

AUSTRALIAN COUNCIL OF STATE SCHOOL ORGANISATIONS

# 2015 Review of Disability Standards for Education 2005

Submission

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June 2015

Please indicate your name if an individual, or your organisation name if you are responding on behalf of an organisation

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Which of the following options best describes you/the organisation making a submission?

The Australian Council of State School Organisations is a peak community organisation and *the one voice for every child in public education*

Do you wish your submission to be treated as confidential?

No

The Australian Council of State School Organisations (ACSSO) is the one voice for every child in public education in Australia. As an organisation, ACSSO welcomes the opportunity to make a submission to the 2015 Review of Disability Standards for Education 2005

ACSSO is committed to access, equality, and equity of outcomes, excellence and participatory democracy.

It is ACSSO's position that all people have equal and inalienable rights of human dignity and freedom and rights to education and training to enable development of their abilities to their fullest potential.

Education is a key issue for children and young people with a disability and it is the right of every child with a physical, intellectual or social disability to the education, treatment and care required by their health needs, and to attend the educational setting of their choice.

ACSSO acknowledges the essential need to ensure the direct experience of students and families informs the reform process and has utilised its networks in the development of this submission.

The Standards were last reviewed in 2012 (commenced in 2010) and while the intent of the Standards was found to be still sound, it was acknowledged that there were gaps in the general awareness and understanding of their operation and effect by both parents and educators. The Review did find that there was a greater participation by students with a disability since 2005, when the Standards were introduced.

Some of the key findings of the review were that:

- General awareness about the standards is low across the community, including within schools, universities and other education sectors.
- Practical understanding of concepts such as 'reasonable adjustment', 'unjustifiable hardship', needs to be more clearly defined.
- It is difficult to obtain professional advice about the Standards.
- The process for students to make complaints is complex and cumbersome and there are few consequences for education providers that breach the Standards or fail to act on complaints.
- The lack of resources for individual support for students across all sectors makes it difficult for the Standards to be effectively implemented.

*It is ACSSO's position that these findings are still relevant in 2015.*

## *ACCESS AND PARTICIPATION*

The anecdotal information provided by families is that it often takes longer to enrol a student with an identified disability in a school. The documents or information, required to be produced before the enrolment is accepted, is requested under the guise of providing adequate and appropriate support for the student. Even after the relevant documents are provided the necessary support does not always occur.

There are additional difficulties if the student requires a physical alteration to the educational setting or if there is the need for additional resources. In relation to the physical changes to schools, usually the provision of a ramp, there are stories of ramps being built to allow access to the school building but there being no way that the student can enter the school grounds in order to use the ramp.

Some states have a library of resources but the documentation required to access a resource and the time taken between the application and the provision of the resource can often be extensive. In some cases, provision of resources may be dependent upon a report/ document from an external agency (in particular medical documents) and this takes time. The access to the medical service is particularly restricted in some regional and rural areas although even metropolitan residents have indicated the waiting lists for access to some services means it can be months between the identification of a need for a child with a disability, the provision of relevant documentation and then access to the needed resource. Changing technology can result in resources being quite dated by the time a child has access to it. There are also concerns about the maintenance needs of some equipment and the lack of provision of this maintenance or the time taken to provide a service. Again, it is more difficult to access such service for maintenance in some regional and rural areas

The Standards have supported the decision by many families to enrol their children in mainstream educational settings in order to ensure that their child has a range of academic and social experiences which may have previously been restricted to them. There are now more opportunities for adjustments/ accommodations to curriculum to enable students to access it. Educational facilities are required to recognise and address any services which are restrictive in nature including physical environment. The range of confirmed disabilities is constantly changing and there needs to be a constant review of the processes to ensure all levels of need are adequately catered for in educational settings.

The attendance of students with moderate to severe disabilities in mainstream settings has raised the awareness of other students in those settings. The level of integration of students with disabilities allows every student (able bodied and those with a confirmed disability) the opportunity to interact with someone who is different than themselves.

*ACSSO believes that parents:*

- *have the right to enrol their children at their local school with the aim of placing them in the least restrictive and most advantageous environment. This choice must be based on having been given full information about available options.*

- *have the right to be equal and informed partners in decisions about additional educational requirements to support the inclusion process, and to be involved at all stages on an equal and informed basis in decisions about curriculum planning and evaluation when enrolling students or determining individual education plans.*

The increasing recognition of mental health issues and their impact upon the lives of students is an example of a disability that is often not visible in the same way as some other confirmed disabilities but having the same restriction to allowing students access to the curriculum. The increasing number of students being confirmed as having a mental health issue, particularly depression and anxiety, have raised the awareness of this area and the acceptance of the fact that it can affect anyone at any time. School settings are now providing professional learning opportunities for their staff in the area of mental health to allow them to recognise and provide improved support to their students

### *KNOWLEDGE AND AWARENESS*

There appears to be a range of levels of knowledge of where a child with disabilities rights is covered. Although families know that a child has the right to access an education regardless of their disability, they are often not conversant with the Standards as a document. The families are also not necessarily aware of the extent to which they can push for the right to have their child enrolled in a school setting without the often extended time schools demand to determine how they will provide support for the child. There are anecdotal comments regarding the weeks it sometimes take for a family between the time they officially enrol the child and the date the child actually commences at the school.

Just as there is pressure on families to provide the necessary documents to support their request for educational funding/ support for their child, schools are aware of their need to enrol a child in their facilities with the most appropriate support option. Schools are less likely today to deny a child an enrolment, and appear to work more with the family and with educational consultants to provide the optimum support within the ability of their school.

There appears to be more consultation between schools and external agencies to identify and support the needs of the child with a disability. This is in recognition of the role that many agencies will play in the life of the child and in their role of supporting the family to identify and provide appropriate resources to extent the child's educational access.

Educational authorities have worked to develop and review processes that allow identification of the need to provide physical changes to schools to allow students access to school facilities. They commence the work earlier these days especially where a student is transitioning from one setting to another. There is more consultation with families and with external agencies to identify the necessary alteration to school structures.

Educational authorities are more flexible in their provision of resources. There is recognition of the ongoing research around best practice to support students with a disability and the need to acknowledge the resources/ services changes as well.

Many authorities are providing documents to families to explain the services they have available and how to access them. In these documents they are identifying the role of the

school setting but also the link between home and school as a positive relationship to provide the best outcome for the student.

No matter how clear a process may be, the success of it is dependent upon the actions and knowledge of those individuals who are working with it. There do not appear to be adequate examples of what is meant by the term 'reasonable adjustment'. This needs to be expanded with clear examples

Although there is an awareness of the existence of the Standards, there is limited understanding of what they actually say. Dissemination of the information which describes and explains these Standards as well as access to them when required would be beneficial for those working with them. These Standards should be available on the website of the Education Departments of each state. They should also be available on the website of each school within the state.

However, the existence of a set of Standards as a document does not mean that attitudes and experiences will be altered. Addressing the issue of discrimination, harassment or victimisation requires an ongoing educational program of acceptance and recognition of the extent of all types of confirmed disabilities in society.

There seem to be some improvement in raising awareness and increased understanding of the issues affecting people with disabilities. Some of this comes from early identification of confirmed disabilities in children and the improved access to early intervention services. There is also improved and ongoing research which has supported the need for awareness raising so as to provide the most appropriate support.

Despite the ongoing attempts to encourage people to identify and seek support for their learning needs based on confirmed disabilities, there remains a level of stigmatism which discourages individuals from identifying their needs. The younger the student, the more likely the family will be to seek support but as a student matures, the less likely they are to seek assistance. Part of this is a social/ peer relationship issue but there are also examples of students who have negative experiences upon which to base their decision.

There is a need to raise awareness that the standards include learning disabilities. Parents should also know that if a teacher in their professional opinion has assessed a child as having learning disabilities that child is then covered under the standard and is eligible for immediate and appropriate levels of educational support, until proven otherwise!

Affiliates have informed us on how this does not happen in reality, in that families are told to wait until a formal assessment/diagnosis is made (sometimes 6-12 months), or having to wait until funding becomes available, or service transition is implemented/occurs.

Not all parents are aware that Government funded education providers do not have the right to withhold support from a child or deny a place to the child as it is in contravention of the standards and given they are a public provider of service - are then open/liable to action through the discrimination act.

## UNDERSTANDING AND ADVOCACY

The Standards have supported the decision by many families to enrol their children in mainstream educational settings in order to ensure that their child has a range of academic and social experiences which may have previously been restricted to them. There are now more opportunities for adjustments/ accommodations to curriculum to enable students to access it. Educational facilities are required to recognise and address any services which are restrictive in nature including physical environment. The range of confirmed disabilities is constantly changing and there needs to be a constant review of the processes to ensure all levels of need are adequately catered for in educational settings.

There appears to be an increased acknowledgement of the need to educate students and staff on disabilities, their extent and the impact of specific disabilities on students and their access to the curriculum. There are more training opportunities for staff and particularly when a staff member has a student with a confirmed disability identified as being in their class the following year. This proactive approach to increasing staff knowledge is intended to allow for accommodations to the class program to address the student's needs.

The increasing incidence of identified mental health issues in the student body has resulted in the inclusion of programs in the curriculum to further educate students in this area. It is hoped this will assist in removing the stigmatism of mental health problems, allowing students to seek assistance when required.

## FUTURE IMPROVEMENTS

Disabilities recognised by physical symptoms or visual indications are obvious but there are increasing cases of acknowledgement of disabilities which have limited external indications that a person has a confirmed disability. Schools need to ensure that students with medical cases such as heart/ liver/ kidney problems, cancer, diabetes, some genetic disorders and mental health problems are recognised and not discriminated against by the expectation that their support needs are not as high as other students with confirmed, more 'well known' disabilities (Down Syndrome, cerebral palsy, spina bifida, moderate and severe intellectual disabilities, vision and hearing problems)

We note that in many pre service training intuitions there is a need to include disability education as a core topic, not as an elective. It also needs to be strengthened in the National Teaching Standard.

We understand that there are a number of jurisdictions to which training in special education is not a prerequisite for teaching special education classes -.

ACSSO's position is very clear:

- *In-service Education (as professional development) in Special Education teaching strategies should be available to all mainstream teachers.*
- *Appropriate ongoing professional development should also be available to-*
  - *Teachers appointed to positions with responsibility for Special Education students.*

- *Teachers whose teaching responsibilities change, to include students with a physical, intellectual or social disability.*

We continue to advocate for additional time and funding for teachers in regard special education – both specialist and mainstream classes. It is our belief that disability/special needs should be embedded in the way people think - through increased awareness, specialist training much the same way that OH&S issues are generally understood by people and accepted.

*We believe that early education programs must begin as soon as a disability is identified and these should be a continuum of suitable programs throughout the school life of that child. Funding must be provided to develop and implement programs which facilitate the early recognition of all disabilities and the development of appropriate learning programs.*

It is difficult to determine what level of child care service is covered by the Standards. While Pre-schools are mentioned, there are increasing numbers of children who are accessing child care services. It is obviously very important to ensure that this sector is adequately covered under the Standards as some families may use it as a short-term respite service and would like to be assured of the same level of acknowledgement of the requirement to support their child's needs.

There appears to be an absence in the current guidelines for importance of early intervention/assessment process. There also needs to be a greater emphasis on the importance of early learning/child care centres being acknowledged in the standards as there is currently very little support for parents of the very young special needs children in being able to place them in day facilities that support their needs – there is also very little awareness of and accessibility to many parents of the standards.



ACSSO believes there is a need:

- *to develop a system which records known breaches of disability education standards and informs the Department of Education and Training of these breaches. There should be a mandatory requirement that action be taken to address identified systemic issues of concern.*
- *to establish a national website and associated telephone service, which is independent of educational authorities, which provides information on the Standards, and school options for students with disability.*

### *OTHER COMMENTS*

Government failure to provide sufficient resources to government school systems can be seen as critical in the responsiveness of departments, schools and thence teachers to the needs of those with significant special needs.

We are also aware of a significant group in the population who because of socio- economic circumstances do not get the disability identified. Resources and needs on the ground are just so great that need remains unidentified and unaddressed. We are concerned that there is potential for the disabilities funding and resourcing in so far as it is available, flows to those who have greater political power.

Common discussion across the jurisdiction affiliates centred on the burden/onus being upon the disabled person or family to prove a breach of the standards rather than the standards providing a level of evaluation/monitoring that prevents breaches in the first place. There appears to be a double disabling nature of a system that requires the disabled person/family to be capable of negotiating it successfully rather than the system being enabling to its users.

It could be expressed that these standards are designed to tick all the boxes for users' needs rather than being focussed strongly upon protecting the rights of the disabled person.

- Schools appear aware of the standards but have not really read them. They have limited idea of the background, and advocacy groups see a gap between knowledge of the Standards and their application in the school setting.
- An improved educative process is needed around the Standards including providing examples to flesh out concepts. People are aware of the need to make adjustments but may need enhanced information on examples of adjustments.
- There is inconsistency across states which makes it difficult for students who move between states due to parental employment requirements (such as in the defence forces). There is little portability of funding between states including the national autism program.
- Zoning in some places has restricted the access of students to schools with specialist knowledge who are empathic to student needs. This can leave them feeling ostracized.

- It is difficult to identify some disabilities especially where ‘low support needs’ disabilities exist but a student may have multiple identified difficulties i.e. language/ communication problems, fine and gross motor skills difficulties, learning difficulties, minor medical problems. The combination of these needs can impact significantly on the student’s ability to access the curriculum.
- Parental trauma around the need to continually ‘tell their story’ especially when they move states or even schools.
- Early childhood facilities often have limited visible students with disabilities as those students with support needs are directed to specialist facilities which provide specialist personnel (OT/ Speech Therapists/physiotherapists). There is little integration and therefore few opportunities for students to interact with each other or for staff to learn how to support these students with a disability in a mainstream child care facility.
- Transition phases are always a problem although Primary schools appear to support these students better than High School staff. This process needs to be looked at further.
- Whilst ACARA has made excellent progress in the area of Curriculum, within the implementation arena it is structured for students with no disabilities. Indications are that it is still particularly difficult for students with intellectual disabilities to access the curriculum.
- Parental input through review processes is not particularly good. They don’t always appear to happen and again are more likely to occur in the Primary setting.
- Access to specialist services for identification or ongoing support is often difficult in some areas although different states have different systems.
- There needs to be a process of accountability for educational providers in relation to the standards. They appear to exist in a vacuum with little linkage to outcomes.
- Can a list of accommodations be produced and distributed to schools/ staff/ parents/ community?
- Professional development of staff is necessary at the pre-teaching level through to ongoing professional learning opportunities.
- What are the options for small/ rural/ regional schools?
- Education of the school community including students around disabilities and the Standards. Peer bullying is an issue so this may need to be linked to any bullying strategies.
- What is the process if the Standards are not met? States all appear to differ in their grievance procedures so does there need to be some consistent process developed? This also needs to include the education of students about where they are able to turn to gain support in the case of a grievance.