

Submission to the Senate Inquiry into the Education of Students with Disabilities by the Education Working Party of the Disability Advisory Council of Victoria.

The Disability Advisory Council of Victoria (DACV) aims through its work to inform the Minister for Community Services, other Government Ministers and departments, business and the community about issues for people with disabilities. It identifies strategies and approaches that will work across government and the community to improve access and participation for people with disabilities. Its education working party aims to:

- Increase participation levels and success of students with a disability within government and non-government mainstream education.

In preparing this submission the DACV Education Working Party notes the following as a focus for discussion about education of students with a disability. The Adelaide Declaration on National Goals for Schooling in the 21st Century 1999 states: '*schooling should develop fully the talents and capacities of all students*'. In addition schooling should ensure, '*the learning outcomes of educationally disadvantaged students improve and, over time, match those of other students*'.

The DACV Education Working Party submission aims to raise issues of relevance for students with a range disabilities and at all stages of education from early intervention through to tertiary education, including post compulsory education and training.

This submission addresses the key areas outlined in the Senate Inquiry into Education of Students with Disabilities terms of reference. The submission draws on the experience and expertise of the DACV Education Working Party and the advice of an experienced Guiding Group working with the working party.

1.(a) Adequacy of Current Policies and Programs

As stated below, there are a number of concerns about adequacy of current policies and programs. It is hoped that the Senate Inquiry will find that the role of a federal government is to provide leadership and guidance to the Australian community. As a consequence of this determination the Senate Inquiry may recommend that the Commonwealth Government review current policies and programs in relation to learning support for people with a disability in education in concert with the State Governments and Territories. It is further hoped, that this may lead to a consistency of approach to learning support for people with a disability throughout Australia. The final Disability (Education) Standards may also provide some support for this standardised approach to disability in education.

(i) Definition of Disability

The definition of disability is vexed and sometimes leads to confusion amongst various practitioners. The World Health Organization definition is generally reflected within the Disability Discrimination Act (1992). There are many other definitions that either focus on the medical condition or on the impact of the disability of activities of daily life.

The fundamental issue is a lack of consistency across Australia. It appears that each State and Territory holds to a slightly different definition of disability. This is further complicated by legal processes that have widened the definition of disability through interpretation of the Act. The most recent example of this is the recent inclusion of addictions as a disability. This new interpretation of the existing Commonwealth laws may lead to confusion amongst people providing disability support and a further dilution of already limited resources.

Another area of concern is the artificial separation between Specific Learning Disability and learning difficulties (literacy). For educational institutions providing learning support to people with a Specific Learning Disability the issue of definition has become important. Traditionally there is a recognised standardised battery of psychological tests used to define people with a Specific Learning Disability (WAIS). Recently increasing pressure being placed on services to meet the needs of students who are having learning difficulties, based on literacy issues but who do not show up as having a disability under the standardised tests.

There needs to be a single accepted definition of disability that is accepted at all levels of government, State and Commonwealth which would enable easier movement of students throughout Australia and would assist in fairer distribution of funds from the Commonwealth. The Senate Inquiry could look towards the work being done by the Australian Institute of Health and Welfare on a definition of disability to be in line with the World Health Organisation definition.

To summarise, the key issues are:

- There has been unsustainable growth and increasing pressure of numbers of students with disabilities seeking support;
- There are inconsistencies in the levels of disability of people currently funded because of changes in integration programs and policies over the years;
- There are widespread inconsistencies across states in resourcing, definitions, and outcomes
- The worldwide trend of improved diagnosis, the lessening of the 'stigmatisation' of disability have also led to an unexpected growth in demand for services; this is seen in requests for service from a number of non-traditional disability areas such as Asperger's Syndrome, Attention Deficit Disorder, Oppositional Conduct Disorder, Language Disorder, Chronic Fatigue Syndrome and Acquired Brain Disorder and learning disabilities.
- Students identified as having learning disabilities are not funded in Victorian schools except as 'special educational need' with no requirements for school accountability to demonstrate any kind of student academic progress at this time.

(ii) Assessment of Disability

Currently the assessment of students with a disability is left with the student's individual medical practitioner or psychologist and this in turn is reviewed and interpreted by the appropriate officer or department. In the compulsory sector the Education Department has developed a systemic approach to managing and funding students with a disability in that system.

The historical basis of the development of the funding levels was set in terms of hours of aide time, and this is no longer relevant and far too expensive. Educational need should be based on what is required to achieve the goals of the individual not on a pre-determined formula allocating a notional amount. Educators tend to expend energy on assessing against the eligibility criteria for aide time rather than educational need and support required to attain educational outcomes. Insistence on using a formula also ignores the fact that individuals have different needs in different settings. There should be less money in the individual funding levels, there should be more levels, and the funding levels should embrace a wider disability group.

Assessment and diagnosis are too closely linked to the allocation of aide time which as noted above can lead to the specific learning needs of the student based on their disability being overlooked, as long as they have an aide the educational institution has been seen to have done its job.

Another trend in Victoria is late diagnosis of a students' disability. Often the issue is not raised until the child is beginning primary education – this is often very difficult for the family and raises concerns about the lack of early intervention and its known success in assisting young children with diagnosed developmental and other disabilities. This is also an issue when students entering secondary education are assessed as having a disability when this hasn't been picked up earlier in their education. A myriad of emotional, social and education issues emerges for the teenager at this time and their family. This issue relates to training of educationalists at all levels about the broad range of disabilities that can effect a students learning ability, to assist in early and timely diagnosis and assessment.

In the tertiary sector the officer responsible for assessment is usually the Disability Liaison Officer or Disability Services Officer. In this sector research papers have been developed through the Cooperative Projects that address the interpretation of the impact of a particular disability on tertiary learning which guide the determination of Disability Liaison Officers. Although much leeway is given to the individual designated officer in interpreting medical reports in relation to the impact of a particular disability and the required learning support for that individual.

In the tertiary sector professional groups representing Disability Liaison Officers have, for several years, been discussing developing a process of professionalising which includes registration and minimal standards for DLO's in order that some national consistency can be expected. It is important that government recognises the contribution made by DLO's in the overall learning support for students with a disability.

The issue of disability assessment will become more complex with the introduction of Disability (Education) Standards, which is due to be finalised during 2002.

In summary:

- Assessment and diagnosis should focus on the students learning needs and not be so closely associated with eligibility for aide time

- There needs to be consistency in States and Territories on processes for diagnosis and assessment to ensure fair and equitable resourcing
- Responsibility for assessment currently rests with a range of people depending upon the educational institution being entered by the student – this can lead to inconsistent approaches and outcomes
- The range of disabilities identified has broadened. A number of these require specialist assessment which can be costly but is vital to the individual attaining appropriate recommendation in relation to their learning needs and specific approaches and supports that will assist the student to learn. Often the cost of these types of assessments rest with parents.
- Educators at all levels need to be trained in the identification of a range of disabilities to enable early identification and timely support for the student

(iii) Needs of students with a disability from low SES, NESB, indigenous and rural and isolated areas

All students with a disability have similar issues that should be treated equitably across all groups. The specific areas of low SES, NESB, indigenous and rural and isolated areas may need the provision of additional supports. Of particular concern is the area of indigenous students with a disability. It is clear that there are a substantial number of indigenous students with disabilities, including those with sight and hearing impairments; it has been difficult for institutions to attract students from this cohort into the tertiary system. There is a need to develop financially supported programs that attract prospective students from the traditionally under represented equity groups who are often doubly disadvantaged.

(iv) Early Intervention Programs

There has been a dismantling of early intervention programs within Victoria which has lead to many children who would have previously be eligible for early intervention not receiving it at the levels previously available. It is encouraging to see in the recent Victorian State budget \$12 million has been provided over four years to improve access to pre-schools for children with disabilities and that supported inclusion funding is to double for children with a severe disability. It is noted that 4,500 children will also now benefit from enhancement to the preschool field officer service. These initiative will go some way to rebuilding what was in the past a strong early intervention service. There is a large body of research that supports early and intensive intervention for children with a range of disabilities resulting in improved learning and social opportunities within the mainstream primary school system.

(v) Access to and adequacy of funding for students with a disability

Access to funding and adequacy of the funding from early intervention through to post school education is an ongoing issue for educators, families, educational institutions and government departments. Parents report anger and frustration with a system that requires regular assessment and re-assessment of their child to ascertain their level of support needs often annually and always in transition from one educational institution to the next. There is little flexibility and a real focus on

the deficits of the individual to access the limited funds available leaving little room for the individual, their family or educators to highlight the benefits of funding support in the attainment of skills and knowledge. Funding formulas and eligibility criteria change regularly leaving families confused and disempowered when it comes to advocating for what their child needs. Gaps in funding seem to be inevitable with educational institutions or families having to pick up the tab. Schools are left to manage the levels of support they are provided with, often having to pool resources to ensure each individual is able to get a fairer level of support. This is directly due to students not being able to get the level of funding they need.

The following examples in the TAFE and Higher education systems highlight these issues. In Victoria there is \$1.7 million that is designated for the support of students with a disability in the TAFE system. In 2002 there has been \$5 million of application by submission for this fund, meaning that TAFE institutions can look towards less than 35% of their submissions being met. The remaining costs will be met by the individual institution's internal budgets.

Until this year there has been no funding from Commonwealth for the university sector this is apart from the Higher Education Equity Funds (HEEP) that is required to meet seeding funding for the five equity groups. For 2002 the Commonwealth has introduced a retrospective fund source that meets a proportion of 'high cost' student support within the university sector. This fund is likely to be inadequate to meet the needs of this student cohort.

It is generally accepted that there needs to be an apportioning of funding responsibility between Commonwealth and State Governments as well as the individual educational institutions. At the present the funding responsibility falls on institutions, governments are not taking on a full and reasonable liability.

In 2001 a series of national workshops and discussions led by the University of New South Wales through Ms. Yvette Devlin was held to review the funding of students with a disability in higher education. Several models of funding were discussed at a policy forum held in October 2000. The results of these discussions led to recommendations made by Ms. Jude Stoddart, Director, Equity and Diversity Unit, UNSW to the then Minister, Dr. Kemp. The current Commonwealth 'Draft Guidelines For Funding High Cost Support For Student With A Disability Attending University' appears to have evolved from these discussions. There is no indication from the current Guidelines what degree of annual recompense will be available to universities from this fund but it appears that the fund does not guarantee an equitable distribution of responsibility between governments and institutions.

In addition to these issues, students attending independent schools only have access to Commonwealth funding which is around \$3000 per year. This means there is no access to state funding so students with a disability who attend independent schools have limited access to the wide range of supports available to students who attend government schools. This creates inequity of access and participation.

In summary, the funding for students with a disability is fractured and insufficient to meet the needs. There is a need for a consistent approach that meets the needs of

students with a disability for learning support and apportions the responsibility for funding using a clearly understood formula.

(vi) The Nature, Extent and Funding of programs – Learning Opportunities.

This section of our submission focuses on the tertiary sector

As stated above programs within the tertiary sector are more the responsibility of individual agencies and institutions and not funded from government. In the past there were Commonwealth funds available for projects and research through the 'Co-operative Projects in Higher Education for Students with a Disability' a DEETYA Higher Education Equity Fund initiative. The national fund contained \$566,000 for the 1999 financial year. This fund ceased being available for this purpose in 1999-2000 when the funds were re-directed to the Regional Disability Liaison Officer initiative. The loss of these funds has been a major blow for research into most promising practices both nationally and internationally. Submissions for these funds were often made by a cooperative alliance between two or more institutions that worked together to improve an aspect of disability support. Disability Liaison Officer's have no obvious funding source available to them to take up projects and research into learning support for students with a disability. It is through research and the sharing of experiences that a vigorous sector can be nurtured and expanded.

(vii) Teacher Training and Professional Development

The ongoing education and training of teachers and educators across all sectors of education and from pre-service through to in-service must be addressed. RMIT University in Melbourne is currently looking at establishing a double degree in education and disability. These types of initiatives are important in addressing the lack of awareness and skills of preschool through to higher education teachers in the area of working with students with disabilities. The DACV education working party is willing to look more closely at what currently exists in Australia and internationally to identify some ways forward in these areas given that the current economic model places great stress on tertiary education institutions limiting the opportunities for them to progress this discussion into deliverable outcomes. There is a need for incentives to assist universities to look at teacher training with a focus on universal access and then to develop new pedagogy and curriculum. It should be that all teachers are properly equipped to meet the learning support needs of the diverse range of students. It should not be left for interested teachers to take on another level of training to become a 'Special Teacher'.

The DACV provided a detailed response to the Victorian review of educational services for students with special educational needs *Better Services, Better Outcomes in Victorian Government Schools*. Amongst other key issues including funding this review has identified the need for inclusiveness in all professional development for teachers. The initiatives mentioned in this review are supported by the DACV education working party.

(vii) Legal Implications and Resource Demands of Legislation

The Disability Discrimination Act (1992) has been a powerful incentive for all education institutions to provide appropriate levels of learning support to students with a disability. As a consequence of this legislation there has been an increase in

participation throughout Australia of students with a disability. Below are some figures highlighting these increased in the university sector.

Year	Number	%
1996	10,976	1.8
1997	15,019	2.4
1998	17,574	2.8
1999	18,084	2.9

*Source: DETYA *Equity in Higher Education*, 1999 and unpublished DETYA data

It is very likely that this increase is even truer of the Vocational Education and Training (VET) sector that tends to attract a large cohort of entry-level students. It is also very likely that the Bridging Pathways initiative will further increase participation of students with a disability.

The negative consequence of this increase in participation is the increased funding required to meet the learning support needs of students with a disability. Therefore the resource demands for learning support for people with a disability is constantly growing in an environment where there is a shrinking of the overall funding pie. This additional pressure on resources must eventually lead to pressure to 'gate keep' in an inadvertent attempt to minimize the costs for individual institutions. Therefore governments need to be cognoscente of the funding consequence of new and improved legislation.

(b) The Role of Commonwealth and State Governments

Develop a culture of cooperation and collaboration with the states through leadership and guidance so schools are accountable for all students in regard to:

- Transition planning and programs
- Fostering strong employment and social networks within the local community
- Career planning, work experience and workplace learning through VET courses where appropriate
- Provision of a Statement of Attainment provided which documents the achievements of the student in other accredited and school based courses if they do not complete VCE
- Be aware of the National Training System and the flexibility and inherent opportunities it offers to all students

There are many inconsistencies that exist between the level and type of support students may be eligible to receive from different government departments and at different levels of government. Many education programs are usually funded at a state level, however there can be quite different levels of funding available to individuals and the eligibility criteria can vary markedly. Thus students in one state/territory may not be able to access the learning assistance that they need in order to undertake tertiary educational activities in the school, VET or Higher Education sectors while it might be available in another state/territory. This can

make portability between the states and territories difficult as well as being fundamentally inequitable.

The role of both the State and Commonwealth Governments is to lead by example. The Commonwealth should be developing 'standards' that become a guide for all levels of Government. As an example of a standard by providing a definition of disability that becomes accepted as the Australian standard and can be equally used in schools or universities. One such standard is the Disability (Education) Standard. It is hoped that some consistency will be introduced to the education sector once the federal government has promulgated this standard. In order that standards can work it is also necessary for the Commonwealth State Disability Agreement (CSDA) to include all levels of education in its deliberations. It should be that the State Governments assist in developing the standards and once accepted implement the standards within their own areas of purview.

Another area of concern is the difference in the rules for students who need to study part time because of their disability and the consequent impact on Youth Allowance and those who are on AUSTUDY. The federal government needs to provide a degree of flexibility in order that this student cohort can complete education programs within their physical or psychological restrictions.

The final area that needs consideration is the needs of international students with a disability who attend educational institutions within Australia. The new Education Services For Overseas Students (ESOS) Act 2000 places a number of new restrictions on international students that will particularly disadvantage students with a disability. This is particularly true for those students who require a greater length of time to complete their program.

Recommendations

1. Appropriate assessment and support beyond individual support through the provision of integration aides
2. Development of a whole of schooling approach to students with disabilities to enable seamless transition, planning and appropriate and consistent intervention through the child's school life
3. Development of a consistent definition of disability across States and Territories along with a more common approach to provision of support throughout the educational lifetime of the student, including post school and higher education
4. A commitment to inclusiveness in all educational institutions and the development of skills and expertise in all educators from pre-school through to tertiary and TAFE
5. A move away from the development of "alternatives" to mainstream education by the provision of adequate support to mainstream to work towards educational outcomes for all students (e.g. the TAFE system is beginning to pick up the responsibility for educating young students who challenge the mainstream secondary education sector through provision of alternative years 10 and 11)
6. That a funding formula be accepted as a national model for funding students with a disability in education. Further, that the agreed model will share more

equitably the responsibility of funding learning support for students with a disability between the levels of government and institution.

7. A model is investigated to link career promotion in teaching with knowledge of the provision of learning support to people from equity groups gained through attendance at designated professional development.

Recommendations regarding tertiary education

1. The Commonwealth Government provides funding support for the National representative organization, Tertiary Education Disability Council of Australia (TEDCA Ltd.), to establish an Australia wide consultative process to develop a process for professional registration for Disability Liaison Officer's in the tertiary sector.
2. That Tertiary Education Disability Council of Australia be funded to liaise with groups representing Indigenous Australian with disabilities in order that a focussed response to their needs can be developed.
3. That State Governments be urged to take up a greater responsibility for meeting the funding requirements for learning support for students with a disability in the VET sector.
4. That the Co-operative Projects in Higher Education for Students with a Disability be reinstated with an appropriate funding level to increase research into most promising practices within Australia and international experiences.