that another barrier to early identification is the traditional opinion that some children are late “maturers”. Three decades of human research have substantiated that the more traditional maturational view of learning, which encourages a wait-and-see attitude, does not always work. While this method may be totally appropriate in some instances, many children need direct intervention with structured practice, to prevent failure. “...it is not the case, as is sometimes claimed, that children ‘grow out’ of their learning problems” (Prior, et al., 2000, p.40).

“Effective pre and in-service teacher development needs to challenge the myths about children’s learning and establish foundations so that all children can benefit from the education they receive” (Identifying the Challenges..., NSW MACQT, 1999, p.5)

To effectively identify and assist children at risk of or experiencing Specific Learning Difficulties, stakeholders should have knowledge of contemporary research-based development and learning in early childhood, including typical age and culturally appropriate expectations. It is only against the typical that the atypical can be viewed.

AUSPELD believes that the debate regarding when to start formally teaching literacy and numeracy must not overshadow the necessity to ensure that children have achieved foundation skills. For example: the segmentation and blending of sounds in words are two skills of phonemic processing. However, many children do not understand, until directly taught, that words are made of “sound pieces” (phonemes), and many teachers have not been taught that children may have this problem.

The academic skills based curriculum pressures teachers to be accountable for children achieving outcomes. In the race for younger children to learn formal literacy and numeracy skills, relevant developmental factors are often ignored and the acquisition of some foundation skills is being neglected both in preschool and formal school. Children are expected to demonstrate achievement of stated outcomes. The current kindergarten curriculum seems to be predicated upon a presumption of skills achieved in preschool. Children without these prerequisite skills can be left behind.

In reality, school readiness depends upon child competencies in relation to prevailing school policies, teacher expertise, the curriculum, and outcome expectations. The transition to school is of vital importance. Poor transition practices may cause learning difficulties which are unnecessary. It is important, for example, that NSW teachers are aware that in NSW 30% of young children do not attend any sort of child care or pre-school and hence may not be socialised into the ways, and particularly the language, of school.

NSW policy makers seem to have side-stepped the fact, as recognised by the Education Department of Western Australia (1994), that difficulties learning literacy and numeracy may result from delays and/or disorders in one or more of the following developmental ability areas: motor skills, visual-motor perception, visual / auditory perception, cognition, and language. Screening kindergarten children at school entry in such areas is essential.

Whatever young children's individual differences, equal access to appropriate holistic assessment of independent function of their abilities and skills is required to inform instruction and intervention. Such assessment must rely on objective evaluation of familiar criterion tasks, have a specific purpose, and, be valid, fair and reliable for that purpose. Further, assessment tasks can be directly linked to syllabus outcomes and indicators. Based upon current longitudinal Australian research, these guidelines are achievable and cost effective (Twaddell, 2001).

"Assessment of children's development and learning is absolutely necessary if teachers are to provide curriculum and instruction that is both age-appropriate and individually appropriate." (NAEYC & NACES/SDE, 1991, p32).

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

The particular educational needs of students with disabilities from the above sub-groups would be the same or similar to those educational needs within the population of all students from those groups. All students from these population groups are more likely to have heightened disability-specific and educational needs depending on:

- the extent of their socio-economic, language, cultural and geographic isolation,
- their access to required resources such as assessment and intervention as may be available and affordable.

SPELD SA receives many phone calls from regional families and teachers keen to know how to help students with Specific Learning Difficulties. These people feel cut off from access to information, educational resources and specialist training. For the past four years SPELD SA has sent a team of specialists to provide a full day's program of workshops to regional centres. Team members include: psychologists, speech pathologists, teachers specialising in different levels of schooling, a software advisor, optometrist. In 1999, a team went to Ernabella, in 2000 a team spent a day in Kadina, in 2001 a team went to Mount Gambier and in 2002 a team will go

to Ceduna. SPELD SA is also planning to provide online tutoring to students (adults and children) who live in areas not serviced by tutors on their Tutors Register.

Dyslexia-SPELD WA is currently taking about 100 calls per month seeking more information. Some 20 to 30 of those callers choose to have a half hour consultation with a psychologist. About 10 of those calling have full psychological assessments. Of 4681 calls received by SPELD SA in 2001, 1563 were from parents and 1638 were from teachers. SPELD SA also has had many visitors on their website over 624 days, since March 2000.

In NSW there is one diagnostic assessment centre (Dalwood Assessment Centre - a NSW Health facility) operating in conjunction with one school (Palm Avenue School), providing specialist support for students who live in rural and remote areas who have significant learning difficulties. However, prior to referral, guidelines state that students will have received - as available:

- an individual in-class learning support program over two terms,
- intensive intervention provided by the Support Teacher Learning Difficulties (STLD) over two terms,
- Reading Recovery for up to two terms followed by intensive intervention from the STLD over two terms.

In general, students who have a diagnosed labelled disability may receive additional support for their learning through existing special education programmes as well as support for needs caused by their disability, through various Commonwealth and State initiatives. For example, the targeted Commonwealth funding for staff training, resources and administration provided by:

- the Department of Family and Community Services exclusively for those children with a diagnosed manifest disability,
- the Department of Education, Training and Youth Affairs for pre-school programs for indigenous children.

Within the *NSW Disability Framework* is the excellent *NSW Learning Together Funding Support Program* which provides targeted assistance to support the education of *Students with Disabilities in Regular Classrooms*. The Learning Together teacher support document, *Meeting Individual Needs Within The Classroom*, explicitly describes strategies to meet individual students' identified educational needs, e.g., by developing an Individual Learning Plan and adjusting instruction and outcome expectations across the curriculum.

This instructional information for teachers is relevant for all students who may benefit from additional learning support across the curriculum, and should be available in documents such as the NSW DET *Special Education Handbook*. (A revised edition of this handbook is expected in 2002.) However, the Learning Together Program is exclusive as service provision is firstly based upon medical evidence of disability.

Identified disability-specific needs (such as ramps for wheel chair access - an ongoing need) should be addressed separately from identified educational needs requiring ongoing learning support (such as adjusted classroom instruction and modified curriculum expectations).

iv) the effectiveness and availability of early intervention program

Contemporary research and experience on the effectiveness of early intervention unequivocally demonstrates the significant positive influence of quality early childhood education and care to more successful outcomes for individuals, communities, and subsequently to society. Many

studies have demonstrated links between early learning, later school achievement, and adult productivity (OECD USA, 2000). The following examples of early intervention initiatives, in practice, evidence the impact of intensive education programs, including the impact upon subsequent diminished criminal activity.

In the American *Perry School Program*, three and four year olds attended a high-quality preschool program every day, and their families received a weekly home visit by preschool staff to encourage continuity between home and staff. Results from the longitudinal study of this program of found that children who participated in the program, as matched to the comparison group: were more likely to complete secondary school and go on to further education; at age fifteen had lower levels of crime; at age nineteen had fewer arrests; at age twenty-seven had half the arrest rate of the comparison group; had higher levels of income and home ownership (Taylor, 1999).

Results from *RAND research* into the costs and benefits of early childhood intervention from nine longitudinal studies demonstrated the following advantages for program participants relative to those in the control group:

- Gains in emotional or cognitive development.
- Improvements in educational process and outcomes for the child.
- Increased economic self-sufficiency, initially for the parent and later for the child, through greater labour force participation, higher income, and lower welfare usage.
- Reduced levels of criminal activity.
- Improvements in health-related indicators, such as child abuse, maternal reproductive health, and maternal substance abuse (RAND, 1998).

The Abecedarian Project of early intervention focused on language development and preliteracy learning. Major findings from follow-up studies conducted at ages twelve, fifteen and twenty-one, by comparison to the control group, include:

- Participants had higher cognitive test scores from toddler years to age 21 and higher achievement in both reading and math from the primary grades through young adulthood.
- Enhanced language development appears to have been instrumental in raising cognitive test scores.
- Intervention children completed more years of education and were more likely to attend a four-year college.
- Intervention children were older, on average, when their first child was born.
- The cognitive and academic benefits from this program are stronger than for most other early childhood programs.
- Mothers of participants achieved higher educational and employment status, and these results were especially pronounced for teen mothers (FPG Child Development Center, 2000).

Mazzarella (1990) wrote that the American Congress has finally realised the major role and cost effectiveness of early intervention in solving the problems of "disadvantaged populations". Kagan (1994) reported: "there is hardly a legislator on Capitol Hill who doesn't know that for every dollar invested in early intervention, "x" times that amount is saved later on" (p.226). **In our experience, young children experiencing Specific Learning Difficulties are certainly disadvantaged and without direct intervention, grow into adults experiencing Specific Learning Difficulties.**

However, the NSW DET Early Intervention Program providing early intervention classes and smooth transition to school, which appears to be a Commonwealth initiative, is only available to families whose child:

- has a diagnosed manifest assessed disability prior to referral to the program and entry to school, (which can be very problematic for families, especially since waiting lists for assessment can be up to 18 months),
- is at least age 3,
- attends a government-funded certified early childhood setting (which can be problematic for families) and is moving into a government school,
- home visits can be provided, but only under very limited circumstances and at the discretion of the district superintendent,
- the participation of children in non-government-funded early childhood centres appears only to extent to collaborative planning for the child's needs when in school.

Unfortunately, again because of funding guidelines, this is an exclusive program.

A South Australian government initiative to disseminate information to counter risk and improve opportunities for more successful outcomes, both in early childhood and later in life, is their comprehensive child and youth health web site (www.cyh.sa.gov.au/). As well as health issues and information, this site provides extensive help to parents on parenting and appropriate resources and strategies for teaching and learning. This site, in part funded by the Commonwealth Department of Community Services, also provides:

- a 24 hour parent help line; the latest news on parenting;
- a specific section on relationships and children's development;
- over 300 topics in their parenting and health search database including specific learning difficulties;
- and an archive of relevant articles and other resources which can be downloaded, and links.

In general, regarding the availability of Australian early intervention programs, we refer you to the Australian Background Report for the OECD Thematic Review of Early Childhood Education and Care Policy (DETYA and DFACS, 2000). In its conclusion, the Australian Report states:

"It is timely to articulate a clear national vision for children. ... it is essential that the nation develop effective strategies to address, among others, the following issues:

- the provision of good quality, affordable and accessible Early Childhood Education and Care (ECEC);
- the enhanced assess to ECEC for all children with additional needs, given that there are many children who do not fit within existing guidelines for assistance;
- the shortage of qualified, particularly early childhood teachers...;
- the promotion of ongoing dialogue between all relevant Government departments concerned with ECEC and community stakeholders". (p.62).

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

The competing and often conflicting responsibilities between the States, Territories and the Commonwealth governments cause misunderstanding, costly inefficiencies, duplication, overlap of service provision and regulation, and is a main contributor to fragmentation. Historically, the States and Territories have constitutional responsibility for the education and care of children.

However, from 1946, Commonwealth legislation established provision for the Commonwealth to make specific purpose conditional grants to States. Such grants have eventually seen the Commonwealth assume financial responsibility for tertiary education, including teacher education.

“The Parliament may grant financial assistance to any State on such terms and conditions as the parliament thinks fit. ... Over the 1970s and 1980s Commonwealth involvement in school education expanded to include funding for recurrent purposes, capital grants and programs for targeted groups of students. ...the provisions under which specific purpose grants are made include conditions to ensure that the objectives are met” (Ainley, 1999, p.4).

Commonwealth supplementary funding is intended to create greater equity of provision. However, the interpretation of guidelines defining populations who are included, by default, defines which are excluded. The political debate regarding the term ‘learning disability’ is related to this factor. Funding should be provided on a needs basis with criteria for assistance common across States, Territories and school sectors.

However, Commonwealth funding “... has increasingly quarantined learning difficulties from its special education / children with disabilities arrangements to the States and Territories” (Mapping the Territory, 2000, p.36). Such continued exclusion would seem to be in conflict with the Commonwealth Disability Discrimination Act (1992). Although, the National Literacy and Numeracy Plan, which also targets funding, is said to be dedicated to:

“...measurably improve literacy and numeracy outcomes for students experiencing educational disadvantage ... based on the principle that a failure to develop competence in the foundation skills of literacy and numeracy is a key source of educational disadvantage to which resources and programmes should be targeted” (Ainley, 1999, p.iii).

“Here governments have focussed upon a general literacy problem which lies in presumed inadequacies in teaching (a dyspedagogia rather than dyslexia). Little, if ever, mentioned are the students whose low attainments may have stemmed from their learning difficulties. ... While there may have been room for schools to increase the attainments of most students by reallocation of time and resources, it is questionable whether those students with learning difficulties can be given the help they need without targeted funding” (Mapping the Territory...,p.36). While AUSPELD submits that such targeted funding could come from disability allocations, it could also come from the Commonwealth Literacy and Numeracy Programme or the Teachers for the 21st Century initiative.

Hence, states’ use of Commonwealth funds is limited by compliance with the program’s guidelines and conditions on how those objectives are expected to be met. Therefore, “these guidelines can influence educational practice on a wider basis” (Ainley, 1999, p.4).

Consequently to know with any accuracy actual access to and adequacy of funding support, we would first need:

- knowledge of the source and flow of all Commonwealth and State funds matched and cross-referenced with the service(s) provided and the process(es) for service delivery and accountability,
- knowledge of the guidelines defining the programs’ objectives,
- comparison of demonstrated success of existing programs against volume of identified existing need.

“Perhaps we should ask whether these policies in fact allow governments to be less than transparent about exactly how much money is being provided for different and diverse groups of

students who, for a range of reasons, require extra support and assistance for learning literacy and numeracy?" (Rivalland, 2000, p.16).

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

In NSW there is currently concern about a seeming widening gap between policy and practice in relation to students with disabilities. For example, "Disabled pupils have been left in the lurch" (Parker, 20 March 2002). This article refers to the many students with disabilities, especially those children who had mild intellectual or language disabilities" lured into enrolling in local schools with "false promises of full support". According to Parker:

- The NSW government capped funding for the program well below that required to support students and teachers,
- The process of deciding which children get funding has become a farce as only some of those who qualify, actually get help.

In our experience, parents seeking assistance for their SLD child are often told by teachers and school administrators that "there are other children must worse off than your's". In reality this creates exclusion, inviting litigation. The situation further disadvantages students with learning disabilities. The significant learning difficulties of these students are not officially acknowledged by many state departments of education and therefore, they can not access the curriculum as is expected of other students. This position could be seen as systemic discrimination.

The NSW government allocates as little as \$25. per teacher for professional development. Otherwise they are left to cope with limited or no specialist training or help. In South Australia only 25% of teachers attending SPELD SA courses have course fees paid for by the schools. Therefore, many mainstreamed students with disabilities can not even hope for full learning opportunities as their teachers are not trained or resourced to provide these opportunities.

In relation to the apparent withdrawal of the Commonwealth full funding of higher education "...the move towards the payment by teachers of full fees for postgraduate coursework programs has significantly reduced participation in this important area of professional development" (Identifying the challenges..., NSW MACQT, 1999, p.62)

We refer you again to NSW Government teaching resources such as The Learning Together support document, *Meeting Individual Needs Within The Classroom* (p.6, this Submission). The manual explicitly describes strategies to meet individual students' identified educational needs, e.g., by developing an Individual Learning Plan and adjusting instruction and outcome expectations across the curriculum in a whole school approach.

Although the NSW Learning Together Program is exclusively targeted to students with a diagnosed manifest disability, the instructional information is relevant for all teachers of students who would benefit from additional learning support. This is particularly pertinent for NSW high school teachers as behaviour management has become a dominant government focus, taking precedence over providing appropriate classroom educational opportunities for those students who learn differently.

This development is especially germane for students with Specific Learning Difficulties. These students are educationally disadvantaged and eventually personally disadvantaged when their

literacy and learning needs are not met, as experience and research tells us that behaviour difficulties are often the result.

“The typical student requiring learning assistance tends to require ongoing support ... as students get older, and the curriculum becomes more complex, such students fall further and further behind, which leads to other related problems (avoidance; misbehaviour, lack of self-esteem, unwillingness to attempt or complete work)”, (parentheses the authors’- British Columbia Learning Assistance, 1997; available at: www.bced.gov.bc.ca/specialed/las97/candc.htm).

In the current NSW State budget for education, \$46.2 million has been allocated over the next four years “to provide new solutions and support for students with disruptive behaviour” (News Release, NSW DET, June 2001).

AUSPELD believes that: “...behaviour targets should always take into account the likelihood that unacceptable behaviour may arise as a result of frustration and low self-esteem, outcomes of the child’s learning difficulties. If the underlying issues are not addressed then demanding that the child modify their own behaviour to meet targets is both unreasonable and unachievable”, (Johnson & Peer, 2002, p.243).

vii) teacher training and professional development

AUSPELD is very experienced in teacher training appropriate for SLD / dyslexic students. We can confidently say that funds targeted to the training and professional development of classroom and support teachers in the identification and teaching of children and adults with Specific Learning Difficulties, at all levels, would be cost effective. Australian and international figures place the number of students with learning disability at between 2 and 10%, so teachers can expect at least one such student in every class.

The NSW MACQT Report Identifying the challenges: ... (1999) acknowledges “Research shows that the quality of...education is inextricably linked to the capacities and teaching capabilities of classroom teachers” (p.5). However, while particular abilities mentioned to ensure teacher quality include initiatives in the areas of computer proficiency, managing student behaviour, and provisions for teaching gifted and talented students, there is no mention of learning difficulties or disabilities.

The first goal of the Commonwealth initiative Teachers for the 21st Century is “lifting the quality of teaching through targeted professional development and enhancing professional standards”. International empirical research supports this goal:

“...measures of teacher preparation and certification are by far the strongest correlates of student achievement in reading and mathematics, both before and after controlling for student poverty and language status” (Teacher Quality and Student Achievement..., Darling-Hammond, 2000).

However, in the Commonwealth Teachers document the only “specialist skills” mentioned in the quality teacher development section are for the teaching of indigenous students, students in rural or remote locations and students in urban disadvantaged schools. Innovation and excellence awards will be made to high quality schools which deliver quality outcomes in Commonwealth priority areas and to individual teachers who contribute to improved learning outcomes. There is no mention of learning difficulties or disability. So again, inclusive best teaching practice has been put aside in favour of exclusive targeting.

All teachers should have knowledge of risk factors that are commonly attributed to those experiencing Specific Learning Difficulties and which often have nothing to do with external circumstances such as socio-economic status or geographic isolation. The best way to enhance teachers' skills in identifying and supporting children at risk of, or experiencing SLD, is through initial and on-going education. For example, teachers need to know :

- Children's motor awkwardness is a recognised, internationally identified disorder: Developmental Coordination Disorder (*Diagnostic and Statistical Manual of Mental Disorders*, 1994). Longitudinal studies show that children's motor difficulties, including handwriting, and resulting poor self-concept and academic problems are evident into the teenage years, (Loose et al., 1990; Hamstra-Bletz & Blote, 1993).
- The achievement of motor coordination and its relation to learning, including the relationship of motor function to atypical behaviours such as dyslexia and attentional, social and behavioural difficulties has been the topic of contemporary research (Kadesjo, & Gillberg, 1998; Nicolson and Fawcett, 1995; Stephenson and Fairgrieve, 1996).
- Children with early language and speech difficulties are a high risk group, as are those with behaviour problems such as attention difficulties and poorly self-regulated behaviour in the pre-school years, (Prior, 1994; Walker, et al., 1994).
- Children's make-believe symbolic play expands representational thought by gradually separating thought from action and objects, and by communicating their growing understanding of reality in preparation for the later development of abstract reasoning (Berk, 1994; Dockett, 1994; Gowen, 1995).
- Assessment of children's receptive and expressive language is essential as all other symbol systems such as reading, writing and maths are mainly dependent upon oral language (Johnson, 1999).

While there is a compulsory special education element for NSW teacher certification (a one-semester unit of study), we are not aware of any guidelines regarding its content. The Commonwealth Teachers for the 21st Century acknowledges the importance of professional development and states that central to its effectiveness is the willingness of teachers to take responsibility for their own professional growth. AUSPELD would add that to be effective, professional development must also be directly tied to career path.

“There has been some recognition that regular classroom teachers need to be more expert in supporting students experiencing learning difficulties, and preservice preparation programs have generally tried to include relevant coursework. (However) It is an open question whether inservice opportunities are adequate to ensure that all teachers are suitably prepared to assist the students in their classrooms who have learning difficulties in literacy and numeracy”
(Mapping the Territory, 2000, p.37).

With the move to enrollment of 'special needs students' in regular classrooms as well as those with other known risk factors, teachers are expected to manage the disability-specific and learning needs of a student population which has become much more diverse. Teachers need support in terms of:

- release time and career path incentives for professional development as most professional development takes place in the teachers' own time and at their own expense,
- ongoing support from specialists who's judgement they trust (such as speech pathologists, family counsellors and behaviour management specialists) either attached to the school or within government, community or private practitioner collaborative partnerships,
- access to specialist teachers and professionals to withdraw groups of students for special programs as may be required,
- fewer students in their classrooms.

NOTE: in relation to release time, funds from a \$13 million NSW initiative (over four years) were allocated to districts and then targeted to some primary schools, to up-skill classroom teachers in assessment and programming for the learning needs of individual students and release time to work with individual students.

In order to support teachers and families of students with dyslexia, SPELD SA offers about 24 different courses/workshops annually, attended by 774 people in 2001. The majority are 2-hour workshops. Some are 2,3, or 4 day courses. Courses are designed for teachers, parents and other professionals. Topics include:

- Introduction to Dyslexia and other Specific Learning Difficulties,
- Specific Learning Difficulties and other Related Problems,
- Computer Software to support Students with SLD in and out of the classroom,
- Phonological Awareness, Phonics, Reading and Spelling.

Provision for children with learning difficulties requires "high levels of formal qualifications and participation in well-researched professional development programs, and intensive monitoring of children and program implementation. ... it is a matter of concern that about half of schools (in the school survey for this report) had no staff with specialist training in learning difficulties and about half had no staff in a classroom role with specialist training" (Mapping the Territory, 2000, p.26 & 23).

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

As stated in our response to v), the competing and often conflicting responsibilities between the States, Territories and the Commonwealth governments cause misunderstanding, costly inefficiencies, duplication, and overlap of service provision and regulation. Commonwealth supplementary funding was intended to create greater equity of provision. However, the interpretation of guidelines defining populations who are included, by default, defines which are excluded. This system has been a main contributor to the fragmentation of service provision for students with disabilities, especially for those with Specific Learning Difficulties / learning disability, and has caused state to state, even school to school inconsistencies.

The legal implications and resource demands of current governments' legislation totally depends upon interpretation of the legislation. Policy drives practice. In most cases, if departments of education intended and/or are able to fully implement policies that are already in place, there would probably have been no need for the present Inquiry. Current policy usually espouses best practice and can not be faulted, but tends to lose in translation to practice. The gap between stated policy (such as "schools should develop fully the talents and capabilities of all students..." - Goal 1.5, Commonwealth Teachers for the 21st Century), and practice, is wide.

AUSPELD believes that accommodating the needs of SLD students does not necessarily require a large-scale injection of additional funds. However, there is a desperate need to facilitate greater co-ordination between all stakeholders.

An excellent example of co-ordination between the Commonwealth, States and Territories and the community are the research-based Quality Improvement and Accreditation System for Long Day Care Centres (QIAS) and the Family Day Care Quality Assurance System (FDCQA). These systems define quality care and education and are administered by the National Childcare Accreditation Council. This method of regulation ties quality assurance to accreditation by Commonwealth funding, as the process of accountability is linked to Benefit payments received by a service on behalf of parents. Each State and Territory Government is still responsible for enforcing licensing regulations (covering factors such as space, number and ages of children, number of staff and staff qualifications). However, this Commonwealth initiative shifts the focus from meeting minimum standards to striving towards the provision of quality care and education for all children.

The successful collaborative process of developing the above system emerged in stages over a long period of time. Consultation, co-ordinated by the Commonwealth Child Care Advisory Council, included: a broad range of individuals and organisations within the Australian Early Childhood profession, peak organisations, Early Childhood training institutions and resource agencies and the Australian Council for Educational Research.

This exemplary and flexible system is in place and can be provided anywhere in Australia regardless of possible disadvantaging factors such as distance, language, culture or economic status. The regulatory process can be adjusted to suit the circumstances in any context. The system could also be expanded to include professional development linked to career path and credentialing.

In general, "The current policies, on the whole, leave schools with the real responsibility for providing for children with learning difficulties. This might be well and good, if there were also a transparent system in place to ensure that all schools have the resources and the expert staff necessary to develop a program designed to fit the needs of children with learning difficulties in each individual school context." (Rivalland, 2000, p.16).

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

Government, at any level, ought to challenge communities by stating a vision, setting priorities, advancing coherent policies, and providing funds to help translate policy into practice. It is essential to ensure, through appropriate legislation, that students with identified Specific Learning Difficulties gain equal access to the curriculum by having their learning needs recognised, understood and addressed from a very early age.

In the current NSW Budget for Education and Training there is allocation to an expanded internet service to provide individual email addresses for teachers and students. "These 'e-learning' accounts will give students unprecedented access to information and resources from school or home, a move that will ultimately revolutionise how students learn" (News Release, June 2001). For inclusive access to this educational service provision, some students (such as those with significant vision impairment or dyslexia), may need the ongoing support of voice activated computer software.

Specific Learning Difficulties is not a condition which can be verified by a medical certificate of diagnosis. Specific Learning Difficulties is not a condition of diminished intellect (although it can

occur coincidentally with intellectual disability). Dyslexia, for example, is an inherent condition that can cause significant learning difficulties, which is acknowledged on the NSW DET disability access website. **Students with significant / Specific Learning Difficulties are educationally disadvantaged as they can not access the curriculum in the same way as students without Specific Learning Difficulties.** However, students with SLD do not attract targeted funding to support the special learning requirements of their disability.

Currently, there is no legislation outlining provisions which should be made for students with SLD. This is despite the fact that these students have a diagnosed disability which prevents or hinders them from making equally successful use of the educational facilities and teaching methodologies generally provided for students of their age. The information processing difficulties characteristic of dyslexia are evident and easily identified long before students have fallen behind. It is possible to detect 'at risk' learners and to provide appropriate programs, to avoid failure.

If improving the educational and personal outcomes of students with disabilities, including learning disabilities, is the goal, then a paradigm shift in the concept of 'inclusive' education is required. The current concept of inclusive education, focussing on cause, deficit and remediation, targets the presumed special educational needs of all students with a manifest disability or other recognised risk factors.

AUSPELD recommends a model focussing firstly on identified education needs and prevention. In reality, to be inclusive, best practice education must focus on the developmental and learning needs of all children, as well as attend to any special needs of specific populations such as those who may be further disadvantaged by a manifest disability and/or other known risk factors such as adverse economic circumstances.

The UK model, framed by the Special Educational Needs Code of Practice (1994) under the Education Act, sets out the processes aimed at enabling students with special educational needs (SEN) to:

- reach their potential,
- be fully included in their school communities,
- make a successful transition to adulthood.

Under the Code of Practice, access to additional learning support, at all ages, is prescribed by a five stage approach to identify, recognise and accommodate students' SEN (Johnson & Peer, 2002; Nicolson, et al., 1999). This model would bypass the learning difficulty / disability debate and set up consistent guidelines for all students, including those who present with manifest disabilities and/or other disadvantaging external factors.

According to the legislation: "A child has special educational needs if he has a learning difficulty that calls for special educational provision to be made for him. A child has a learning difficulty if:

- a) he has significantly greater difficulty in learning than the majority of children of his age,
- b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age within (the school district).

The definition of SEN does not require that children have fallen behind before we know they have a 'significant difficulty in learning'. There is plenty of evidence of a dyslexic child's underlying difficulties in learning long before they have fallen behind.

The Code of Practice for the Identification and Assessment of Special Educational Needs is issued by the government to advise schools...on principles and procedures to help them fulfil their duties ... The Code emphasises just how important it is to identify SEN early in a child's school career. It is too risky to 'wait and see if he grows out of it.'" (Johnson & Peer, 2002).

"A critical factor in achieving successful outcomes for students is that teachers have the belief that all students are learners with the potential to achieve. When (governments at all levels and) school communities act on the implications of this belief and accept responsibility for the educational outcomes of all students, successful learning for all in their care is more evident" (1999, NSW DET, *Learning Together*. p.6)

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Over: *References*

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