

Disability Action

Submission

to the

Inquiry into the

Education

Of

Students with Disabilities.

Inquiry into the Education of Students with Disabilities.

The following submission is based on a public forum attended by parents of children with disabilities, students with disabilities and advocates working with and on behalf of students with disabilities. It is also based on the experience of individual advocates working with and on behalf of students with disabilities and their families in the quest of ensuring better educational outcomes.

The submission includes the perspective of both children and adults in the education system. We have commented against the terms of references for both children and adults in that order within the text for each term of reference.

The submission is premised on the value that students with disabilities and their families have the right to choose mainstream education options and be supported to do so. We acknowledge Inclusive Education as the ideal and acknowledge several frameworks that best reflect Inclusive Education principles these include the Salamanca Statement, UNESCO 1994 and Education for All 2000.

Disability Action believes that Education is one of the most significant life domains for people with disabilities. Education is the key to the acceptance of people with disabilities as a part of mainstream life and a key to the life expectations of people with disabilities. Education is crucial to success in employment and future income and the development of a healthy self-image in adulthood. The schoolyard is a microcosm of a future generation. A school that accepts children with disabilities teaches future generation's acceptance of diversity and difference. The schoolyard can be a role model of diversity and deconstruct the social construction of disability as "other". Inclusive education will ensure that future generations will be more inclined to see disability as being part of life and less inclined to accept and perpetuate systemic discrimination against disadvantaged citizens.

Disability Action also believes that the inclusion of people with disabilities in mainstream education provides a litmus test and a model for the inclusion of other disadvantaged people. We believe that if you can get it right for people with disabilities then you will get it right for all citizens.

We have not attempted respond to all of the terms of reference as we have limited our response to the experience of the parents and students that attended the forum and our own experience as advocates. The submission is also a comment on the experience of students with disabilities in South Australia.

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

(1) the criteria used to define disability and to differentiate between levels of handicap.

Disability Action accepts that there will always need to be some emphasis on diagnosis and incapacity for the development of funding models that can most efficiently and fairly allocate resources to those children who need them. We are concerned however that an emphasis on disability can lead to exclusion and an overemphasis on incapacity and “difference”.

An emphasis on diagnosis can lead to exclusion. An emphasis on diagnosis tends to exclude invisible disability, learning disabilities and disabilities where diagnosis is problematic. Learning disabilities are resourced differently from visible and obvious disability in South Australia. In a context where resources are tight this can often mean that the very real educational needs of a child with a learning disability can be missed or ignored. This is particularly the case where curriculum planning systems are resource driven.

The curriculum planning tool used in South Australia, the Negotiated Curriculum Plan (NCP) is too often resource driven. NCP's are often presented as a “done deal” based on the availability of resources. There is a lot of subjectivity in determining disability particularly learning disability when it comes to meeting the educational needs of children with disabilities. A child with a more subtle or undiagnosed disability is likely to be passed over for resources for children with more manifest educational needs. Alternatively there is a pressure to find a label and even to exaggerate disability to find resources. A system that encourages disability and difference to meet a child's need is fundamentally flawed.

The most critical problem with an emphasis on diagnosis is that it distracts from the educational need of the child. We said at the outset that schools should be role models of the acceptance of diversity and difference. Schools are in a unique position to be the vanguard of the deconstruction of disability as “other”: Rather than a focus on disability and diagnosis educators should be able to recognise when a child is having difficulty and respond to the child at an individual and personal level. The needs of children with disabilities should be treated as part of a continuum of differing and divergent needs of all children. An emphasis on need would minimise the chance of children falling through the gaps (because they lack a diagnosis or have invisible or subtle disability), reduce wastage by minimising the chance of children being over serviced and would move the focus away from the child's label of disability and difference.

An emphasis on need would involve the refocussing on educational and teaching needs, the quality of teaching and the systems that distribute, manage and monitor resources. The issue of quality teaching is principally about the ability of teachers to teach to diversity and the attitudes that educators and other professionals involved in the support of students with disabilities. As we note later attitude is the major source of discrimination in the education system. Teaching to diversity is a technical skill that can be learnt but without a genuine commitment to diversity and, in the case of disability, a commitment to inclusive education no amount of teaching skills is going to make the school a welcoming and accepting environment.

The management and distribution of resources issue is an issue at both the micro and macro scale. That is, it is about how resources are distributed within a school and between students and how funding is determined at a state and regional level. A shift of funding models to refocus on need would have implications for how overall funding for students with disabilities. A

refocussing on need would require some form of cost impact study to determine the overall level of cost of such a focus and so as not to disadvantage regions, schools and students currently in the system.

An emphasis on diagnosis rather than need can also lead to the inappropriate application of teaching and management methods. Behaviour management issues are a case in point. The overlap of all of school behaviour management strategies to children with certain types of disability can not only be ineffective but counterproductive. The child's disability may well preclude behaviour management strategies applied to other children in the school environment because the strategies are predicated on the child's understanding of consequences and cause and effect. Strategies such as suspension, exclusion and take home can only reinforce behaviour management problems for children that find school a hostile and unwelcoming environment. Discipline needs to be appropriate to the child.

In regards to older students in the TAFE system and at university the disclosure of their disability is a concern. Many students with invisible disabilities and especially with mental health problems fear that their disability may pose a risk to finish their education and have a chance to get a job. They would like to be able to have their disabilities taken into account without it being disclosed to all and referred to unnecessarily in front of other students.

Problems arising from non-disclosure are wide and varied but the most important effect is the accumulation of HECS debts and problems with AUSSTUDY payments when students fail their subjects due to their inability to attend all lectures.

Disability Liaison Officers in universities and TAFE are not always there to support the person with a disability but several participants in our consultations had the impression they were there to protect the university from disability discrimination claims by students with disabilities. In other words these Liaison Officers were representing the interests of the institutions, putting limits on resources or defending discriminatory practices rather than representing the interests of the students with a disability to the institutions they worked for.

Regarding the situation with private training providers the agency has on occasions received complaints from people with disabilities who were unable to even access the offices or training rooms of some of the providers. Although these organisations are not exempted from the DDA they are often completely unaware of access problems besides those physical access problems. Especially in regards to providing materials in big print or in alternative formats, providing for alternative assessments in cases where people do not have the ability to concentrate for too long or face other barriers, and even in regards to providing distance learning as an alternative to in-house learning, private training providers often fail to prevent discrimination against people with disabilities.

The lack of awareness amongst some of the lecturers at TAFE and in universities, as well as in the private sector is obvious in regards to mental health and psychiatric disorders. Professional development for adult and higher education personnel has to include awareness training in identifying barriers to learning and solutions for people with disabilities.

There are not only physical access problems to overcome, but discrimination in the learning environment through teaching methods, the provision of learning materials, methods of assessments and the flexibility and culture of inclusively on campus. All of these aspects deserve more skill development in the training of adult, vocational and higher educators.

(2) The accuracy with which student's disability related needs are being assessed.

There must be appropriate and timely assessment of need by appropriately qualified and experienced assessors and trainers. The role of the parent as an expert on their child must also be recognised and supported. The tool used to ensure access to the curricula in South Australia is the Negotiated Curriculum Plan (NCP). The NCP is a planning tool that is used by principals and other senior school personnel to identify the disability related needs of the child and document the required strategies. The parent(s) are engaged in this process (the negotiated part) of determining the appropriate resources required to meet the educational needs of the child. The NCP is usually negotiated at a meeting involving the parents and the key school personnel, usually involving the principal and any other professionals that have been engaged in the assessment or the support of the child (OT's, Speech Therapists, SSO's). The meetings can sometimes involve up to a dozen para medical and educational professionals as well as the parent. Generally the more people involved the more problematic the accommodation of needs for the child in question.

The NCP is a valuable process for engaging all relevant parties in identifying and attending to the educational needs of the child. It is also an important communication tool which, among other things, provides a documented commitment from the school to allocate resources to the child's needs.

Unfortunately the experience of the NCP's in South Australia is that they tend to be resource driven. Availability of resources is often the starting point of the negotiation, rather than the child's needs. Furthermore many parents complain that the NCP is often not honoured. Many parents have been praiseworthy of the NCP process and document but are dismayed at the lack of implementation and are powerless to do anything about it. Parents have little recourse when NCP's are not honoured and do not have the financial resources to pursue the issue through contract law.

Parents are frequently not appropriately engaged in the NCP process, in its development, monitoring and review. The NCP is usually developed and reviewed annually and this may be the only time that a parent has anything to do with the process. Parents frequently do not know what the NCP process is about and have no knowledge of their rights in the process and the choices that they may have both in policy and in law.

Disability Action believes that parents are the lynchpin to the success of the NCP process. Parents need to be recognised as having expertise around the support needs of their child. Parents need to be empowered in the NCP process through knowledge of the process and their rights, through genuine acknowledgment and engagement in the process by educational and para medical professionals and through access to effective advocacy support. There is currently not sufficient support for parents to understand the NCP process and how progress is monitored and measured.

Communication is often a key to the effective utilisation of the NCP process. Parents need to be listened to and their opinions and input respected. Parents need to be included in a partnership with the school and the teaching professionals and support staff. Behaviour Management strategies utilised in the school need to be utilised by parents and families in the home. There needs to be an open dialogue between parents and schools. Parents need to be kept informed about their child's progress in the school environment and how their child is progressing through the strategies identified in the NCP.

Adult student's needs are often not assessed at all. Students join a campus and have to ask for support if they need it.

Adult students have complained about the way their confidential disclosure of their disabilities has been handled. Our participants regarded it as unnecessary to have to disclose psychotic episodes as at times these may influence the student's future career opportunities.

(3) The particular needs of students with disabilities from low socioeconomic, non english speaking and indigenous backgrounds and from rural and remote areas.

Disability Action has not had a lot of experience of students from non english speaking or indigenous background as other more appropriate agencies work with this group of people. Generally people from low socio economic background find it more difficult to access information on the rights of students with disabilities and resources to assist families to make informed decisions about school resources and programs. This agency's experience is that parents from a higher socio economic background are more likely to consider mainstream education a viable option for their children and are more likely to be aware of their rights and engage in advocacy support.

Participants in our consultations about the adult education system mentioned that there was not enough promotion of the fact that one can study even if one has not matriculated. This message has not reached people from low socio-economic background and also not those from non-English speaking backgrounds.

For people with disabilities from a low socio-economic background it is especially difficult to access TAFE or private providers' vocational education courses. People with disabilities clearly incur higher costs as a result of their disability. At the same time their ability to create income is mostly limited to social security benefits, which even with careful planning do not provide for a savings plan. TAFE and vocational education outside of universities would give students with disabilities a real chance to enter the workforce as specialists.

Although there is a similar option as HECS to pay your TAFE fees off, that does not encourage people on a pension to take up this kind of education. Pensioners are, as the unemployed, rarely able to repay debts from their pensions, therefore very reluctant to take on debts. And contrary to HECS fees, which are repaid through the income taxation system when someone earns above a certain level, TAFE fees will have to be repaid, regardless of whether one has entered employment or not.

All fees for education for people with disabilities should be only repayable in a similar way as HECS fees. Adult and higher education needs to be supported by maintaining the book allowance and enable people in some ways to pay their other fees associated with study, such as union fees at universities, which pay for facilities such as computer rooms, cafes, leisure facilities for students at universities.

(4) The effectiveness and availability of early intervention programs.

Adult education has not got any early intervention programs, other than those programs geared towards all students to introduce them to the university or study skills.

Participants thought that graduates with disabilities should be encouraged to mentor younger students with disabilities to pass on some of the knowledge of the struggles they went through during the course of their studies. Such a mentor program would certainly be an effective early intervention program for students with disabilities. It would ensure that services are effectively used and widely known to students with disabilities.

(5) Access to and adequacy of funding have and support in both the public and private sectors.

As a general rule parents have indicated that there are not enough School Support Officer (SSO) hours available to children with disabilities in mainstream schools. They have also indicated that there is not adequate knowledge of how to access resources for children with disabilities, for both parents and schools. The NCP process focuses on the local school (usually the principal) having the knowledge of resources available to schools to support children with disabilities in both the community and public sector. Schools (principals) often do not know what is available to support students with disability because the services/programs are diverse and fragmented. Disability Action several years ago engaged a student on placement to research the variety of resources that could be utilised to support children with disabilities to include in a resource guide for parents. We found that there was no "one stop shop" that could facilitate easy access of information for a parent or a school. This is exacerbated by the fragmented nature of resources which can be accessed across a wide range of providers and sectors, state and local government, NGO's and private sector, disability or behaviour management specific, across disability and education sectors, disability and medical, disability and mainstream.

The NCP process is weakened if the principal and the parents are not aware of the range of supports, how the supports might support a child's learning needs in the school environment and how to access them. In many cases a principal may have no previous experience with supporting students with disability. In such a situation how can a principal or school pull together sufficient and appropriate resources? Parents often become aware of the resources available in the community to support children with disabilities through networking with other parents and families with students with disabilities. While this is not in itself a bad thing, it can put parents in conflict with under resourced and uninformed schools and can lead to assertive families being labelled as "the problem". The label of "the parent from hell" is not uncommon for parents that attempt to get the best deal they can for their children.

Parents are also concerned about the broader question of the value of education and of teaching as a profession and the impact this has on both funding of schools and the wages of teachers and SSO's. The integration of children with disabilities into the mainstream school system is happening in a context of rising class sizes and a devaluing of the teaching as a profession. It is obvious that the larger the class size the less individual attention to students with more challenging educational needs. Parents are supportive of the notion of a capping on class sizes.

Funding for support services for people with disabilities in universities must be inadequate or possibly mismanaged.

All participants wanted to see an independent Disability Services Office at each university. If there was funding for support services and disability liaison officers in universities, they used the money to defend their own interests, but rarely to provide the required service.

As far as we can assess there seems to be no funding available for disability support in adult, vocational nor in community education programs. At least not included in the funding for main stream programs. While there may be a provision to include a broad range of disadvantaged groups, the funding only provides for the delivery of the training program, not for the extra costs of including students with a disability (other than in Capital Works).

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

There is no funding to include people with disabilities and their special needs in adult literacy programs, which already has minimal funding and works predominantly with the help of volunteers. There are some specifically directed courses for people with disabilities at TAFE, yet these are not inclusive, ie. not 'mainstream', and they cover the lower range of courses. These programs merely aim to bring people with a disability up to a certain educational standard.

While many TAFE institutes accommodate people's access needs, they sometimes lack the flexibility in delivery of learning, due to a lack of funding, (eg development of learning materials or on-line formats). This can lead to a restriction of delivery of education to class room attendance only. The facilities are there, but lack of funding prevents TAFE making full use of their opportunities.

Most adult vocational funding does not include extra funds to cover the costs of alternative materials and methods of delivery. Each time government funding is provided an extra amount should be marked for the promotion of an inclusive learning culture, the development of alternative learning materials, the enhancement of accessibility of space, print and web based materials, and the position of a Disability Services Officer.

(7) teacher training and professional development, and

Attitude is the principal source of discrimination in the education system. While we consider the provision of adequate funding to support students with disabilities crucial to the elimination of discrimination, we believe that no amount of funding can effectively overcome a lack of commitment to and understanding of inclusive education. If principals, teachers and student support officers do not have a commitment to the inclusion of students with disabilities in the schools it will not happen, regardless of funding. It is apparent from Disability Action's experience that the school principal is critical to this process not only because the principal is generally in control of the inclusion processes (NCP process, knowledge of or access to resources) but because the principal has a significant affect on the culture and value base of the school.

It is critical is that resources go into providing training to principals and teaching staff on disability awareness and inclusive education. Teaching professionals need to examine their own values and be prepared to be challenged as to how their own values mitigate against the acceptance of disability in the school. We are talking about a social change strategy in the classroom that will hopefully expand into the wider community with the development of future generations exposed to acceptance of diversity and inclusion.

The second critical training area is to give teaching professionals the technical skills to teach to diversity and inclusion.

A third area of training would be for the parents of students with disabilities. Parents need to be empowered to expect inclusion as a viable option for their children. They need to understand what resources are available and what processes are designed to facilitate inclusion. Parents need to understand how the curriculum planning process works to understand their child's progress through the curriculum. They need to be included, as part of the process of the inclusion of their children into the school environment and this requires their empowerment through knowledge of process, rights and resources.

As we have stated above we believe that education is critical for the wider long term inclusion of people with disabilities. If children see disability as being part of a human continuum of diversity

and difference and accept this, they will carry these values into adulthood to the benefit of everyone. Teaching professionals are a critical role model of these values and need to carry and exhibit these values practically in the way they teach and the way they interact with children with disabilities and those without.

In relation to Adult education all registered training providers should, as part of their registration process, be required to show evidence that at least one person is trained in disability awareness and access issues. All university lecturers should, as part of their induction, be trained in disability awareness. This kind of training should include the effects mental health problems and psychiatric disabilities have on student's performance, plus a range of other 'invisible' disabilities.

Each larger campus with more than three hundred students should provide an independent disability counsellor, which works as an advocate on behalf of the students, not on behalf of the institution. Therefore the funding for this position should come out of disability services funds, not out of the educational institution's funds to avoid any potential conflict of interest.

(8) the legal implications and resource demands of current Commonwealth and State and Territory; and

Disability Action would recommend that the Inquiry consider the implications of the Disability Discrimination Act (DDA) on Education institutions and State Government Departments. In South Australia the State Government applied for and received exemptions from the DDA in 1999. These exemptions allow the Minister for Education in South Australia to direct a child with a disability to a special school. This is the ultimate "weapon" for schools faced with significant accommodation issues around students with disabilities. The institutions have the ultimate right to discriminate against a child on the basis of "best interests" (whose best interests?) and significantly disempower the student or their parents in the process of negotiating their integration into the mainstream. We are concerned that resources will govern decisions over what constitutes the child's best interests. Clearly it is not in the best interests of a child who is inappropriately supported in a mainstream school as a result of lack of resources to remain there.

The review should also consider the implications of the Draft Disability Discrimination Act Education Standard currently being developed by the State and Commonwealth Governments along with the DDA Standards Project. We believe that the Draft DDA Education Standard will go a long way to eliminate endemic discrimination against students with disabilities. We believe that draft standard is very likely to be accepted by the Commonwealth Government and could possibly be before the parliament by the end of this year.

While significant resources may be needed to enable all people to participate equally fully in Australia's educational opportunities, there is also significant resource of human potential. Stephen Hawkins is just one example.

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

The Commonwealth needs to ensure an equitable distribution of funding to the States and Territories, which also takes into consideration the specific needs, contexts and legislation in each jurisdiction. While each State government should have the right to pursue its own

programs the Commonwealth needs to maintain a national perspective which recognises the Disability Discrimination Act as the “final word” in the integration of students with disabilities.

Disability Action would endorse recommendations of the South Australian Ministerial Advisory Committee Students with Disabilities “Effective funding for children and students with disabilities—towards a new practice” Reflections and Recommendations November 1997. In particular recommendation 1.

“Develop mechanisms which promote equitable and effective distribution of Commonwealth funding to states and territories which accommodates sector and state and territory contexts and legislation, but promotes consistency in the development of allocative mechanisms based on teaching needs of children and students”

It is the government’s role to enforce the Disability Discrimination Act and to put into place all procedures, monitoring bodies and independent committees needed to fulfil this task. Resources provided to the Human Rights and Equal Opportunity Commission seem to be inadequate when looking from our agencies’ perspective at the task at hand.

A review is urgently needed in regards to how the adult and lifelong learning providers fulfil their obligations to the Act. Again it should be the responsibility of the government to put mechanism and human resources into place to ensure that all people with disabilities have a chance and access to lifelong learning.

Government income support policies do not support further study and the lack of funding in disability services prevents many to be able to commit to a tight time schedule. Carers and access cabs are late, communications like letters, may not be read or received, a person with a disability may not be able to respond on a phone, etc. Here it could be the role of government to ensure more flexibility and diversity in delivery of programs and provision of accessible learning materials.

Of greatest concern to participants was that at times government policies make it hard for people with disabilities to participate. One of those policies is the ‘Stature of Limitations’ which prevents students with periodic ill health from withdrawing without fail after a certain date in a semester. A student who may have performed well up to the date and saw no need to withdraw, may experience a psychotic episode after the date withdrawal without fail was possible, or someone may miss all that time due to increased pain or other worsening of their condition. A fail can result in exclusion from a course, and it often results in having to repay AUSSTUDY, if the student was on that form of payment.

All government policies, especially the social security system, ought to be reviewed in regards to how some of the policies lead to direct discrimination on the grounds of a disability a person lives with.