



**Submission in Relation to the
Inquiry into the provision of
education to students with a
disability or special needs**

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of New South Wales

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INTRODUCTION

The Federation of Parents and Citizens Associations of New South Wales (P&C Federation) is thankful for this opportunity to contribute to the Inquiry into the provision of education to students with a disability or special needs. The P&C Federation supports the position of individual educational and developmental needs to be met by a range of differential services expressed through appropriate and well planned curricula, programs and environments conducted by sensitive and well-trained personnel in conjunction with parents and families. It is essential that school staff, parents and the Governments work in partnership to ensure that the needs of each student in the Public Education system are met.

The core belief of the P&C Federation is that the education of our youth is the most fundamental means of ensuring individual and collective success and, as a result, our greatest national resource. This necessarily includes the ~91,000 students with a disability or special needs in NSW public schools.¹ In responding to this inquiry, P&C Federation was guided by the principle that the development of each individual student should be the basic concern in determining school organisation, learning experiences and evaluation methods.

TERMS OF REFERENCE

1. Equitable access to resources for students with a disability or special needs in regional and metropolitan areas

A problem faced consistently in rural areas is difficulty in accessing services, especially when compared to metropolitan areas. This is largely due to remoteness, which may limit access to some services, and low population density, which can cause difficulties in recruiting and maintaining an appropriately qualified workforce.² One reason for this is that people with specialist skills often do not stay in or are not attracted in the first place to non-metropolitan areas. These factors often lead to challenges for disabled students in rural areas that are distinct from those in metropolitan areas. For families of children with a disability in non-metropolitan areas, the lack of appropriate services can increase pressure to move to larger communities, or increase personal financial strain if they stay in their communities.³ Moreover, the National Rural Health Alliance (NRHA) has noted a Medicare shortfall of ~\$1 billion a year in rural areas, which reflects the lesser extent to which Medicare-funded services are available to people in such areas.⁴ Anecdotally, there are numerous cases of non-metropolitan families uprooting themselves from their family and community support networks to access services for their child, with one correspondent to P&C Federation reporting a family moving 800km to access a suitable support class for their child, and a disabled and special needs student in Year 12 being moved by a placement panel to a school that entails 90 minutes travel each way. The same correspondent also reported that some regional towns have four year waiting lists for autism diagnoses.

Several means exist to ameliorate this gap in services. For instance, the NSW Department of Education (the Department) has established networked specialist centres in regional towns to assist schools identify and provide support to students with special needs. The first centres opened in Tamworth, Wagga Wagga, Dubbo, and Broken Hill, and 15 of 20 are due for completion by 2017. Funds have been allocated toward enhancing the centres' operation, including boosting expertise available in these

¹ Figure based on NSW Department of Education estimates provided to Audit Office of NSW - see Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May, page 2.

² Council of Australian Governments. 2010. *2010–2020 National Disability Strategy*. Page 14

³ Dew et al. 2014. Rural Carers of People with Disabilities: Making Choices to Move or to Stay. *Research and Practice in Intellectual and Developmental Disabilities*, vol.1(1): pages 60-70

⁴ NRHA. 2016. *The Extent of the Rural Health Deficit*.

centres in areas such as speech, language and health care.⁵ As these centres are still in their infancy, direct data on their efficacy is not yet available. Nonetheless, they have promising potential to enhance services for children with disabilities and special needs in non-metropolitan areas, and we encourage the Government to evaluate their progress as a matter of priority.

Another avenue for improving disability services for students in rural and regional areas is the National Disability Insurance Scheme (NDIS). Rolled out in July 2016 with a view to operating state-wide by July 2018, the NDIS is not specific to schools, but it can be linked to education in the following ways:⁶

- assistance with self-care care at school, related to the participant's disability such as assistance with eating or mobility;
- specialist transport required because of the student's disability
- equipment that is transportable such as a wheelchair, personal communication device or a hearing aid
- specialised or intensive support to transition between schools, or from school to post-school options.

However, problematic factors have been noted with the implementation of the NDIS in non-metropolitan areas. The key challenge in such areas is that costs of services are proportionally higher with remoteness due to the relative scarcity of staff, greater transport costs and travel times between clients for staff, higher cost of establishing and maintaining infrastructure, and communication supporting the service of provisions.⁷ Evidence shows that small communities may thus have strong informal support networks for people with a disability, and may lack clear delineations between health, disability and aged care sectors due to small population. As a result, there is less systematic monitoring of people with a disability or support needs, since formal disability services are used less.

Equitable implementation of the NDIS requires recognition of this, but some provisions place unfair burdens on families in non-metropolitan communities. Section 2.3 of the NDIS rules for participants states that, in approving a participant's support plan, it should be considered whether it "*represents value for money in that the costs of the support are reasonable, relative to both the benefits achieved and the cost of alternative support.*"⁸ In areas where support costs are inherently higher, this rule risks excluding students with a disability at a disproportionate rate from receiving necessary support.⁹ P&C Federation urges the Government to explicitly recognise the higher support costs in some communities, and to allow for flexibility in support delivery determined in part by where the applicant lives.

There are also risks that local informal support networks in non-metropolitan communities may be lost in the transition to the NDIS. Section 1.3 of the NDIS rules for providers states that if a participant's funding is managed by the National Disability Insurance Agency (NDIA), supports must be provided by a registered provider;¹⁰ however, services in small communities are often provided by people who do not register as support providers, since it may not be their main source of income. For students with disabilities or special needs in non-metropolitan areas, this rule may result in loss of valuable local

⁵ NSW Department of Education. 2013. *Rural and Remote Education Effective partnerships and connections*

⁶ The National Disability Insurance Scheme (NDIS) Information for Schools. 2015

⁷ NRHA. 2013a. *Submission to Department of Families, Housing, Community Services and Indigenous Affairs on the proposed rules for the National Disability Insurance Scheme*, 26 March. Page 4

⁸ *National Disability Insurance Scheme (Supports for Participants) Rules 2013*

⁹ NRHA. 2013a. *Submission to Department of Families, Housing, Community Services and Indigenous Affairs on the proposed rules for the National Disability Insurance Scheme*, 26 March.

¹⁰ *National Disability Insurance Scheme (Registered Providers of Supports) Rules 2013*

supports because the providers are not registered. P&C Federation seconds the recommendation of NRHA that this rule “*should include flexibility for people living with disability in rural and remote areas who choose to have their funding managed by the (NDIA), so that they can receive care from local people or services that are able to provide timely, appropriate and good quality care although they may not be accredited disability services.*”¹¹ P&C Federation also encourages the Government to consult and establish effective partnerships with local services to ensure the NDIS rollout does not undermine effective disability supports currently present in non-metropolitan communities.

Other issues include how to identify people in remoter areas who are eligible for NDIS benefits, and ensure they are aware of their eligibility. It is unclear to what extent parents of students with disabilities and special needs are aware of the possibilities NDIS may provide, and the NRHA suggested utilising networks such as Isolated Children’s Parents’ Association (ICPA), school systems, Shire Councils, etc.¹² The NDIS is also likely to increase the need for speedier communication and information technology in rural areas, which increases the importance of high speed Internet in these areas. P&C Federation urges the Government to utilise opportunities offered by high speed Internet and other innovative technology to improve disability services provision to students in non-metropolitan areas.

2. The impact of the Government’s *Every Student Every School* policy on the provision of education to students with a disability or special needs in New South Wales public schools

The *Every Student, Every School* (ESES) strategy was launched in 2012 by the Department to provide better learning and support for the ~91,000 students with disabilities, learning difficulties or behaviour support needs in NSW public schools. The policy has five areas of focus, which P&C Federation has considered in turn:

- a) Professional learning for skilled and knowledgeable teachers
- b) Support for students with disability in regular classrooms
- c) Special Schools as centres of expertise
- d) Understanding and assessing the learning and support needs
- e) Access to information and expert support

Professional learning for skilled and knowledgeable teachers:

This area of focus seeks to enhance training of teachers who teach disabled and special needs students. One strategy to achieve this is the provision of 300 scholarships for teachers to undertake retraining to gain postgraduate qualifications in special education. This target has been reached, and there are ~3,800 teachers in NSW recorded as having special education qualifications.¹³ The Department also pledged to provide access for more teachers and other support staff to accredited online learning courses in areas of additional learning and support needs including: autism; behaviour; dyslexia and significant reading difficulties; speech, language and communication, and; motor coordination. P&C Federation is pleased to note that online teaching courses covering all these areas are now available, and local coordinators can match teachers with a trained tutor for these courses.

Another target is to “*develop and implement additional accredited professional learning to support teachers.*” The Department has developed two training modules on the disability standards, which informs teachers of their legal obligations to enact adjustments for students. A recent study by the NSW

¹¹ NRHA. 2013a. *Submission to Department of Families, Housing, Community Services and Indigenous Affairs on the proposed rules for the National Disability Insurance Scheme*, 26 March. Page 3

¹² NRHA. 2013b, *Discussion Paper on Issues relating to the NDIS in rural and remote areas of Australia*, 21 February, page 7

¹³ Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May

Audit Office found that most teachers (over 64,000) complete the first module, but considerably fewer (16,900) complete the second module. This gap should be narrowed to further improve teachers' overall knowledge of their responsibilities, and P&C Federation is encouraged by the Department's pledge to *"develop a strategy to build on the numbers of staff who have already undertaken training in the Disability Standards for Education"*.¹⁴

P&C Federation also commends the need for teachers of students with additional learning and support needs to have a recognised initial teacher education qualification, and a recognised postgraduate qualification for teaching students with additional learning and support needs, including in-school experience. However, teachers who do not meet these academic standards may be given flagged status; this applies when a teacher has a minimum of 12 months' full time experience teaching students with additional learning and support needs or equivalent within the last five years in NSW public schools or other Australian education systems.¹⁵ Consequently, teachers from systems with less stringent requirements for teaching special needs students may teach such students in NSW public schools if more qualified applicants are not forthcoming. To offset this risk and to ensure disabled and special needs students receive the best possible education, P&C Federation encourages the Government to enact further criteria for applicants who do not meet academic requirements.

The Department also pledged to *"provide support for staff to undertake further training in the mental health needs of our students in rural and remote areas"* and *"provide support for schools' understanding and use of Positive Behaviour for Learning through conferences and regional workshops."* It is not clear that these promises have been enacted. Such initiatives would be enormously beneficial to teachers of special needs students and P&C Federation urges the Government to pursue them as a matter of priority.

Support for students with disability in regular classrooms

The targets of this area of focus included providing support to implement learning and support in every mainstream school, and to provide an extensive program of induction training and ongoing professional learning to support school leaders, specialist teachers, classroom teachers and support staff.¹⁶ The NSW Audit Office study found some positive progress in these areas: the ESES policy has increased available discretionary funding for schools to be directed toward disability training for teachers. Such funding increased 54% in 2012-2015 (\$39,874,756 in 2012, \$61,523,042 in 2015). On the other hand, the same study found many teachers desire extra training in disabled and special needs students, but are unable to take time away from class to do so. P&C Federation urges the Department to increase the accessibility of disability training for teachers. One possibility is to provide more opportunities for training outside school hours, for example through development days over school holidays. This would relieve some costs to schools of releasing and replacing staff while they are training.

Another concern is that whilst schools have systems to monitor supports for students with disabilities, these are not necessarily applied consistently; consequently, there is no comprehensive review of how well such students are supported. This is particularly worrisome in light of much anecdotal evidence that negative attitudes to disabled or special needs students still remain among some teachers and that such students are disproportionately disciplined. For instance, there is a widespread perception noted in the

¹⁴ Ibid, response to Recommendation 3

¹⁵ <http://www.dec.nsw.gov.au/about-us/careers-centre/school-careers/focus-areas/learning-and-support/plan-your-career> - accessed 25 October 2016

¹⁶ Support for students with disability in regular classrooms - <https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/national-partnerships-program/every-student-every-school/support-for-students.pdf> - accessed 26 October 2016

Audit Office study that disabled or special needs students are suspended at a higher rate than other students. This perception is buttressed by media reports of students with disability, especially those on the autism spectrum, missing up to 43 days of school in the first six months of the year due to suspension, amounting to what Newcastle University education lecturer David Roy described as denial of education by default.¹⁷ Although all suspensions and expulsions in NSW public schools are recorded annually by the Department, these records do not reveal what portion consist of students with disabilities or special needs.

One correspondent to P&C Federation described the following experience regarding her son who experienced behavioural problems:

“Whilst I was trying everything I thought was the right thing to do at the time for him, I had many meetings with the school, asking them to be patient ... until we found the answer, I had also asked that they take into account what teacher he got for year 3.

Unfortunately, they put him in a class with a lot of disruptive children, and a teacher that didn't handle him and his behaviour well. After a lot of suspensions, detentions and ... running away from school nearly every week they came up with the idea to put him in a year 5 class with a support teacher that was shared between (him) and another child. In the meantime, I had come to the conclusion he needed more help than diet vitamins so after psychologist and psychiatrist visits he was diagnosed with Bipolar.

My psychiatrist informed me that the government will provide funding for him at school so he can have a support teacher but the school told me that the funding has run out and put him back into a year 3 class. (He) hasn't had an outburst in 5 months but did last Thursday which resulted in him being suspended once again, this doesn't help because the cost of his Dr's appointments and medication are already so expensive and me having to take weeks off at a time to stay home with him makes us struggle even more.

Now they have suggested special needs for next year, he has been tested and doesn't fit into the category of special needs but they believe the smaller class and more support teachers would benefit him. This brings me to my issue, one is that I'm worried academically he will not go forward, two he refuses to do it and says he will be bullied more than he already is and three we are still in early days sorting his medication and teaching him how to control his emotions and I feel we haven't given him a chance to adapt yet.

I feel he is in the “too hard” category for the school and they are not sure where to put him. I feel there is also no support when it comes to mental health at the school, I was never once offered a pamphlet or a list of places on who to talk to or what to do next.”

Another correspondent to P&C Federation stated that *“some staff at schools don't appear to have enough training to properly implement supports in class and in the playground or on excursions.”*

Some promising frameworks exist for improving the experiences of disabled and special needs students in public schools. One is the Wellbeing Framework, outlining the policies and practices that schools should have in place to ensure a healthy environment for all students.¹⁸ Another is the Positive

¹⁷ The Daily Telegraph, Constantly suspended autistic children being 'denied an education', 31 October 2016

¹⁸ Public Schools NSW. 2015. The Wellbeing Framework for Schools.

Behaviour for Learning, providing multiple tiers of intervention for problematic students.¹⁹ However, the efficacy of these frameworks has not been reviewed, and implementing them in a fair and effective way for disabled and special needs students requires teachers to have a thorough understanding of their needs.

P&C Federation thus has several recommendations regarding the treatment of disabled and special needs students in classrooms. First, the Department should initiate a comprehensive review to determine whether such students are over-represented in suspensions and expulsions. More generally, the Department should initiate a review to determine if disabled and special needs students are being disciplined in a fair and reasonable way. Third, the Department should seek ways to apply existing policy frameworks more strongly, to ensure disabled and special needs students are being supported in schools as best as possible.

Special Schools as centres of expertise

This area of focus aims to “develop networks across schools to share the knowledge, expertise and specialist resources available or developed in NSW public special schools”.²⁰ This would be an enormously beneficial endeavour, however there seems little public information relating directly to the progress and implementation of this goal. Moreover, one correspondent to P&C Federation noted that Special Schools “as centres of excellence are meant to have resources to lend to other schools ..., however mainstream schools often find them hard to access and the staff are not given enough release time to support colleagues to help students.” The correspondent also noted that Special Schools are still classified at the primary level, which is not satisfactory for students who need to engage with a secondary curriculum.

Understanding and assessing the learning and support needs

Some goals of this focus area include the development of a functional assessment tool for teachers to profile the learning and support needs of individual students and to develop a standards framework and best practice guide to support the development of personalised learning and support for students with disability. To this end, P&C Federation commends the development of the Personalised Learning and Support Signposting Tool (PLASST), a functional assessment tool designed to help teachers identify a student’s relative strengths and needs. This generates individual student profiles based on 63 online questions answered by their teacher, which highlights the relative strengths and needs of the student and where they may benefit from adjustments or support.²¹ It is also encouraging that schools have processes to make special adjustments for disabled and special needs students, such as providing additional time and/or rest breaks for assessment tasks, magnified lesson notes, teaching students one-on-one or in small groups, among other methods. One correspondent to P&C Federation commended a school for changing buzzing classroom lights which triggered one student’s sensory issues, and commended the same student’s learning and support teacher for setting aside a “chill out zone” if noise in the class became too great for the student.

On the other hand, there is no functional assessment tool for people other than teachers. One correspondent to P&C Federation recommended “some form of standardised assessment and progression tool that enables both educators, parents and students to actively consult, collaborate, plan and frequently review any recognised learning support requirements, achievements, adjustments, accommodations and progress in a timely manner.” Moreover, the Department has given no indication

¹⁹ <http://www.pbl.schools.nsw.edu.au/about-pbl/overview-of-pbl> - accessed 25 October 2016

²⁰ <https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/national-partnerships-program/every-student-every-school/special-schools.pdf> - accessed 26 October 2016

²¹ <https://education.nsw.gov.au/disability-learning-and-support/resources/plasst> - accessed 25 January 2017

of the nature of the questions teachers answer when compiling a PLASST report on a student, nor are teachers currently required to use the PLASST. It would be worth investigating the possibility of implementing a mandatory assessment tool to ensure students are assessed consistently across the state, and of developing a framework for sharing this information with parents/carers.

Another key problem is that monitoring adjustments in a systematic way remains difficult. A correspondent to P&C Federation stated that schools often look only at the primary diagnosis and that parents of children with such as autism or Down Syndrome are often asked to have their child re-diagnosed for continued adjustments, and that students with support can be removed without any parental right of appeal. The correspondent outlined a case in which a parent's request for disability adjustments for her child was not sent to a placement panel, and the parent therefore had no means of appeal. Also, some schools have processes to provide adjustments to students who do not necessarily have a formal disability diagnosis but other schools do not, which carries a risk that students who would benefit from adjustments may fall through the cracks. This may be somewhat mitigated by the new national dataset on students with disabilities, the National Consistent Collection of Data (NCCD), which requires schools to record all adjustments made for all students with a disability.²² It is encouraging that Ministers agreed at the most recent Education Council meeting in December 2016 that the NCCD should inform policy and funding for students with disability, and to work collaboratively to improve data quality and consistency. However, a recently released summary review of the NCCD included a list of recommendations based on feedback from schools, which primarily indicated a desire among school staff for more extensive training and more in-depth information on using the NCCD.²³ P&C Federation recommends that the Department act on these findings to make the NCCD as effective as possible for disabled and special needs students, as well as provide more information and encouragement to schools to make adjustments for deserving students who may not necessarily meet formal diagnostic criteria.

A further problem is that determining the overall improvement in learning outcomes of disabled and special needs students is difficult, as school NAPLAN results are not broken down by student group. A potential tool to address this is the School Excellence Framework (SEF), which sets a framework to monitor educational outcomes in three key areas: learning, teaching and leading.²⁴ However, the NSW Audit Office study noted that none of the student performance measures in the SEF specifically relate to students with disability, and urged the Department to use the SEF *"to help schools monitor and report on their overall performance in improving learning outcomes for students with disability."* The Department responded that it supports this *"in principle"*, but that the learning needs of disabled students are diverse and it is thus *"not practicable to report on students with disability as a cohort at state level"*.²⁵ P&C Federation acknowledges the challenges of monitoring the state-wide educational performance of disabled and special needs students; however, not doing so renders any assessment of policies targeting such students highly difficult. P&C Federation therefore urges the Department to pursue means of monitoring such students' performance as a matter of priority.

Access to information and expert support

One goal of this area of focus was to improve the Department website to better support teachers, principals, parents, and school communities. However, in a NSW Audit Office survey, parents of disabled and special needs students cited the Department's website as the least useful source of information on

²² What is the Nationally Consistent Collection of Data on School Students with Disability? -

<https://www.education.gov.au/what-nationally-consistent-collection-data-school-students-disability> - accessed 26 October 2016

²³ PricewaterhouseCoopers Australia 2016. *The 2015 NCCD Continuous Quality Improvement Project Quality Assurance Summary Report*

²⁴ Department of Education. 2014. *School Excellence Framework*

²⁵ Recommendation 13 of Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May

enrolment and support options for their child, and rated advocacy groups as the most useful sources on disability and schools.²⁶ Some problems include the fact that information is spread across numerous pages and links in a way that is not user-friendly. It was also found that parents expect more comprehensive information on school websites than is often provided. One correspondent to P&C Federation noted that:

“There appears to be limited information/documentation available that provides a framework guide to the resources/training that can be provided, the alternative tools and teaching methods available to be applied within the classroom environment to support different needs, both within the local school community and the wider education facilities.”

It is therefore encouraging that the Department has recently developed a more user-friendly format on its new platform as part of its improvement program. Although as of writing this remains a work in progress, P&C Federation urges the Department to continue to improve information on its website to better serve disabled and special needs students, and to also consider providing such information on all school websites. One option that would be helpful for parents and educators is to provide case studies and videos of what adjustments may be made for disability or special needs, as exists (for example) in a guide to disability provided by the University of Canberra.²⁷

Another goal was to *“further develop specialist information for schools about disability and related health conditions and implications for learning in collaboration with NSW Health, and Ageing, Disability and Home Care.”* In an effort to provide more expert support in schools, the Department announced in 2012 the introduction of 1800 learning and support teachers for NSW schools to help teachers meet the learning needs of students. Learning and support teachers are allocated from a formula based on student population and NAPLAN results.²⁸ The NSW Audit Office survey found broad support among staff for learning and support teachers, but noted that learning and support teachers are frequently not fulltime, and regular teachers often indicated they would like more access to someone in their classroom for additional support.²⁹ Moreover, a correspondent to P&C Federation stated that some school learning support officers are casual and find it difficult to access the schools professional learning budget making upskilling for them difficult. Work should be done to boost the support offered to teachers in working with disabled and special needs students.

Many teachers also indicated a desire for more school counsellors to better support students with disability. However, as school counsellors are allocated based on student enrolment data and on indicators of student need, there is no scope for schools to direct discretionary funding towards counsellors. In March 2015, the Department did announce it would provide \$167.2 million over four years to support student well-being, including \$80.7 million to fund 236 extra school counsellor positions.³⁰ Information should be provided on the impact of this package as soon as possible. The Audit Office also noted that numerous teachers expressed desire for more access to external specialists, such as occupational health therapists, speech pathologists, etc. The Department responded by stating that it will prepare *“to consult in Term 2, 2016 with stakeholders over new guidelines and material to support principal and school engagement with third party providers”* and that the NDIS transition *“provides*

²⁶ Ibid, Page 10

²⁷ University of Canberra 2014 *Disability Standards for Education: A practical guide for individuals, families and communities* <http://resource.dse.theeducationinstitute.edu.au/content/reasonable-adjustments> - accessed January 25 2017

²⁸ <https://education.nsw.gov.au/disability-learning-and-support/programs-and-services/learning-and-support> - accessed 25 January 2017

²⁹ Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May, Page 25

³⁰ Department of Education, *Wellbeing for Schools* - <https://www.det.nsw.edu.au/wellbeing/flexible-funding-for-wellbeing-services-allocation-2016-2018>

important context for this work".³¹ No further information has been made available, and P&C Federation urges the Department to formulate a framework to address these issues.

The area of focus also pledged to trial new approaches around the use of specialist assistive technologies for students. Some technology made available in recent years is eye gaze technology and other apps, as well as standard technology such as iPads and laptops, and teachers are broadly satisfied with the level of access to assistive technology and equipment. Some problematic issues may include lack of knowledge of the most suitable technological item or software program for a student, and working to further assist teachers in understanding the technologies available would be beneficial. Moreover, care should be taken to make technology meaningful and purposeful, and to not merely adopt new technology for its own sake.

The Department also pledged to "*develop and trial new models for supporting students with disability who have high and complex health care needs*". The Audit Office reported that teachers desired more access to resources for working with students with complex needs, such as autism and conditions associated with behavioural problems. As the Australian Bureau of Statistics found a 79% increase of autism, especially in children, this should be an especially high priority.³² Similarly, a review of support for dyslexic students found "*Current teacher training provided may not be sufficient to enable teachers to feel confident in applying strategies for students with dyslexia in their classroom.*"³³

3. Developments since the 2010 Upper House inquiry into the provision of education to students with a disability or special needs and the implementation of its recommendations

The 2010 Upper House *Inquiry into the provision of education to students with a disability or special needs* was a comprehensive review of how well the needs of disabled or special needs students in NSW were being met. P&C Federation has assessed developments since the review in terms of four broad categories: Funding and Resources, Learning Support for disabled and special needs students, and access to services.

Funding and Resources

One recommendation of the Inquiry was that the NSW Government "*substantially increase funding for students with disabilities and special needs in NSW Government schools to ensure all students have equitable access to education.*"³⁴ To this end, the ESES initiative discussed above has seen increased funding for schools for support for children with additional learning needs. In addition, the Department launched the More Support for Students with Disabilities (MSSD) initiative in 2012, which provided a short-term injection of funds through 2012-2014 to build the sustainable capacity of schools to improve the quality of education for students with disability. An independent evaluation found the MSSD initiative achieved its objective to stimulate new strategies to build the skills of teachers and increase school capacity to better meet the educational needs of students with disability and/or learning difficulties.³⁵ It is also encouraging that the Resource Allocation Model (RAM) offers equity loadings for low level adjustment for disability.

³¹ Recommendation 6 of Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May

³² ABS 2014. *Prevalence of Autism* -

<http://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4428.0Main%20Features32012> – accessed 26 October 2016

³³ Australian Government Department of Education. 2014. *POLICY ROUNDTABLES: Students with dyslexia*, Page12

³⁴ Recommendation 1 of NSW Legislative Council, *General Purpose Standing Committee No. 2 The provision of education to students with a disability or special needs*

³⁵ PhillipsKPA. 2015. *Evaluation of the More Support for Students with Disabilities Initiative 2012-2014*

The Inquiry also recommended the Government abandon plans to dissolve language support classes and moving students with language disorders to mainstream classes. However, whilst the 2010 *Special Education Classes and Provisions* listed language and reading support classes in its categories of support classes,³⁶ this was no longer present by the 2013 *Special Education Classes and Provisions*.³⁷ P&C Federation is concerned that placing students with significant language disorders in mainstream classes, especially in classes with large numbers, will hinder efforts to overcome their disorder.

Learning Support

Many Inquiry recommendations relating to provision of learning support for disabled and special needs students have been addressed by ESES. The Inquiry also recommended guidelines on the functions and outcomes of school learning and support teams, including the role of parents in these teams, for distribution to school communities, and a clear statement on the role and appropriate use of teachers' aides.³⁸ Such guidelines would be highly beneficial, but to date the Department has published only brief descriptions of the role of learning and support teams. This material has no recommendations to include parents on these teams, with the Department stating that the teams' composition "*may vary as they are made up of members according to the needs of the particular school and community in which they work.*"³⁹ One correspondent to P&C Federation stated that "*It would be interesting as to how many parents are members of the school learning support team*", noting a frequent resistance in schools to parent involvement in such groups. P&C Federation urges the publication of guidelines on learning and support teams to provide a clear framework and clear objectives in supporting disabled and special needs students. P&C Federation particularly urges these guidelines to encourage parent representation, to ensure learning and support teams are as representative as possible of their school communities.

Access to services

The Inquiry recommended that the Department take immediate action to increase the ratio of school counsellors to students in NSW Government schools to 1:500, in line with most expert recommendations.⁴⁰ It also noted a danger of chronic school counsellor shortages due to the average school counsellor age of 54. The Department addressed the latter concern by increasing recruitment of younger counsellors.⁴¹ However, most available figures suggest the average counsellor/student ratio remains about 1:1050,⁴² which is especially undesirable given the widespread desire among teachers and parents for more school counsellors noted earlier. P&C Federation urges that the counsellor/student ratio be reduced to boost the services available to students.

The Inquiry also recommended the Department facilitate the provision of satellite autism classes in country areas to ensure children with autism in these areas have appropriate access to these classes.⁴³ Satellite autism classes are a specific service provided by Autism Spectrum Australia (Aspect), the major non-government service provider in NSW supporting people with autism spectrum disorders and their families. Aspect operates 8 independent schools in NSW, each of which operates satellite autism classes

³⁶ Department of Education. 2010. *Special Education Classes and Provisions*

³⁷ Department of Education. 2013. *Special Education Classes and Provisions*

³⁸ Recommendation 15 of NSW Legislative Council, *General Purpose Standing Committee No. 2 The provision of education to students with a disability or special needs*

³⁹ <https://education.nsw.gov.au/disability-learning-and-support/personalised-support-for-learning/roles-and-responsibilities> - accessed 25 January 2017

⁴⁰ Recommendation 22 of NSW Legislative Council, *General Purpose Standing Committee No. 2 The provision of education to students with a disability or special needs*

⁴¹ Department of Education. 2011. *The School Counselling Workforce in NSW Government Schools*

⁴² Australian Psychologists and Counsellors in Schools (APACS). 2013. *An Australia Wide Comparison of School Psychologists / Counsellors / Guidance Officers.*

⁴³ Recommendation 7 of NSW Legislative Council, *General Purpose Standing Committee No. 2 The provision of education to students with a disability or special needs*

in regular school settings, both in independent and government schools. As of 2016, 12 satellite autism classes are operating in NSW government schools, out of a total of 55. There are considerably few classes in regional areas compared with metropolitan areas: outside of coastal areas, for example, some of the only autism satellite classes are in Albury and Wagga, which places considerable strain on families of autistic students elsewhere in Western NSW.⁴⁴ P&C Federation strongly encourages the establishment of further autism satellite classes in rural areas to ensure their provision across the State is equitable.

Another initiative recommended by the Inquiry was to publish guidelines on the development of Individual Education Plans (IEPs) for students with disabilities and special needs.⁴⁵ This stems from policies of the Disability Standards for Education 2005 which advised that education providers should ensure the need for individual strategies and adjustments for a student.⁴⁶ To this end, P&C Federation commends the Department for developing more information on the development and provision of IEPs.⁴⁷ However, this information is broad, and other information remains scattered, and a more detailed guide to the precise mechanisms of this process would be beneficial. Such a guide should include steps clearly laying out how IEPs for students can be requested, who is responsible for approving such requests, and what options parents and educators have if such requests are declined. This information should be available in the same location as all other information about requesting learning supports, for ease of access. A correspondent to P&C Federation further noted that parents are often unaware of the existence or importance of IEPs, underscoring the necessity of more comprehensive information. Moreover, the Inquiry also suggested the Department provide additional resources, including relief time for teachers to develop IEPs, but there is little information on what (if any) extra resources the Department has provided. To facilitate the development of IEPs as much as possible, P&C Federation encourages the provision of relief time for teachers for this purpose.

4. Complaint and review mechanisms within the school systems in New South Wales for parents and carers

A constant challenge regarding complaints and reviews mechanisms in NSW public schools is that parents are often unaware of the Department's complaints handling procedures. This is particularly worrisome given anecdotal cases of parents feeling bullied, belittled, and unwelcome when requesting their child with disabilities and special needs have better access to education. One correspondent to P&C Federation recounted an instance in 2011 when the then-principal of Uralla Central School emailed her stating in part *"while we will miss (your son) we won't miss you, your constant malcontent... your lack of respect, and your bulldozer tactics."* The correspondent went on to say that her experiences with the principal made being an active parent at the school particularly hard and she gave up being on their P&C and helping in the canteen. P&C Federation recommends the Department provide a factsheet clearly laying out the lines of communication to follow when a complaint is made about a teacher, principal or Department staff member. Moreover, to ensure parents are as informed as possible, the Department should consider placing their codes of conduct and their complaints handling policies on all school websites.

⁴⁴ Aspect Schools 2016 - https://www.autismspectrum.org.au/sites/default/files/Aspect%20Schools%202016_0.pdf – accessed 26 October 2016

⁴⁵ Recommendation 24 of NSW Legislative Council, *General Purpose Standing Committee No. 2 The provision of education to students with a disability or special needs*

⁴⁶ Disability Standards for Education 2005

⁴⁷ <https://education.nsw.gov.au/disability-learning-and-support/personalised-support-for-learning/personalised-learning-And-support> - accessed 25 January 2017

5. Other related matters

Family involvement

Parents of disabled and special needs students commonly express desire for more consultation and collaboration from classroom teachers regarding adjustments for their child. This is buttressed by the NSW Audit Office survey, which found *“Most respondents to the staff survey thought their school consults well with families but respondents to the family survey expressed the need for better communication.”*⁴⁸ P&C Federation recommends the Department explore ways to improve collaboration between schools and parents regarding appropriate adjustments for disabled and special needs students. A correspondent to P&C Federation noted that students with disabilities and special needs are often deemed too risky to attend school excursions, and suggested that *“this might be a place to engage parents better, get them to... come along as an extra adult on the excursion, thereby building the relationship in a positive manner for both teacher and parent.”*

Disability provisions for Higher School Certificate (HSC)

There are frequent concerns that students who are unfairly disadvantaged in mainstream exam conditions often do not receive necessary disability provisions for HSC exams. This is particularly concerning in public schools, whose students are consistently under-represented in disability provision applications. In 2015, despite about 59% of HSC students being in public schools, disability provision applications were made by:⁴⁹

- 13.2% of students from independent schools
- 9.6% of students from Catholic schools
- 8% of students from public schools

This portion of HSC disability provision applications versus the portion of HSC students in these school sectors has not markedly changed in recent years.

The comparatively low rate of such applications from public schools indicates that many HSC students in public education deserving of disability provisions are not receiving them. In 2013, a NSW Ombudsman investigation found that this persistent gap *“is due to a combination of factors including: students’ socio-economic circumstances, negative perceptions about seeking and accepting provisions, demands on school resources and school cultures that do not implement, or fully understand, how to make adjustments as required by the Disability Discrimination Act 1992.”*⁵⁰

The subsequent report laid out a range of recommendations to address this gap. Many have been enacted, with six out of the seven recommendations to BOSTES being accepted (the one exception being the release of confidential benchmarks used in determining provisions). Some recommendations now in place include providing case studies to schools about unsuccessful applications, with explanations about why they were declined, and a fact sheet for medical providers explaining the purpose of the medical report in the context of the HSC disability applications process.

On the other hand, the continued under-representation of public school students in disability provisions applications shows there is still progress to be made. One of the principle recommendations to BOSTES

⁴⁸ Audit Office of NSW. 2016. *Supporting students with disability in NSW public schools*, 12 May, Page 28

⁴⁹ Board of Studies. 2016. *Higher School Certificate 2012 to 2015 Disability Provisions Applications Summary by Sector – Students*. http://www.boardofstudies.nsw.edu.au/disability-provisions/pdf_doc/2012-2015-dp-students.pdf - accessed 20 January 2017

⁵⁰ NSW Ombudsman. 2013. *A level playing field? HSC Disability provisions A Special Report to Parliament under s.31 of the Ombudsman Act 1974*. Page 2

(now the NSW Education Standards Authority) and the Department was to investigate the possibility of using personalised learning and support plans as evidence of a student's disability to support an application for HSC disability provisions. However, there is no sign that this has been enacted, as the Education Standards Authority's information to schools, parents and students about HSC disability provision bears no mention that personalised education plans will be considered. This is concerning given that the NSW Ombudsman report, as well as correspondents to P&C Federation, noted that students who do not fall under the Department's criteria for disability or special needs may especially struggle to secure HSC disability provisions. P&C Federation urges the implementation of the NSW Ombudsman recommendations be evaluated, to ensure the under-representation of public school applicants narrows, and that HSC disability provisions are available to as many deserving students as possible.

P&C FEDERATION RECOMMENDATIONS SUMMARY

- 1. An evaluation of the performance of networked regional centres be undertaken as soon as possible.**
- 2. The rollout of the NDIS be more cognisant of the particular needs of non-metropolitan communities, and steps be taken to ensure disability provision in these communities is not undermined.**
- 3. The NSW Department of Education should increase the accessibility of disability training courses for teachers, and to boost the support offered to teachers in working with disabled and special needs students.**
- 4. Investigate means of systematically monitoring trends in the overall performance of disabled and special needs students as well as supports provided to such students.**
- 5. A comprehensive review be undertaken immediately into disciplinary practises applied to disabled and special needs students, particularly whether such students are disproportionately suspended or expelled.**
- 6. A functional assessment tool be developed that enables not only schools, but also parents and students to review the overall progress of students.**
- 7. The Department of Education provide more information and encouragement to schools to make adjustments for deserving students who may not necessarily meet the Department's formal diagnostic criteria.**
- 8. The Department of Education reviews ways of improving information on its website and on school websites to better serve disabled and special needs students.**
- 9. Action be taken to increase the ratio of school counsellors to students in NSW Government schools to 1:500, in line with most expert recommendations.**
- 10. Further autism satellite classes be established in rural areas to ensure their provision across the State is equitable. In mainstream schools, more resources be provided for working with students with complex needs, such as autism, dyslexia and conditions associated with behavioural problems.**
- 11. Guidelines be published on the functions and outcomes of school learning support teams, including the role of parents in these teams and a clear statement on the role and appropriate use of teachers' aides.**
- 12. A comprehensive guide and additional resources be provided for schools to develop Individual Education Plans.**

13. The Department of Education's codes of conduct, and complaints handling procedures and policies be made available on all school websites.
14. Ways be explored to improve collaboration between schools and parents regarding appropriate adjustments for disabled and special needs students.
15. The implementation of the NSW Ombudsman regarding HSC disability provisions be evaluated, to ensure they are available to as many deserving students as possible.

