

General Purpose Standing Committee No. 2

The provision of education to students with a disability or special needs

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How to contact the committee

Members of the General Purpose Standing Committee No. 2 can be contacted through the Committee Secretariat. Written correspondence and enquiries should be directed to:

The Director

General Purpose Standing Committee No. 2

Legislative Council

Parliament House, Macquarie Street

Sydney New South Wales 2000

Internet www.parliament.nsw.gov.au/gpsc2

Email gpscno2@parliament.nsw.gov.au

Telephone 02 9230 3367

Facsimile 02 9230 3416

Terms of reference

That General Purpose Standing Committee No. 2 inquire into and report on the provision of education to students with a disability or special needs attending primary or secondary schools, with a particular focus on what can be learned from International and Federal approaches, and approaches in other States and Territories, including:

1. The nature, level and adequacy of funding for the education of children with a disability
2. Best practice approaches in determining the allocation of funding to children with a disability, particularly whether allocation should be focused on a student's functioning capacity rather than their disability
3. The level and adequacy of current special education places within the education system
4. The adequacy of integrated support services for children with a disability in mainstream settings, such as school classrooms
5. The provision of a suitable curriculum for intellectually disabled and conduct disordered students
6. Student and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors
7. The provision of adequate teaching training, both in terms of pre-service and ongoing professional training
8. Any other related matters.¹

These terms of reference were self-referred by the Committee on 25 November 2009.

¹ LC *Minutes* No. 130, 26 November 2009, Item 14, p 1569

Committee membership

The Hon Robyn Parker MLC	Liberal Party	<i>Chair</i>
The Hon Christine Robertson MLC	Australian Labor Party	<i>Deputy Chair</i>
The Hon Shaoquett Moselmane MLC*	Australian Labor Party	
The Hon Tony Catanzariti MLC	Australian Labor Party	
Dr John Kaye MLC*	The Greens	
Revd the Hon Dr Gordon Moyes MLC	Family First Party	
The Hon Marie Ficarra MLC	Liberal Party	

* The Hon Shaoquett Moselmane MLC replaced the Hon Greg Donnelly MLC as a member of General Purpose Standing Committee No. 2 on Thursday, 18 March 2010, as per the resolution of the House (refer to LC *Minutes* No. 142, Item 16).

* Dr John Kaye MLC substituted for Ms Lee Rhiannon MLC for this inquiry.

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Chair's foreword

This Inquiry received more than 700 submissions and heard evidence from over 70 witnesses. We are extremely grateful to the parents, teachers, advocacy organisations and academics for their valuable contribution to shaping our report and its recommendations.

We cannot begin to understand the daily challenges of parenting a child with disabilities or special needs, particularly as many such parents expend much time and energy advocating for their children to receive the same educational opportunities as their fellow students. We are therefore especially grateful to these parents for participating in this Inquiry.

The overwhelming view among inquiry participants is that there are significant inadequacies in the NSW education system for students with disabilities and special needs. The Committee believes that the NSW Government needs to take immediate action to address these inadequacies if it is to meet its legal obligations to ensure equal access to the education system for all children.

Inquiry participants argued that one of the major barriers to the effective inclusion of students with disabilities and special needs in the education system is the lack of appropriate funding in both the government and non-government sectors. We therefore call on the NSW Government to substantially increase funding for these students in NSW Government schools, including Schools for Specific Purposes.

The current efforts of principals, teachers and support staff to promote a safe and inclusive learning environment for students with disabilities and special needs is commended by the Committee. However, we recognise that school communities would benefit from additional support and guidance on how to effectively maximise the use of available resources to assist students with disabilities and special needs. Many of our recommendations are designed to improve decision making at this level, particularly in relation to the role of the School Learning Support Team.

Scores of teachers told us that they do not receive adequate support to cater for the learning needs of the 15,000 students with disabilities and 50,000 students with special needs enrolled in mainstream classes. Several of our recommendations are therefore designed to increase the resources available to assist teachers in mainstream classes to address the learning requirements of all of their students.

While the proposed School Learning Support Program represents a positive step towards addressing the needs of students with disabilities or special needs in mainstream classes, we recommend that sector-wide consultation occur prior to any decision to rollout the program and that a formal independent evaluation of the program trial be conducted one year after the commencement of its operation.

Our report makes several other recommendations that seek to improve the education of students with disabilities or special needs in NSW schools, including improving the assessment process for individual disability funding, increasing access to professional support, enhancing teacher training and addressing the unmet demand for special education places.

I am grateful to my fellow Committee members for the hard work they have undertaken during this Inquiry. On their behalf I would also like to thank the Committee secretariat: Beverly Duffy, Rebecca Main, Rhia Victorino, Abigail Groves and Christine Nguyen.

I commend this report to the Government.

A handwritten signature in black ink that reads "Robyn Parker". The signature is written in a cursive, flowing style.

Hon Robyn Parker MLC
Committee Chair

Summary of key issues

In November 2009, General Purpose Standing Committee No. 2 initiated an inquiry into the provision of education to students with disabilities or special needs. The Committee received an overwhelming response, with well over 700 submissions from parents, teachers and advocacy organisations describing the significant inadequacies in the NSW education system for students with disabilities and special needs. Many of these submissions and the evidence from three public hearings question whether the NSW Government is fulfilling its obligation to ensure equal access to the education system for all children.

There have been numerous previous inquiries into disability education in NSW over the last 15 years. It is concerning that many of the issues raised in these earlier reports, such as the McRae Report in 1996 and the Vinson Report in 2002, have been highlighted once again in this Inquiry.

This summary provides an outline of the key issues raised during the Inquiry and discussed in this report.

Towards inclusion

There has been a shift in educational policy over the past two decades internationally and across Australia, away from the notion of segregated settings for all students with disabilities and special needs to a more integrated model of education where many of these students attend regular classes and schools.

A number of legal instruments support this policy shift, including the United Nations *Convention on the Rights of Persons with Disabilities*, Commonwealth and State anti-discrimination legislation, National Disability Standards for Education and the NSW *Education Act 1990*. These instruments provide a framework to ensure that students with disabilities and special needs are able to access and participate in education on the same basis as other students.

There are more than 32,550 students in NSW Government schools with a confirmed disability and in excess of 50,000 students that have special learning needs. This accounts for 4.3% and 6.7% of the NSW Government schools' population respectively.

Improved infant survival rates and more sensitive diagnostic tools for mental health disorders and autism have led to a dramatic increase in the number of identified students with disabilities or special needs in recent years. Along with the move towards greater inclusion of these students into mainstream classrooms and settings, this places a growing pressure on available government and non-government education resources, including funding, to meet the demand for educational services for these students.

Funding

The current disability education service budget for NSW for 2009/10 is \$1.1 billion. This is almost 13% of the total NSW Government education budget of \$8.577 billion.

Inquiry participants argued that government funding for students with disabilities and special needs was grossly inadequate to allow for the full participation of these students in the education system. This view was expressed in relation to both the government and non-government sectors. Inquiry participants called for an immediate increase in funding for disability education:

[NSW Government should] fulfil their legal responsibility to provide appropriate levels of funding and resources to ensure that all disabled/special needs children, whether in special or regular classes, have the opportunity of reaching their full potential.²

The current level of funding provided for the education of SWD [students with a disability] is grossly insufficient to meet the needs of these students. Accordingly, the educational support these students receive is inadequate and these children are effectively blocked from receiving an adequate education... I submit that funding for the education of SWD must be enormously increased as a matter of urgency.³

The inadequacy of funding is absurd. How can we meet these children's needs without the necessary funds?⁴

The Committee therefore calls on the NSW Government to substantially increase funding for students with disabilities and special needs in NSW Government schools, including Schools for Specific Purposes, to ensure all students have equitable access to education. We also recommend that the NSW Government advocate for a transparent funding mechanism for students with disabilities and special needs through the Commonwealth school funding review.

Notwithstanding the pressing need to increase funding, we have taken on board the Department's comments on the need to maximise the use of available resources at the school level. Many of our recommendations are designed to assist schools to make the most of their available resources. In this regard, the School Learning Support Team can play a pivotal role in allocating resources effectively to meet the needs of all students including those with disabilities and special needs.

School Learning Support Team

Despite their important role, the Committee heard that the quality and effectiveness of school learning support teams was variable, and that in some schools these teams may not even exist.

The Committee makes a number of recommendations designed to strengthen these teams. We believe that the Department of Education and Training (DET) should require all mainstream NSW Government schools to establish or be resourced by a school learning support team, and fund sufficient additional teacher time to ensure that they function without an undue drain on the school's other activities. We also urge the Department to publish guidelines on the functions and outcomes of school learning support teams, including the role of parents, for distribution to school communities.

Assessment

A major issue for the inquiry has been whether a diagnosis of a disability, based on the DET Disability Criteria, should be a prerequisite for receiving disability funding (which is currently the case) or whether a functional assessment of a student's learning needs should be considered in decisions about access to funding. Most inquiry participants consider that an assessment of functional skills **as well as**

² Submission 259a, Public Schools Principals Forum, p 1

³ Submission 265, Name suppressed, p 1

⁴ Submission 706, Name suppressed, p 1

confirmation of a diagnosis should be used to determine whether a student should access disability funding, because on its own, a diagnosis does not give an accurate picture of a student's learning needs.

We acknowledge the Department's progress in developing a functional assessment tool to provide a fuller picture of a student's educational requirements, but note that it is not intending to use this tool to determine whether a student is eligible for individual funding.

The Committee therefore recommends that the Department move rapidly towards the development and application of a functional assessment tool, which has been independently monitored and assessed. We believe this tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.

Inquiry participants raised other concerns about the assessment process including that the requirement for some students to reconfirm their disability status on an annual basis was onerous, particularly when their disability and level of need is unlikely to change dramatically in the space of a year. In response, we recommend that DET examine ways to reduce the requirement for those students who receive disability funding to reconfirm their disability status on an annual basis.

Parents also complained about the apparent lack of transparency surrounding assessment decisions and so we recommend that DET investigate ways to more effectively communicate the outcome of the disability funding assessment process to families, carers and schools to ensure this information is provided in a manner that is clear, timely and sensitive.

Special education places

In 2009, 3,882 students were enrolled in Schools for Specific Purposes and 13,662 students were enrolled in support classes in regular schools.

While the Committee supports the policy of inclusion of students with disabilities and special needs who can benefit from mainstream classes, at different times and for different reasons the most appropriate setting for a particular student may be in a School for Specific Purposes or support class in a regular school. We believe that parental choice should be a key factor in these placement decisions.

The growth in demand for special education places, while driven by an increase in the identification of students with disabilities and special needs, is also partly a reflection of the lack of adequate support for these students in mainstream classes. Many have argued that until these students are provided with sufficient integration resources to ensure they are adequately supported, parents will continue to seek special education places for their children.

The claim by DET that there are no waiting lists for special education places, compared to contrary concerns expressed by schools and parents is perplexing. It would appear that while special education places for students with higher support needs is driven by demand, places for students with lower support needs, such as mild intellectual disability, language, reading, behaviour and in some cases autism, are fixed. The reasons for this are not clear to us, especially given that there has been a significant increase in the identification of these disabilities.

We recommend that DET acknowledge and accept that there is widespread concern about the unmet demand for special education places in NSW Government schools. Furthermore, DET should undertake an immediate investigation into the level of unmet demand for special education places and classes, publish the results of this investigation and increase the number of special education places and

classes to ensure that there are adequate places to cover demand for all students with disabilities and special needs.

Inquiry participants raised numerous concerns about behaviour schools including the unavailability of places and lack of access to appropriate curriculum. A draft report commissioned by DET: *Behaviour Schools/Learning Centres Appraisal 2009* acknowledged that students remain in behaviour schools for much longer than anticipated and this places significant pressure on the ability of these schools to meet demand. We recommend that DET conduct a comprehensive evaluation of behaviour schools and that this evaluation look at the impact on students of spending long periods of time in these schools, particularly given a limited access to appropriate curriculum and to secondary school facilities, as well as the adequacy of places available to meet demand.

Support in mainstream schools

The support services available to students with disabilities and special needs in mainstream schools may include the school learning support team, the Learning Assistance Program, the Integration Funding Support Program, the School Learning Support Coordinator, and the proposed School Learning Support Program.

The perception among inquiry participants, particularly teachers and parents, is that these support services are inadequate to provide the appropriate level of support for the 15,006 students with a confirmed disability and over 50,000 students with special needs who are enrolled in mainstream classes in NSW Government schools.

Scores of teachers told us that the level of support they are provided in mainstream classes does not allow them to fulfil their responsibility to meet the learning needs of all students as the following statements from teachers demonstrate:

As a high school teacher in a mainstream setting, I constantly struggle to meet the needs of students integrated into my classroom who have special needs and either little or no support available to them.⁵

The support is limited and students integrated are not getting an opportunity to participate in a full and enriching education ... I believe teachers do the best they can with the limited resources they have.⁶

A significant increase in disability funding, as we recommend, will allow for improved support services for these students, as will a well functioning school learning support team. We also recommend that DET support the maintenance and expansion of the Learning Assistance Program and increase resources for students with disabilities in mainstream classes.

School Learning Support Program

While some features of the proposed School Learning Support Program, which is currently being trialed in the Illawarra and South East Region, represent a positive step towards addressing the needs of

⁵ Submission 483, Name suppressed, p 1

⁶ Submission 375, Name suppressed, p 2

students with disabilities or special needs in mainstream classes, concerns regarding this program were expressed during the Inquiry.

Inquiry participants suggested that in a bid to make the program 'cost-neutral', the program may lead to a loss of resources for some schools.

One of the primary ways this program is to deliver the necessary support is through the appointment of a School Learning Support Teacher position in almost every school. The primary purpose of this position is to provide on-the-ground expertise and guidance to both classroom teachers and the school learning support team to address the individual learning needs of students. However, we are uncertain that any teacher in this position could have the necessary breadth of expertise to meet all of the diverse needs of students with disabilities or special needs. The Committee recommends that teachers appointed to this role hold, or be working towards, a special education qualification.

We also recommend that sector-wide consultation occur prior to any decision to rollout the program and that DET conduct and publish the results of a formal independent evaluation of the trial one year after the commencement of its operation.

Professional support services

Professional support services, such as speech therapy, physiotherapy and counselling, are currently provided to students with disabilities and special needs in NSW Government and non-government schools by a range of government and non-government agencies and private providers. Concerns were voiced that the provision of professional support services by multiple agencies was inefficient and inequitable.

In response, we recommend that DET coordinate multi-disciplinary teams on a regional level to deliver professional and allied health support services to students with disabilities or special needs in NSW Government schools.

Of significant and continuing concern to us is the limited access to school counsellors in NSW Government schools. As with earlier inquiries, we again call for an increase in school counsellors to meet the demand for the assessment of students with disabilities and special needs as well as welfare support. While DET has 'strategies' in place that aim to increase the numbers of counsellors, it is likely to be years before any significant impact from these strategies is felt.

The recent recommendation from a coronial inquest into the death of a bullying victim that the Government increase the ratio of school counsellors to students to 1:500 is supported by the Committee.

The NSW Government's response to the Committee's 2009 report *Bullying of children and young people*, indicated that it will review the counselling services available to schools. We have heard nothing of this review during our inquiry and therefore recommend that DET publish the terms of reference and timeline for this review and that it be completed by June 2011.

Curriculum

It is clearly important to ensure that students with special needs and disabilities have genuine access to the universal curriculum. The development of a comprehensive Individual Education Plan (IEP) is the

most effective way to ensure students with disabilities and special needs are able to access the universal curriculum in a meaningful way.

Parents and others have expressed concerns regarding the variability in the conduct and quality of IEPs. In response to these concerns we recommend that DET publish guidelines on the development of IEPs for students with disabilities and special needs and that these guidelines include information on when an IEP is required, who should be involved and what it should contain. We are particularly concerned to ensure that the proposed guidelines are distributed to the school community, including parents of students with disabilities or special needs.

We hope that, in addition to the school learning support team, some of the new initiatives being trialled by the Department, such as the School Learning Support Coordinator and School Learning Support Teacher will provide a valuable resource to assist teachers to adjust and deliver an appropriately modified curricula. We also recommend that DET provide additional resources including relief time for teachers to assist them to develop IEPs.

The Committee acknowledges the positive comments regarding the Life Skills courses for the Years 7-10 syllabus for students with intellectual disabilities. We also acknowledge concerns about the impact of the new national curriculum on students with disabilities or special needs and encourage the NSW Government to pursue the issue of an appropriate curriculum for students with disabilities, such as Life Skills, through its input to the consultation process on the national curriculum.

Teacher training

Teachers have told us that they do not feel equipped to cater for the learning needs of students with disabilities and special needs. We believe that all teachers should be adequately equipped to teach and support these students, given the likelihood that they will encounter such students irrespective of the setting in which they teach.

While NSW is the only state to mandate a special education unit as part of its pre-service teacher education courses, there were still concerns that this unit does not adequately or appropriately prepare teachers for educating students with disabilities and special needs.

We recommend that the NSW Institute of Teachers review the content of pre-service teacher education courses, including the mandatory unit in special education, with a view to incorporating teaching strategies and practical skills to assist teachers to cater for the learning needs of these students, as well as embedding special education through out pre-service training.

On-going training and professional development is necessary to maintain adequate support for students with disabilities and special needs. Best practice involves implementing and enhancing the knowledge and skills acquired in pre-service training. While DET does provide some opportunities for teachers to engage in special education retraining programs, we believe that, due to the small number of teachers who have undertaken the programs in recent years, more should be done to encourage greater participation in these courses.

Contributions to this inquiry

We sincerely appreciate the contribution made by all inquiry participants, including submission authors, witnesses and the schools that hosted our visits.

We would like to thank those parents who shared their experiences with the Committee, as witnesses and by making submissions. We recognise that parents of children with disabilities and special needs already face significant challenges in their daily lives. To make the time and effort to participate in this inquiry and advocate on behalf of their children and others is greatly valued by the Committee.

The Committee was deeply impressed by the efforts of principals, teachers and support staff to promote a safe and inclusive learning environment for students with disabilities and special needs. Despite problematic levels of funding and resourcing, educational professionals in this state work hard to ensure that every child has access to high quality learning. The Committee commends them for their professionalism and commitment.

Summary of recommendations

- Recommendation 1** **38**
 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.
- Recommendation 2** **38**
 That the NSW Government, in its submission to the Commonwealth school funding review, advocate a transparent funding mechanism to meet the need of students with disabilities or additional learning needs.
- Recommendation 3** **38**
 That the NSW Government address the current anomaly in which Schools for Specific Purposes are staffed and funded on a primary school formula, even though they cater for a large number of high school aged students.
- Recommendation 4** **58**
 That the Department of Education and Training examine ways to reduce the requirement for those students whose disability and level of need is unlikely to change dramatically in the space of a year to reconfirm their disability status on an annual basis in order to receive disability funding.
- Recommendation 5** **58**
 That the Department of Education and Training investigate ways to communicate the outcome of the disability funding assessment process to families, carers and schools in a manner that is clear, timely and sensitive.
- Recommendation 6** **59**
 That the Department of Education and Training move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.
- Recommendation 7** **73**
 That the Department of Education and Training facilitate the provision of satellite autism classes in country areas to ensure children with autism in these areas have appropriate access to these classes.
- Recommendation 8** **76**
 That the Department of Education and Training:
- acknowledge and accept that there is widespread concern about the unmet demand for special education places in NSW Government schools
 - undertake an immediate investigation into the level of unmet demand for special education places and classes and publish the results of this investigation
 - increase the number of special education places and classes to ensure that there are adequate places to cover demand for all students with disabilities and special needs
 - abandon plans to dissolve existing language support classes.

- Recommendation 9** 76
That the Department of Education and Training publish details of its response to the Auditor General's 2006 report in relation to the Regional Placement Panel process, including a timeline for the implementation of this revision.
- Recommendation 10** 77
That the Department of Education and Training conduct a comprehensive evaluation of behaviour schools and learning centres. This evaluation should examine access to secondary curriculum, student/teacher ratios, the impact on students of spending extended periods of time in behaviour schools, as well as the adequacy of places available to meet demand.
- Recommendation 11** 77
That the Minister for Education and Training and the Minister for Health publish the report of the Expert Advisory Panel on the future of Dalwood Assessment Centre and Palm Avenue School as soon as it becomes available.
- Recommendation 12** 77
That the NSW Government ensure that the Dalwood Assessment Centre and Palm Avenue School and associated residential service continue to deliver its valuable service for students with complex reading difficulties from rural and regional areas.
- Recommendation 13** 86
That the Department of Education and Training require all mainstream NSW Government schools to establish or be resourced by a school learning support team.
- Recommendation 14** 87
That the Department of Education and Training work towards ensuring that all school learning support teams include at least one member who holds a special education qualification, if necessary, by providing funded professional development opportunities to existing school staff.
- Recommendation 15** 87
That the Department of Education and Training publish guidelines on the functions and outcomes of school learning support teams, including the role of parents in these teams, for distribution to school communities.
- Recommendation 16** 90
That the Department of Education and Training support the maintenance and expansion of the Learning Assistance Program.
- Recommendation 17** 92
That the Department of Education and Training include a clear statement on the role and appropriate use of School Learning Support Officers (teacher's aides) in the proposed guidelines on the functions of school learning support teams.
- Recommendation 18** 104
That the Department of Education and Training conduct:
- a formal independent evaluation of the trial of the School Learning Support Program in the Illawarra and South East Region one year after the commencement of its operation and publish the results of this evaluation
 - further consultation with key stakeholders before any decision is made to further implement this program.

- Recommendation 19** **104**
 That the Department of Education and Training commission an independent review of the School Learning Support Program online training course, and in doing so, consult more widely with local academics and experts on the content of the course.
- Recommendation 20** **107**
 That the Department of Education and Training increase resources for students with identified disabilities in mainstream classes.
- Recommendation 21** **120**
 That the Department of Education and Training coordinate multi-disciplinary teams on a regional level to deliver professional and allied health support services to students with disabilities or special needs in NSW Government schools.
- Recommendation 22** **126**
 That the Department of Education and Training take immediate action to increase the number of school counsellors in NSW Government schools with the objective of increasing the ratio to 1:500.
- Recommendation 23** **126**
 That the Department of Education and Training:
- publish the terms of reference and timeline for its review of counselling services in NSW Government schools
 - consider alternative models for delivering counselling services in schools as part of this review
 - complete the review by June 2011.
- Recommendation 24** **141**
 That the Department of Education and Training publish guidelines on the development of Individual Education Plans for students with disabilities and special needs. These guidelines should:
- include information on when an Individual Education Plan is required, who should be involved and what it should contain
 - be distributed to the school community, including parents of students with disabilities or special needs.
- Recommendation 25** **142**
 That the Department of Education and Training provide additional resources, including relief time for teachers to develop Individual Education Plans.
- Recommendation 26** **143**
 That the Minister for Education immediately pursue with the Federal Minister for Education the inclusion of Life Skills as an essential component of the new national curriculum.
- Recommendation 27** **153**
 That the NSW Institute of Teachers review the content of pre-service teacher education courses, including:
- the mandatory unit in special education
 - incorporating additional content regarding teaching strategies and practical skills to cater for the learning needs of students with disabilities or special needs

- embedding special education throughout pre-service training.

Recommendation 28**153**

That the NSW Government promote through the national reform agenda that special education be embedded throughout pre-service teacher training.

Recommendation 29**153**

That the Department of Education and Training work towards assisting all School Learning Support Teachers to obtain a special education qualification.

Recommendation 30**162**

That the Department and Education and Training offer additional opportunities for teachers to undertake retraining programs in special education facilitated by the Department.

Recommendation 31**163**

That the Department of Education and Training review whether there is a need for formal training for School Learning Support Officers.

Glossary and acronyms

ACARA	Australian Curriculum, Assessment and Reporting Authority
ACD	Association for Children with a Disability
ADHC	Ageing, Disability and Home Care
ADIDD	Association of Doctors in Developmental Disability
AGSRC	Average Government School Recurrent Costs
AIS NSW	Association of Independent Schools of NSW
ASD	Autism Spectrum Disorder
ASPECT	Autism Spectrum Australia
BD	Behaviour Disorder
CEC NSW	Catholic Education Commission of NSW
COAG	Council of Australian Governments
DA	Disability Advocacy
DEEWR	Department of Education, Employment and Workplace Relations
DET	Department of Education and Training
ED	Emotional Disturbance
ESL	English as a Second Language
IEP	Individual Education Plan/s
IFSP	Integration Funding Support Program
IM	Mild intellectual disability
IO	Moderate intellectual disability
KLA	Key Learning Area/s
LAP	Learning Assistance Program
LNSLN	Literacy, Numeracy and Special Learning Needs (Commonwealth Program)
NAPLAN	National Assessment Program, Literacy and Numeracy
NEA	National Education Agreement
NSW CID	NSW Council for Intellectual Disability
OT	Occupational therapist
SES	Socio-economic status
SLSC	School Learning Support Coordinator
SLSOs	School Learning Support Officers (formerly teacher's aide)
SLSP	School Learning Support Program
SLST	School Learning Support Teacher

SPELD	Specific Learning Difficulties Association of NSW
SSP	Schools for Specific Purposes (special schools)
STLA	Support Teachers Learning Assistance
SWD	Students with disabilities (and special needs)

“Mainstream” and “regular” class/school have been used interchangeably in this report.

Chapter 1 Introduction

This chapter provides an overview of the inquiry process, including the methods the Committee used to facilitate participation by members of the public, government agencies and relevant organisations. It also includes a brief outline of the report structure.

Conduct of the Inquiry

Terms of reference

- 1.1 The Inquiry's terms of reference were adopted on 25 November 2009 under the Committee's power to make a self-reference.
- 1.2 The terms of reference required the Committee to examine the provision of education to students with a disability or special needs attending primary or secondary government and non-government schools in NSW.
- 1.3 Issues for consideration included the nature and adequacy of funding for students with a disability or special needs, best practice approaches to the allocation of funding, adequacy of special education places, integrated and professional support services offered to these students and their families, suitable curriculum for students and the adequacy of pre-service and ongoing professional teacher training to teach these students. These issues were also considered in the context of practices followed in other jurisdictions.
- 1.4 The terms of reference are reproduced in full on page iv.

Submissions

- 1.5 The Committee invited submissions by advertising in *The Sydney Morning Herald* and *The Daily Telegraph* on 9 December 2009. The Committee also wrote to key stakeholders inviting them to make a submission to the Inquiry. The closing date for submissions was 19 February 2010, which was later extended by the Committee to 26 February 2010.
- 1.6 The Committee received a total of 737 submissions including 11 supplementary submissions from a range of stakeholders including schools, parents, teachers, academics, advocacy organisations and education bodies across both government and non-government sectors. This is one of the largest number of submissions ever received by a Legislative Council Committee inquiry.
- 1.7 The majority of submissions were received from teachers who described their daily experiences teaching students with disabilities or special needs in the classroom and provided suggestions on how to improve educational access and outcomes for these students. Many submissions were also made by parents of students with disabilities who highlighted the difficulties with ensuring their children had access to adequate education. In addition, over 90 advocacy organisations made submissions to the Inquiry raising similar issues to the teachers and parents.

- 1.8 A list of submissions is available at Appendix 1.

Hearings

- 1.9 The Committee held three public hearings at Parliament House on 22 and 23 March and 10 May 2010. The Committee heard evidence from a number of stakeholders including the NSW Department of Education and Training (DET), Association of Independent Schools of NSW, Catholic Education Commission NSW, National Independent Special Schools Association, various principals' associations, teachers' unions, academics and advocacy organisations representative of specific disabilities and special needs.
- 1.10 The Committee also heard from a panel of parents of students with disabilities who discussed their experiences with the education system across both government and non-government schools. A panel of teachers also appeared before the Committee to discuss their teaching and support positions.
- 1.11 A list of witnesses is set out in Appendix 2 and transcripts of evidence are available on the Committee's website: www.parliament.nsw.gov.au/gpscno2. The list of documents tabled at the public hearings is provided at Appendix 3.

Site visits to schools

- 1.12 On 21 May 2010, the Committee visited three schools to observe teaching practices in relation to students with disabilities and special needs. The Committee visited Sarah Redfern Public School and Sarah Redfern High School in Minto, and Holroyd School for Specific Purposes in Merrylands.
- 1.13 The Committee had the opportunity to observe and interact with students with disabilities and special needs in both regular classes and support classes and speak with student representatives and teaching staff at each school. The Committee sincerely appreciates the schools allowing us to visit their classrooms and acknowledges the time and effort of the staff and students in hosting our visits.
- 1.14 A report on the site visit can be found at Appendix 4.

Briefing

- 1.15 On 21 May 2010, DET provided a briefing to the Committee on the online training system for the School Learning Support Program and the new functional assessment tool for students with disabilities and special needs currently being developed by the Department.
- 1.16 The Committee extends its thanks to all the individuals, organisations and representative bodies that contributed to this Inquiry either by making a submission, appearing at a hearing, or hosting a site visit or briefing.

Previous reports and inquiries

- 1.17** A number of reports and inquiries have been conducted concerning students with disabilities and special needs over the past decade. A brief summary of the more recent reports and inquiries are provided below.

New Zealand review of special education services

- 1.18** In November 2009, the Ministry of Education in New Zealand commenced a review of special education services. This review is inquiring into the views and expectations of parents, caregivers, students and educators in relation to the implementation of services and programs for students with special needs in schools; transition periods for students; funding and resources; and cooperation between agencies. This review is expected to report its findings to the Government in July 2010.⁷

ACT inquiry into the needs of students with a disability

- 1.19** In June 2009, the Legislative Assembly for the ACT referred an inquiry to the Standing Committee on Education, Training and Youth Affairs into the level of unmet need for educational services for all students with a disability in ACT Government and non-government schools.⁸
- 1.20** The terms of reference include community and parental experiences of disability education, educational outcomes, international and Australian practice in curriculum and pedagogy for students with disabilities, provision of services such as therapy and transport, and post school options.⁹ This Committee is due to report in mid-2010.¹⁰

Monash University Funding Study

- 1.21** In June 2007, Monash University completed a study into portable funding for students with disabilities, which was commissioned by the then Commonwealth Department of Education, Science and Training. The project investigated Australian Government funding for school students with disabilities in the context of complementary funding from state and territory governments and from other sources.¹¹

⁷ Email from Mr John Thomson, Clerk to Committee, Select Committee, NZ Parliament, to Senior Council Officer, 18 May 2010

⁸ ACT Standing Committee on Education, Training and Youth Affairs, accessed 9 March 2010, <www.legassembly.act.gov.au/committees/index1.asp?committee=117&inquiry=821>

⁹ ACT Standing Committee on Education, Training and Youth Affairs, accessed 9 March 2010, <www.legassembly.act.gov.au/committees/index1.asp?committee=117&inquiry=821>

¹⁰ Telephone conversation between ACT Committee secretariat and Senior Council Officer, 9 March 2010

¹¹ Ferrier, F, Long M, Moore, D, Sharpley, C and Sigafoos, J, *Investigating the Feasibility of Portable Funding for Students with Disabilities*, Monash University, June 2007

- 1.22 The report indicated that there were many issues that deserved a higher priority in consideration of reform than portability, including the level of funding for these students.¹²

Auditor General Performance audit of DET

- 1.23 In 2006, the NSW Auditor General conducted a performance audit on educating primary school students with moderate and severe disabilities in NSW Government schools. The audit found that while DET special education programs have been able to support schools to accommodate these students, as the number of these students increases, pressure will be placed on both funding and the capacity of schools to provide quality services.¹³ The audit made 16 recommendations in relation to improving services for these students, which DET accepted and committed to completing by the end of 2008.¹⁴
- 1.24 Of particular note for the current inquiry are recommendations for a new special education information system, development of guidelines for the review of special classes and the development of a common assessment tool to capture the additional support needs of students with disabilities on enrolment.¹⁵

GPSC2 Inquiry into post school disability programs

- 1.25 In 2005, the General Purpose Standing Committee No 2 conducted an inquiry into post school programs for young adults with a disability. The inquiry stemmed from the decision to end the Adult Training, Learning and Support (ATLAS) post school program and replace it with two new programs: Community Participation and Transition to Work. The Committee determined that more funding should be allocated to all participants of the new programs, and that greater commitment was needed to providing services for people with disabilities, particularly those with high support needs.¹⁶ In response, the NSW Government advised that as of 1 July 2006, funding would be more closely linked to the actual needs of service users, so that people with the highest support needs would receive the highest funding.¹⁷

¹² Ferrier, F, Long M, Moore, D, Sharpley, C and Sigafoos, J, *Investigating the Feasibility of Portable Funding for Students with Disabilities*, Monash University, June 2007

¹³ The Audit Office, accessed 9 March 2010
<www.audit.nsw.gov.au/publications/reports/performance/2006/school_education/education-contents.html>

¹⁴ NSW Legislative Assembly, Public Accounts Committee, *Examination of the Auditor General's Performance Audits Tabled July 2006 - March 2007*, Report 2/54, November 2008, pp 4-5

¹⁵ The Audit Office, accessed 9 March 2010
<www.audit.nsw.gov.au/publications/reports/performance/2006/school_education/education-contents.html>

¹⁶ NSW Legislative Council, General Purpose Standing Committee No. 2, *Post School Disability Programs – Getting a Fair Go*, Report 20, August 2005

¹⁷ NSW Legislative Council, General Purpose Standing Committee No. 2, *Post School Disability Programs – Getting a Fair Go*, Report 20, August 2005, NSW Government Response, 14 March 2006, p 1

Social Issues Committee Inquiry into early childhood intervention

- 1.26** From 2002 to 2003, the Standing Committee on Social Issues conducted an inquiry into early intervention for children with learning difficulties. The final report, *Realising Potential* recognised the clear need for a greater level of investment into the early childhood education and care sectors and for greater coordination between agencies responsible for children's services.¹⁸

Inquiry into the provision of public education in NSW - Vinson Report

- 1.27** In 2002, the NSW Teachers Federation and the Federation of Parents and Citizens' Association of NSW commissioned an inquiry into the provision of public education in NSW. The inquiry was headed by Professor Tony Vinson and released three reports. Chapter nine of the third report specifically addresses the inclusion of students with disabilities in mainstream classes. This chapter makes a number of recommendations including calls for increases in funding and resources, as well as specialised teachers for students with learning difficulties and increased teacher training.¹⁹

Social Issues Committee Inquiry into disability services

- 1.28** From 1999 to 2002, the Standing Committee on Social Issues conducted an inquiry into the provision of residential care and other services which support people with disabilities. The Committee produced three reports. The final report, *Making it Happen*, included a brief examination of early intervention initiatives for children and families that would contribute to a comprehensive prevention system in disability services. The Committee noted that more had to be done to develop a preventative framework beyond children and systematically built into the disability system.²⁰

The McRae Report

- 1.29** One of the most significant reports in the area of education of students with disabilities was prepared by David McRae in 1996. This report was commissioned by the then NSW Department of School Education. The report argued that public education must be inclusive and responsive to the needs of the full range of students including those with disabilities. McRae recommended a system that included parent choice of placement on a balanced and informed basis; guaranteed levels of resource support according to students' needs in an educational setting within public education; and equitable distribution of available resources regardless of location or setting.²¹

¹⁸ NSW Legislative Council, Standing Committee on Social Issues, *Final Report: Realising Potential*, Report 30, September 2003

¹⁹ Professor Tony Vinson, *Inquiry into the provision of public education in NSW*, Third Report, September 2002

²⁰ NSW Legislative Council, Standing Committee on Social Issues, *Final Report: Making it Happen*, Report 28, November 2002

²¹ In: press, McRae report review, accessed 26 May 2010, <www.inpress.pledgonline.com/navigation/2articles/interaction/10/mcraereport.htm>

Definition of students with disabilities or special needs

- 1.30** In the context of this inquiry the term “students with disabilities” includes students with a diagnosed intellectual disability, physical disability, vision impairment, hearing impairment, language disorder, mental health condition or autism, in accordance with the DET Disability Criteria. “Students with special needs” include students with a behaviour disorder and/or learning difficulties.

Report structure

- 1.31** Chapter 2 provides a background to the current provision of education to students with disabilities or special needs in both the government and non-government sectors in NSW. The chapter outlines education providers’ legal obligations to students with disabilities and special needs and describes the current school options for these students. Statistical information regarding students with disabilities and special needs in NSW is also provided.
- 1.32** Chapter 3 outlines how the current funding system for students with disabilities and special needs operates in NSW for both government and non-government schools. A major theme in the inquiry is that the level of funding for students with disabilities and special needs in both sectors is inadequate. This issue is explored in this chapter and recommendations made in this regard.
- 1.33** Chapter 4 reviews the current assessment model used by both government and non-government schools to identify students with disabilities and special needs. A major issue for the inquiry is whether funding should be based on the functioning capacity of a student or their disability. Arguments for both approaches and for a combination of both are outlined. The chapter also includes a discussion of the new functional assessment tool being developed by DET.
- 1.34** Chapter 5 looks at the current level and adequacy of special education places, that is, support classes in mainstream schools and Schools for Specific Purposes. The chapter will discuss the philosophical debate on segregation versus inclusion and the importance of parental choice in this area. It will also discuss how DET determines the number of special education places for government schools, including the role of regional placement panels in this determination.
- 1.35** Chapter 6 considers the adequacy of support services for students with a disability or special needs in mainstream classes, including the proposed School Learning Support Program.
- 1.36** Chapter 7 examines the availability of professional and allied health support services to all students with a disability or special needs and their families, with a particular focus on access to school counsellors. The role of assistive technology in improving educational outcomes for students with disability or special needs is also discussed.
- 1.37** Chapter 8 examines curriculum issues for students with disabilities and special needs. This includes a discussion of inquiry participants’ concerns about the relevance of the ‘universal’ curriculum for students with disabilities and special needs, and the barriers to the effective adjustment and implementation of modified curriculum for such students.

- 1.38** Chapter 9 considers the provision of adequate teacher training, both pre-service and ongoing professional training, to equip teachers to teach students with disabilities or special needs.

Chapter 2 Disability education in NSW

This chapter provides background information on the current provision of education to students with disabilities or special needs in both the government and non-government sectors in NSW. The chapter will outline education providers' legal obligations and describe the current school options for students with disabilities and special needs. Statistical information regarding students with disabilities and special needs in NSW is also provided.

From segregation to inclusion

- 2.1** There has been a significant shift in educational policy over the past two decades across Australia and internationally, away from the notion of segregated settings for students with disabilities and special needs – such as Schools for Specific Purposes - to a more integrated or inclusive model of education where these students attend regular classes and schools.²²
- 2.2** This policy shift is based on the view that students with disabilities and special needs should be able to access the same educational and social opportunities as all other students and that the inclusion of such students in mainstream classes can benefit all students in those schools.²³
- 2.3** The 1996 McRae Report is seen as a “watershed” in the development of a more inclusive educational system for students with a disability or special needs in NSW. McRae was commissioned by the NSW Government to conduct a feasibility study into greater integration of students with disabilities in the State’s schools. The report recommended, among other things, that funds should be increased significantly to address the demand for integration and that funding for individual students should be based on their needs and should move with students if they change schools.²⁴
- 2.4** Since 1974, the NSW Government has been responsible for the provision of education to students with disabilities and special needs in NSW through the education services provided by the Department of Education and Training (DET). Previously, these students were either not educated or catered for by voluntary organisations in institutions.²⁵
- 2.5** The NSW Board of Studies, the NSW Institute of Teachers, the Department of Human Services and NSW Health also provide support or programs to assist students, including those with disabilities and special needs to obtain appropriate educational outcomes.²⁶
- 2.6** The Commonwealth Government, through the Department of Education, Employment and Workplace Relations (DEEWR), provides significant funding to state and territory

²² Submission 715, NSW Government, p 9

²³ Submission 715, p 9

²⁴ Disability Council of NSW one of the Kids, accessed 15 June 2010, <www.disabilitycouncilnsw.gov.au/archive/98/stroeve1.pdf>

²⁵ Submission 715, p 9 and Professor Tony Vinson, *Inquiry into the provision of public education in NSW*, Third Report, September 2002, p 31

²⁶ Submission 715, p 5 and Appendix 1, pp 88-93

government and non-government education authorities to assist students with disabilities and special needs.²⁷

- 2.7 Commonwealth and NSW legislation enshrine the principle that reasonable steps must be taken to provide students with a disability the same opportunity to participate at school as all other students.²⁸ These legal obligations are outlined in the next section.

Legal obligations

- 2.8 There is a range of legal instruments that underpin how education is supposed to be provided to students with disabilities and special needs in both government and non-government schools. These include the:

- United Nations *Convention on the Rights of Persons with Disabilities*
- Commonwealth *Disability Discrimination Act 1992* and Disability Standards for Education (2005)
- NSW *Education Act 1990*
- NSW *Anti-Discrimination Act 1977* (government schools only).

United Nations *Convention on the Rights of Persons with Disabilities*

- 2.9 The United Nations *Convention on the Rights of Persons with Disabilities* was ratified by Australia in July 2008. This convention is effectively an international charter of rights for persons with a disability. Specifically, Article 24 establishes a principle of inclusive education and promotes reasonable accommodation of an individual's requirements.²⁹

Commonwealth *Disability Discrimination Act 1992* and the National Disability Standards for Education (2005)

- 2.10 The Commonwealth *Disability Discrimination Act 1992* imposes legal obligations and duties on schools in relation to students with a disability. This Act defines disability broadly as:

Total or partial loss of a person's bodily or mental functions, the presence in the body of organisms causing disease or illness, a malfunction, malformation or disfigurement of a part of the person's body, a disorder or malfunction that results in the person learning differently and a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour.³⁰

²⁷ Submission 675, Commonwealth Department of Education, Employment and Workplace Relations, p 1

²⁸ Submission 715, p 9

²⁹ United Nations, *Convention on the Rights of Persons with Disabilities*, Article 24

³⁰ *Disability Discrimination Act 1992* (Cth), s4

- 2.11** Section 22 of the Act states that it is unlawful for a school to discriminate against a student on the grounds of his or her disability by:
- Refusing or failing to accept his or her application for admission as a student
 - Denying or limiting him or her access to any benefit provided by the school or expelling the student or by subjecting the student to any other detriment
 - Developing curricula that will either exclude him or her from participation or subject him or her to any other detriment or by accrediting curricula having such content.³¹
- 2.12** The National Disability Standards for Education (2005) were issued under Section 31 of the Act. These standards provide a framework to ensure that students with disabilities are able to access and participate in education on the same basis as other students.³² The standards specify how education and training are to be made accessible to students with disabilities and cover enrolment, participation, curriculum development, accreditation and delivery, student support services and elimination of harassment and victimisation.³³
- 2.13** The standards apply to government and non-government education providers. Under section 32 of the Act it is unlawful for a person to contravene a disability standard and a complaint can be made to the Human Rights Commission.³⁴
- 2.14** The standards are required to be reviewed within five years of their commencement. The Department of Education Employment and Workplace Relations has advised it will review the standards in 2010 to determine whether they remain the most efficient mechanism for achieving the objectives of the *Disability Discrimination Act 1992*.³⁵

NSW Education Act 1990

- 2.15** The key legislation in NSW relating to education is the *Education Act 1990* (NSW). The principles of this Act include that:
- every child has the right to receive an education,
 - the education of a child is primarily the responsibility of the child's parents,
 - it is the duty of the State to ensure that every child receives an education of the highest quality,
 - the principal responsibility of the State in the education of children is the provision of public education.³⁶

³¹ *Disability Discrimination Act 1992* (Cth), s22

³² Attorney General's Department and Department of Education, Science and Training, *Disability Standards for Education 2005*, p iii, (hereafter referred to as the *Disability Standards for Education 2005*)

³³ *Disability Standards for Education 2005*, pp 5-6

³⁴ *Disability Standards for Education 2005*, pp 5-6

³⁵ Submission 675, p 9

³⁶ *Education Act 1990* (NSW), s4

2.16 Section 20 of the Act relates to assistance for government school children with special needs:

- (1) The Minister may provide or arrange special or additional assistance for government school children with special needs, such as:
 - (a) children with disabilities, or
 - (a1) children with significant learning difficulties, or
 - (b) children who live in isolated or remote areas, or
 - (c) children who are from non-English speaking backgrounds, or
 - (d) Aboriginal children, or
 - (e) children with special abilities, or
 - (f) children who are disadvantaged by their socio-economic background.
- (2) Any such special or additional assistance may include the provision of financial assistance, facilities, courses of study, staff, staff training or distance education.
- (3) Any such financial assistance is to be paid out of money to be provided by Parliament.
- (4) For the purposes of subsection (1) (a1), a child has a significant learning difficulty
- (5) if a qualified teacher or other qualified education professional is of the opinion that the child is not, regardless of the cause, performing in the basic educational areas of reading, writing, spelling and mathematics in accordance with the child's peer age group and stage of learning.³⁷

2.17 This section of the Act was amended in 2008 to include children with a significant learning difficulty as a category of children who may require additional support.³⁸

NSW Anti-Discrimination Act 1977

2.18 The *Anti-Discrimination Act 1977* (NSW) prohibits discrimination on the grounds of race and disability amongst other things. Disability is broadly defined under this Act in similar terms to that under the Commonwealth *Disability Discrimination Act 1992*, as is the instances in which it is unlawful for a school to discriminate against a student on the grounds of disability.³⁹

Definitions and disability categories

2.19 In addition to the broad definition of disability set out in the anti-discrimination legislation, DET has established a set of Disability Criteria that a student with disabilities or special needs

³⁷ *Education Act 1990 (NSW)*, s20

³⁸ Hon Penny Sharpe MLC, *LC Minutes* (3/12/2008) 12364

³⁹ Submission 715, Appendix 2, pp 97-98

is required to meet for access to additional funding support. For students with disabilities in NSW Government schools, the type and nature of the disability needs to be initially assessed and confirmed using these criteria through the school counselling service.⁴⁰

- 2.20** The Department's Disability Criteria categories include language disorder, physical disability, intellectual disability, hearing impairment, vision impairment, deaf/blind, mental health problems and autism.⁴¹ This criteria also applies to students in non-government schools in NSW who access government funding.
- 2.21** Students with "special needs" are those that do not meet the formal disability criteria but still require specific teaching adjustments or strategies to assist them to achieve quality educational outcomes commensurate with their peers. These students are referred to as students with learning difficulties or additional learning needs.⁴²
- 2.22** As noted in Chapter 1, in the context of this inquiry, the term "students with disabilities" will include students with a diagnosed intellectual disability, physical disability, vision impairment, hearing impairment, language disorder, mental health conditions or autism, in accordance with the DET Disability Criteria. "Students with special needs" includes students with a behaviour disorder and/or learning difficulties. It is noted that definitions for special needs students varies across government, independent and Catholic school sectors.
- 2.23** The lack of common national definitions for students with disabilities or special needs has been raised as an issue in this and previous inquiries.⁴³ The lack of such definitions make it difficult for students to transfer between government and non-government sectors and interstate. It also makes effective comparisons between jurisdictions, in terms of funding and access to service provision for these students, difficult.
- 2.24** The Committee understands that under the National Education Agreement all governments are expected to work towards a nationally consistent approach to identifying students with disabilities, which should overcome some of these issues.⁴⁴ This issue will be looked at in Chapter 4, which covers the assessment process in detail.

Schooling options

- 2.25** There is a range of school options for students with disabilities and special needs across the government and non-government sectors.

⁴⁰ Submission 715, Appendix 5, pp 108-109

⁴¹ Submission 715, Appendix 5, pp 108-109. The Department of Education and Training's Disability Criteria reflect internationally accepted standards as per the Diagnostic and Statistical Manual of Mental Disorder, Fourth Edition, (American Psychiatric Association) and the International Classification of Diseases, 10th Edition, (World Health Organisation) and were developed in collaboration with NSW Health.

⁴² Submission 715, p 18

⁴³ Submission 715, p 7

⁴⁴ Council of Australian Governments, *National Education Agreement*, p B-22

- 2.26** The decision on where to enroll a student, and with what level of support, will depend on a number of factors, including a student's educational needs, the expressed desires of parents and caregivers, the capacity of the system to provide the level of support services required generally and at a preferred location, and the availability of support services at alternative locations.⁴⁵

Student enrolments across educational sectors in NSW

- 2.27** The following section provides an overview of the number of students with a disability or special needs in the three education sectors in NSW in 2009.
- 2.28** Caution should be used in seeking to compare these figures as they may relate to different points in time in 2009. It should also be noted that while all sectors use the DET Disability Criteria to define students with a disability, the definition of students with special needs is not uniform across the sectors.⁴⁶

NSW Government schools

- 2.29** In 2009, a total of 32,550 students with confirmed disabilities were enrolled in over 2,200 NSW Government schools in NSW. This equates to approximately 4.3% of the total 750,000 students in NSW Government schools. Of these students with confirmed disabilities:
- 3,882 were in over 95 Schools for Specific Purposes (SSPs)
 - 13,662 were in support classes in regular schools.
 - 15,006 were in regular classes in NSW Government schools.⁴⁷

- 2.30** In addition to these students with a confirmed disability, the NSW Government has advised that, in 2009, there were more than 50,000 students with special needs (additional leaning difficulties) in regular classes.⁴⁸

NSW Catholic schools

- 2.31** In 2009, a total of 10,357 students with confirmed disabilities were enrolled in 583 Catholic schools in NSW. This equates to approximately 4.3% of the total 239,274 students in the NSW Catholic system. Of these students with confirmed disabilities:

⁴⁵ Department of Education and Training, *Who's going to teach my child? A Guide for parents of children with special learning needs*, 2008, p 10

⁴⁶ The Association of Independent Schools NSW and the Catholic Education Commission NSW advised that the statistics they have provided to the Committee relate to students with disabilities that meet the DET Disability Criteria, see Submission 670, Association of Independent Schools NSW, p6 and Submission 671, Catholic Education Commission NSW, p 9

⁴⁷ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 60; Submission 715, p5 and Department of Education and Training, accessed 15 March 2010, <www.schools.nsw.edu.au/gotoschool/types/specificpurposes/schoollist_ssp.php>

⁴⁸ Submission 715, p 14

- 483 were in 7 Catholic SSPs
- 9,874 were in regular classes in Catholic schools.⁴⁹

2.32 According to the Catholic Education Commission NSW (CEC NSW), in addition to the students with confirmed disabilities, there are approximately 24,000 students enrolled in NSW Catholic schools with special needs, who require additional learning support.⁵⁰

NSW independent schools

2.33 In 2009, a total of 3,391 students with confirmed disabilities were enrolled in over 430 independent schools in NSW. This equates to approximately 2% of the total of over 173,000 students in NSW independent schools. Of these students with confirmed disabilities:

- 1,086 were in 25 independent SSPs
- 2,305 were in regular classes in independent schools.⁵¹

2.34 According to the Association of Independent Schools NSW (AIS NSW), in addition to the students with confirmed disabilities, there are approximately 23,700 students enrolled in NSW independent schools with special needs/learning difficulties.⁵²

NSW Government schools

2.35 More than 76% of students with confirmed disabilities or special needs in NSW receive educational services from DET.⁵³

2.36 In NSW Government schools, students with a confirmed disability may be enrolled in either:

- Regular or “mainstream” classes
- Support classes within regular schools
- SSPs.⁵⁴

2.37 The number of students in each category is presented in the tables below.

⁴⁹ Submission 671, p 5 and p 9. The Catholic Education Commission NSW advised that most students with disabilities are supported in regular classrooms and there are only a very small number of students in separate support classes in regular Catholic schools. Email from Ms Geraldine Gray, State Coordinator Special Learning Needs, Catholic Education Commission NSW to Principal Council Officer, 31 May 2010

⁵⁰ Submission 671, p 5

⁵¹ Submission 670, pp 6-7. The vast majority of students with disabilities are included within mainstream independent schools.

⁵² Email from Ms Cate Pinnington, Director of Professional Services, Association of Independent Schools NSW to Principal Council Officer, 2 June 2010

⁵³ Submission 715, p 5

⁵⁴ Submission 715, p 14

Regular classes

- 2.38 The Department provides a range of programs and support services to assist students with disabilities or special needs in regular classes. More detail on these programs is covered in the Chapter 6.⁵⁵

Table 2.2: Number of students in regular DET classes by disability category 2007-2009⁵⁶

Students in regular classes	2007	2008	2009
Autism	4,252	4,913	5,620
Hearing	473	445	403
Intellectual	1,238	1,214	880
Mental health	5,540	5,867	6,291
Physical	1,585	1,572	1,574
Vision	248	253	238
Total	13,336	14,264	15,006

Support classes within regular schools

- 2.39 The NSW Government provides a range support classes in regular schools. These classes may cater for children with specific disabilities such as autism, language disorders, physical disability and mild intellectual disability. Multi-categorical classes for students who have different disabilities but similar moderate to high support needs have been established recently (approximately 100 classes in 2009 across NSW).⁵⁷ All support classes have a smaller number of children in each class than regular classes ranging from 6 to 18.⁵⁸
- 2.40 Placement in support classes is subject to a student meeting the DET Disability Criteria. Regional placement panels process applications for enrolment in these classes.⁵⁹
- 2.41 In 2009, there were over 520 regular schools in NSW providing support classes.⁶⁰

⁵⁵ Submission 715, p 39

⁵⁶ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 60

⁵⁷ Submission 715, p 51, Figure 9

⁵⁸ Submission 715, pp 48-50

⁵⁹ Submission 715, p 47

⁶⁰ A full list of those schools can be found at the DET website, accessed 6 January 2010, www.schools.nsw.edu.au/studentsupport/programs/disabilitypgrms/schoollist/index.php

Table 2.3: Number of students in support classes in regular DET schools by disability category 2007-2009⁶¹

Students in support classes in regular schools	2007	2008	2009
Autism	537	632	893
Hearing	203	254	243
Intellectual	10,851	11,104	11,679
Mental health	572	625	661
Physical	222	264	186
Vision	0	0	0
Total	12,386	12,879	13,662

School for Specific Purposes (SSPs)

- 2.42** The Department of Education and Training operate a range of SSPs to cater for particular students with disabilities, such as physical disability, emotional disturbances, behavioural difficulties and intellectual disability. SSPs have small class sizes and a support staff ratio similar to support classes in regular schools.⁶²
- 2.43** Placement in classes at SSPs is subject to a student meeting the DET Disability Criteria. Regional placement panels process applications for enrolment in these classes.⁶³
- 2.44** In 2009, there were 95 government SSPs in NSW.⁶⁴ More detail on SSPs and support classes can be found in Chapter 5.

Table 2.4: Number of students in DET Schools for Specific Purposes by disability category 2007-2009⁶⁵

Students in Schools for Specific Purposes	2007	2008	2009
Autism	77	91	128
Hearing	24	30	29
Intellectual	2734	2767	2942
Mental health	659	721	762

⁶¹ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, DET, Question 60

⁶² Submission 715, p 46

⁶³ Submission 715, p 47

⁶⁴ A full list of those schools can be found at the DET website, accessed 6 January 2010, www.schools.nsw.edu.au/gotoschool/types/specificpurposes/schoollist_ssp.php

⁶⁵ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 60. It is understood that Behaviour Disorder classes are not included in these figures or Juvenile Justice SSPs.

Students in Schools for Specific Purposes	2007	2008	2009
Physical	22	26	18
Vision	3	3	3
Total	3,518	3,668	3,882

Catholic schools

- 2.45** In 2009, a total of 10,357 students with confirmed disabilities were enrolled in 583 Catholic schools in NSW. This equates to approximately 4.3% of the total 239,274 students in the NSW Catholic system. The seven Catholic SSPs enrol 483 students (this is included in the above figures) with the remainder attending regular Catholic schools.⁶⁶
- 2.46** The CEC NSW represents most of these schools. However, the day-to-day management is overseen by the relevant diocesan-based Catholic Education Office (there are 11 separate diocesan school systems in NSW).⁶⁷ There are also a small number of “independent” Catholic schools that are members of the Association of Independent Schools of NSW.⁶⁸
- 2.47** Students with disabilities or special needs in the Catholic education system primarily attend a regular class in their local Catholic school. A small number of Catholic schools offer support classes, such as autism satellite classes, in regular schools. There are currently 54 of these satellite classes, however, students in these classes are not included in the Catholic school enrolment statistics as they are administered by Autism Spectrum Australia.⁶⁹
- 2.48** The NSW Catholic schools use the NSW DET Disability Criteria to apply for funding from both the Commonwealth and NSW Governments for students with disabilities. More detail on funding arrangements for students with disabilities or special needs is outlined in Chapter 3.
- 2.49** In addition to the students with confirmed disabilities indicated in the statistics above, there are approximately another 24,000 students enrolled in NSW Catholic schools who require additional learning support (students with special needs).⁷⁰

Independent schools

- 2.50** In 2009, a total of 3,391 students with confirmed disabilities were enrolled in over 430 independent schools in NSW. This equates to approximately 2% of the 173,000 students in NSW independent schools.⁷¹ In 2009, 2,305 of these students were enrolled in regular

⁶⁶ Submission 671, p 3 and p 5

⁶⁷ Submission 671, p 5

⁶⁸ For example, St Aloysius College and Waverley College.

⁶⁹ Submission 671, p 18

⁷⁰ Submission 671, p 5

⁷¹ Submission 670, p3 and p6

independent schools and 1,086 attended 25 independent SSPs.⁷² Only three schools offer support class placements.⁷³ The current trend in parental choice has led to the majority of students with disabilities being educated in regular classes in this sector.⁷⁴

- 2.51** In NSW, these schools are members of the AIS NSW, however, the day-to-day management of these schools is usually governed on either an individual school basis or by systems, such as a specific religious system, for example, the Anglican schools.⁷⁵
- 2.52** The NSW independent schools also use the NSW DET Disability Criteria to apply for funding from both the Commonwealth and NSW Governments for students with disabilities. More detail on funding arrangements is outlined in Chapter 3.
- 2.53** In addition to the students with confirmed disabilities indicated in the statistics above, the AIS NSW indicated that according to their definition, there are more than 23,700 students enrolled in NSW independent schools who require additional learning support (students with special needs). The AIS NSW advised that this figure is a conservative estimate of students with special needs based on applications for additional support to the AIS NSW. The Association indicated that comparisons between figures on students with special needs can be problematic due to lack of common definition across the sectors and because not every school applies for additional support.⁷⁶

Home schooling and distance education

- 2.54** Parents of children with disabilities or special needs may elect to educate their child at home. In applying to the Board of Studies NSW for registration for home schooling, parents must provide details of their child's disability or special need, however, no additional requirements need to be met in relation to the child's disability or special need.⁷⁷
- 2.55** Students with a medical condition, intellectual disability or significant support needs such as a mental health condition, autism or severe disruptive behaviours, may be eligible for enrolment at a distance education school. Distance education is not limited to students with a disability or special needs living in rural NSW and may be accessed by eligible students living in metropolitan Sydney. Distance education programs are also available for students whose special circumstances impact on their engagement and prevent them from attending school on a regular basis, including a School for Specific Purposes or support class within a regular school.⁷⁸

⁷² Submission 670, p 7

⁷³ Email from Ms Pinnington to Principal Council Officer, 2 June 2010

⁷⁴ Submission 670, p5

⁷⁵ Submission 670, p 3. Please note that the majority of Catholic schools are not included in the independent sector.

⁷⁶ Email from Ms Pinnington to Principal Council Officer, 2 June 2010 and Correspondence from Association of Independent Schools NSW to Chair, 2 June 2010, p 1

⁷⁷ Office of the Board of Studies NSW, *Home Education in NSW – Information package*, September 2006, p 35

⁷⁸ Department of Education and Training, *Distance Education Guidelines 2008*, pp 4-7

Increase in students with disabilities

- 2.56** There is universal agreement among inquiry stakeholders that there has been a marked increase in the number of students identified with a disability in NSW. The Department advised that this increase is reflected internationally.⁷⁹
- 2.57** The AIS NSW stated that in 1992 the number of students with disabilities in its sector was 820 and that by 2009 the number of eligible students had increased to 3,391.⁸⁰
- 2.58** The CEC NSW commented that the increasing enrolment of students with disabilities and special needs 'is a reality across all NSW schools, government and non-government.'⁸¹ In the Catholic sector in 1991 there were 2,650 students with recognised disabilities and this had risen to 10,357 by 2009.⁸²
- 2.59** In addition to an overall increase in the numbers of students with disabilities, DET indicated that there had been a dramatic change in the profile of students being provided additional support. Of particular note is the increase in the incidence of students with mental health disorders⁸³ and autism from 2003 to 2009. The Department reported a 75% increase over this period in the number of students with a mental health disorder in NSW Government schools and a 165% increase for this period in students with autism.⁸⁴

Reasons for the increase in the number of students with disabilities

- 2.60** According to DET, the following factors have contributed to the increase of the total number of students identified with disabilities or special needs in NSW Government schools:
- Parent choice to send their child to government schools
 - Raising the school leaving age for all students in NSW to 17 years
 - An increase in the number of students with autism in response to earlier and increased diagnoses
 - An increase in the number of young families in some areas of the state with children with disabilities requiring specialist support.⁸⁵
- 2.61** The AIS NSW suggested that a range of factors account for the increased enrolments of students with disabilities in the independent sector, including the overall increase in the number of students attending independent schools and the shift in all sectors to more

⁷⁹ Submission 715, pp 14-15

⁸⁰ Submission 670, p 6

⁸¹ Submission 671, p 9

⁸² Submission 671, pp 9-10

⁸³ Mental health disorders include anxiety disorder, depression, substance abuse disorder, schizophrenia and bipolar disorder.

⁸⁴ Submission 715, p 19

⁸⁵ Answers to questions on notice taken during evidence, 19 September 2009, Minister for Education, Budget Estimates 2008/2009, Question 6

students with disabilities being educated in a regular setting.⁸⁶ The AIS NSW also advised the *Disability Discrimination Act 1992 (Cth)* has had a significant impact by enabling students with disabilities to be offered the same educational opportunities as other students.⁸⁷

2.62 Ms Robyn Yates, Director, AIS NSW, provided further comment on the reasons behind the increase in students with disabilities:

Certainly, medical improvements mean that children survive and are then educated. There are also better diagnostic services. We have improved our educational services and children are being educated. When I first started in school, a lot of the students I was working with—as were my colleagues across all three sectors—were institutionalised. They are now in schools.⁸⁸

2.63 This increase in the number of students with disabilities has placed considerable pressure on education providers to provide adequate support for these students. Ms Cate Pinnington, Director of Professional Services, AIS NSW, commented:

The growth, of course, places enormous pressure on the available resources to address the needs of these students. That is not to say there is not a great willingness in order to address those needs ... The independent sector alone is not the only sector experiencing significant growth in the number of students with disabilities ... In addition to the increase in numbers we share a number of other issues: inadequate funding to support the educational needs of students with disabilities; we are all challenged by the increase in complexity of the needs of students we are working with; there needs to be a continuum of support services and this continuum is critical to address the diverse needs of students; and there needs to be access to tailored, relevant and timely support services for students in all schooling sectors and settings.⁸⁹

Conclusion

2.64 The Committee recognises and supports the move towards increased inclusion of students with disabilities and special needs in regular settings and the underpinning legal obligations of education providers to provide this access to educational services.

2.65 The Committee acknowledges that due to a number of factors, including the move towards inclusion of students with disabilities and special needs in regular classes; improved infant survival rates; and more sensitive diagnostic tools for mental health disorder and autism, there has been a dramatic increase in the number of identified students with disabilities or special needs. It is understood that this increase in numbers places a growing pressure on available government and non-government education resources to meet the demand for the provision

⁸⁶ Submission 670, pp 6-8

⁸⁷ Submission 670, p 8

⁸⁸ Ms Robyn Yates, Director, Association of Independent Schools NSW, Evidence, 22 March 2010, pp 45-46

⁸⁹ Ms Cate Pinnington, Director of Professional Services, Association of Independent Schools NSW, Evidence, 22 March 2010, p 43

of educational services for these students. This leads into the discussion of adequate resources, such as funding, for these students, which is addressed in the following chapter.

Chapter 3 Funding for students with disabilities and special needs

This chapter outlines how the current funding system for students with disabilities and special needs operates in NSW in both the government and non-government sectors. The general consensus among inquiry participants is that the level of funding for students in their respective sectors is significantly inadequate to allow students with disabilities or special needs to fulfil their educational potential.

School funding system in NSW

- 3.1** Under the Australian Constitution the states and territories are responsible for the regulation and funding of government schools. States and territories also provide supplementary funding to non-government schools. The Commonwealth Government is the primary source of public funding for non-government schools and also provides supplementary funding to government schools.⁹⁰
- 3.2** As noted by a number of inquiry participants the school funding system in NSW and Australia is very complex. Mr Ian Baker, Director, Policy and Programs, Catholic Education Commission NSW, commented:

... leave aside the quantum of funding, I think we would all agree that special education funding is too complex. It is a prisoner of its history and it is time it was liberated.⁹¹

Funding sources for students with disabilities and special needs in NSW Government schools

NSW Government funding

- 3.3** In 2009/10 the NSW service budget for government schools was \$8.577 billion. Over \$1.1 billion of this \$8.577 billion was allocated by the Department of Education and Training (DET) to support students with disabilities or special needs in government schools. This is on top of the base funding provided to all regular schools.⁹²
- 3.4** As the figure below indicates, the average cost of educating a student with disabilities or special needs is approximately \$12,500 more than a student without a disability or special needs.⁹³

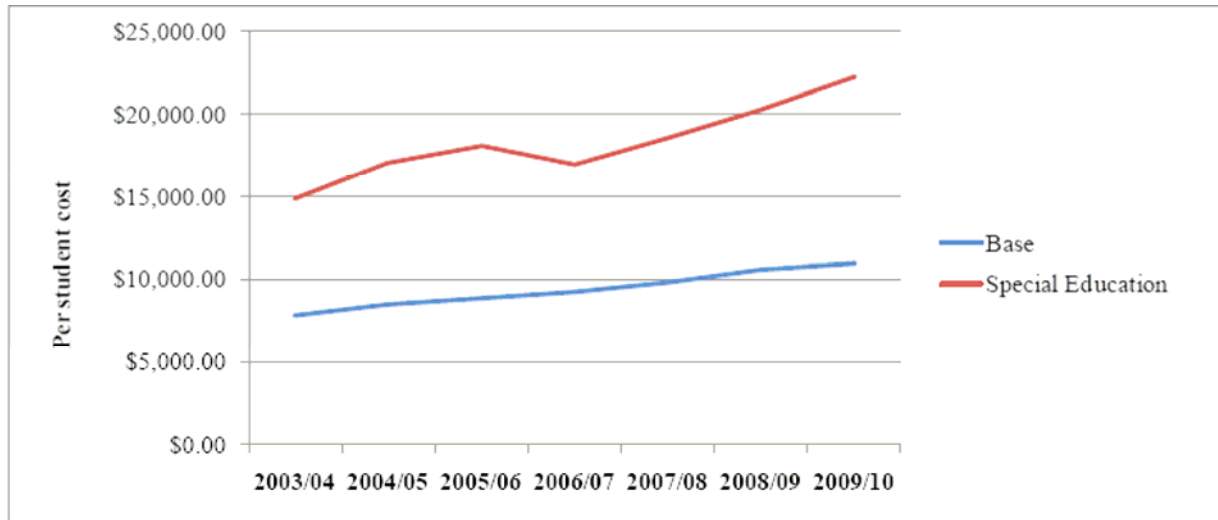
⁹⁰ Former Ministerial Council on Education, Employment, Training and Youth Affairs, *Resourcing Australia's Schools*, 2007, p 1

⁹¹ Mr Ian Baker, Director, Policy and Programs, Catholic Education Commission NSW, Evidence, 22 March 2010, p 71

⁹² Submission 715, NSW Government, p 23. Base funding refers to the funding allocated to schools as part of their global budget which covers costs for regular classroom teachers and other school costs (it excludes capital costs).

⁹³ Submission 715, p 25

Figure 3.1: Average per student cost of education services to students without (Base) and with disabilities or special needs (Special education)⁹⁴



3.5 The figure above also demonstrates that the cost of educating a student with disabilities or special needs is increasing at a greater rate than for students who do not have disabilities or special needs.⁹⁵

3.6 The NSW Government indicated that there has been a 76% increase in NSW Government expenditure on students with disabilities and special needs attending government schools from over \$600 million in 2003/04 to more than \$1.1 billion in 2009/10.⁹⁶ It suggested that ‘a key reason for this increase has been the rising numbers and identification of students with a disability attending NSW Government schools’.⁹⁷

3.7 The special education budget of \$1.1 billion funds the following:

- Special classes (or support classes) in regular schools and in Schools for Specific Purposes (SSPs)
- The Integration Funding Support Program that supports students with a confirmed disability in regular classes
- The Learning Assistance Program that supports students in regular classes who experience difficulties in basic areas of learning, regardless of the cause
- The School Learning Support Coordinator initiative that supports students with additional learning needs
- The cost of itinerant teacher services

⁹⁴ Submission 715, p 25

⁹⁵ Submission 715, p 25

⁹⁶ Submission 715, p 24

⁹⁷ Submission 715, p 24

- The cost of the School Student Special Transport Scheme, a transport service from home to schools and return for eligible students attending government and non-government schools.⁹⁸

3.8 The special education budget excludes the cost of school counselling services and the provision of various specialist behaviour services provided to students in regular schools, corporate overheads and capital expenditures.⁹⁹

3.9 A breakdown of the \$1.1 billion into the special education funding categories is outlined in the table below.

Table 3.2: Special education funding breakdown for 2009-10¹⁰⁰

Service Group Funding	2009-10 Estimate \$000's
Integration Funding Support (additional to base funding) ¹⁰¹	123,992
Learning Assistance Program	149,357
Schools for Specific Purposes	179,766
Support classes	603,488
School Student Transport Scheme	49,733
Total expenses	1,106,336

Commonwealth funding

3.10 Commonwealth funding for government schools is delivered through an intergovernmental funding framework under a National Education Agreement (NEA) with the states and territories. The NEA allows states and territories to allocate Commonwealth funding to areas which they believe will produce the best outcomes for students.¹⁰²

3.11 The Commonwealth Government allocates recurrent funding to schools based on the Average Government School Recurrent Costs (AGSRC), which is the cost of educating a student in a government school. It is noted that the AGSRC includes a component that derives from the cost of educating children with special needs and disabilities in public

⁹⁸ Submission 715, p 27

⁹⁹ Submission 715, p 28

¹⁰⁰ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coumts-Trotter, Director General, Department of Education and Training, Question 61. It is noted that DET did not include in this breakdown the funding for the School Learning Support Coordinator Initiative or itinerant teachers.

¹⁰¹ The figure for integration funding reflects the additional funding component to students supported through this program above regular classroom teacher and school costs. However, funding for students in Schools for Specific Purposes and support classes reflected their full support costs.

¹⁰² Submission 675, Department of Education, Employment and Workplace Relations, p 1

education. In 2009 the AGSRC amount for primary students was \$8,380 and for secondary students it was \$10,646. In 2009 Commonwealth funding for NSW Government primary and secondary schools was 10% of the AGSRC, per student.¹⁰³

- 3.12** Total Commonwealth recurrent funding to NSW Government schools for 2007/08 was \$808 million, which includes recurrent, targeted and Indigenous program expenditure.¹⁰⁴ This is a total figure for NSW Government schools and is not specific to students with disabilities or special needs. The Commonwealth Department of Education, Employment and Workplace Relations (DEEWR) advised that students with disabilities in all states and territories also receive funding from the \$2.5 billion Commonwealth Smarter Schools National Partnerships programs, which ‘aim to lift education outcomes for all students, including those with special needs’.¹⁰⁵

Funding sources for students with disabilities and special needs in non-government schools in NSW

Commonwealth funding

- 3.13** Non-government schools receive most of their government funding from the Commonwealth Government. This is provided to non-government education authorities under the *Schools Assistance Act 2008*.¹⁰⁶
- 3.14** Total Commonwealth recurrent funding to NSW non-government schools was \$1.757 billion in 2007/08. This figure includes recurrent, targeted and Indigenous program expenditure.¹⁰⁷ This is a total figure for NSW non-government schools and is not specific to students with disabilities or special needs.
- 3.15** Commonwealth recurrent funding is allocated to non-government schools based on student numbers in primary and secondary schools and a percentage of the respective AGSRC amounts. While government schools are allocated this funding based on 10% of the AGSRC across the board, the percentage for non-government schools is based on a formula that measures the socio-economic status (SES) of a school community. SES funding ranges from a minimum of 13.7% of AGSRC for schools in the wealthiest communities to a maximum entitlement of 70% of AGSRC for schools in the poorest communities.¹⁰⁸
- 3.16** The SES rating model was introduced for non-government schools in 2001, however, the Commonwealth Government agreed to maintain earlier (higher) levels of funding if the

¹⁰³ Commonwealth Government, *Review of Funding for Schooling, Discussion Paper*, p 8

¹⁰⁴ Productivity Commission, *Report on Government Services 2010*, Table 4.1, p 4.5

¹⁰⁵ Submission 675, p 2

¹⁰⁶ Commonwealth Government, *Review of Funding for Schooling, Discussion Paper*, p 12

¹⁰⁷ Productivity Commission, *Report on Government Services 2010*, Table 4.1, p 4.5

¹⁰⁸ Commonwealth Government, *Review of Funding for Schooling, Discussion Paper*, p 12. The SES funding model links student residential addresses to ABS national census data to obtain a SES profile of a school community and measure its capacity to support the school.

Commonwealth funding allocation based on the SES rating of the school would have led to a reduction in funding for a non-government school.¹⁰⁹

- 3.17** In addition, if a non-government school is recognised by the state Minister as a School for Specific Purposes or special assistance school and either provides special education or primarily caters for students with social, emotional or behavioural difficulties, it is entitled to receive the maximum 70% of AGSRC recurrent funding, without regard to the SES of the school community.¹¹⁰
- 3.18** Targeted Commonwealth funding provided under the Literacy, Numeracy and Special Learning Needs (LNSLN) program assists non-government education authorities to improve the learning outcomes of educationally disadvantaged students, including students with disabilities by contributing funding for additional teaching and learning assistance.¹¹¹
- 3.19** One component of the LNSLN program is targeted specifically to students with disabilities. This is a per capita payment based on the number of students with a disability recorded on the previous year's census for each school. The Association of Independent Schools NSW (AIS NSW) advised that the allocation in 2009 was \$894 per eligible student.¹¹²
- 3.20** The Catholic Education Commission NSW (CEC NSW) stated that the LNSLN provides grants averaging:
- \$1,131 for each student with a disability enrolled in a regular Catholic School, and
 - \$6,912 for each student with a disability enrolled in a special Catholic School.¹¹³
- 3.21** The Association of Independent Schools NSW (AIS NSW) administers the Commonwealth LNSLN school grants component on behalf of the independent sector but each independent school has a direct funding relationship with the Commonwealth (and State) governments with respect to recurrent funding, that is, recurrent funds are not directed through the AIS NSW.¹¹⁴

NSW Government funding

- 3.22** In accordance with the *Education Act 1990* (NSW), the NSW Government provides financial assistance to registered non-government schools in the form of per capita funding.¹¹⁵ This per capita funding is calculated differently to the funding received from the Commonwealth. It is

¹⁰⁹ Commonwealth Government, *Review of Funding for Schooling, Discussion Paper*, p 12. The Commonwealth Government implemented the SES rating for independent schools in 2001 and Catholic schools in 2005.

¹¹⁰ Submission 675, p 1

¹¹¹ Submission 675, p 1

¹¹² Submission 670, Association of Independent Schools NSW, p 10

¹¹³ Submission 671, Catholic Education Commission NSW, p 10. It is unclear if this allocation is for Catholic schools only.

¹¹⁴ Submission 670, p 10 and Correspondence from Dr Geoff Newcombe, Association of Independent Schools NSW, to Chair, 2 June 2010

¹¹⁵ *Education Act 1990*, s21

based on an average 25% of the equivalent cost to educate a student in a government school taking into account “common costs” and the “category” in which the schools is placed.¹¹⁶ There are 12 categories or levels of funding, with Category 12 providing the highest rate of funding (that is, the total 25% allocation).¹¹⁷

- 3.23** For 2009, the average per capita grant (25% figure) was calculated to be \$1,664 per primary student and \$2,130 per secondary student in non-government schools.¹¹⁸ The NSW Government allocated \$833.5 million in the 2009/10 NSW State Budget to support all students in non-government schools.¹¹⁹
- 3.24** Non-government schools registered as Schools for Specific Purposes or special assistance schools and those regular schools that have students with a disability attract the per capita funding outlined above at the highest level. The current per capita rates for a student with a disability per year are \$2,085 for primary school students and \$2,670 for secondary students.¹²⁰
- 3.25** In addition to per capita grants, the NSW Government provides funding to non-government schools for building works, the Supervisor Subsidy Scheme for Schools for Specific Purposes and through the School Students Special Transport Scheme.¹²¹
- 3.26** The Supervisor Subsidy Scheme assists with the additional supervision requirements for students with a disability. Payments are calculated as a percentage of teachers’ salaries and take account of the number of students with a disability enrolled in each school. The 2009/10 allocation for this scheme was \$20.3 million to 19 non-government schools.¹²²

Meeting the funding requirements in the non-government sector

- 3.27** According to AIS NSW, government funding for students with disabilities in independent schools is a small contribution to the real costs of their education, especially in the case of students with high level support needs who may require a full time aide which can mean a gap in excess of \$40,000 per student per year.¹²³ In the view of the AIS NSW, this gap is met by the school community, for example through adjusting the quality of provision to other students, increasing school fees or fundraising.¹²⁴

¹¹⁶ *Education Act 1990*, s21 and Correspondence from Mr Ian Baker, Catholic Education Commission NSW, to Chair, 2 June 2010

¹¹⁷ Submission 670, p 9

¹¹⁸ Correspondence from Mr Baker to Chair, 2 June 2010

¹¹⁹ Submission 715, p 29

¹²⁰ Submission 715, p 30

¹²¹ Submission 715, p 30

¹²² Submission 715, p 30

¹²³ Submission 670, p 11

¹²⁴ Submission 670, p 12

3.28 The total expenditure in regular NSW Catholic systemic schools in 2009 on students with a disability was \$100.5 million.¹²⁵ The CEC NSW provided the following table to demonstrate the source of that funding.

Table 3.3: Source of funding for students with disabilities in regular NSW Catholic Schools in 2009¹²⁶

Funding source	Commonwealth targeted programs	Commonwealth recurrent grants	State recurrent grants	Private income	Total
\$ million	21.17	51.29	11.63	16.41	100.5
%	21.1	51.0	11.6	16.3	100

3.29 The CEC NSW indicated that the \$16.41 million shortfall, which is made up by the Catholic education authorities from their own sources (such as fees, levies and fundraising), tests the ability of the Catholic system to enrol more students with a disability, especially those students with high needs.¹²⁷

3.30 The CEC NSW highlighted that targeted grants provided by Commonwealth and state governments do not take into account a student's level of need. For example, a student with medium level needs would cost approximately \$10,500 per year, but, the total additional government grant for such a student would be \$2,359 (as it would if the student had low or high needs) therefore only covering 22% of the cost of educating that student.¹²⁸

Commonwealth Government review of schools funding

3.31 In 2008, the Council of Australian Governments (COAG) agreed to pursue a range of policy and reform directions in education through the NEA, including a review of funding across government and non-government sectors for all schools in Australia.¹²⁹

3.32 The funding review will examine:

- How Australia's schools are currently funded
- How to improve the distribution of resources to where they are needed most to raise student achievement and narrow gaps in achievement
- What investments in schooling work well and what can be improved
- Options to improve the distribution of funding.¹³⁰

¹²⁵ Submission 671, p 11

¹²⁶ Submission 671, p 11

¹²⁷ Submission 671, p 11

¹²⁸ Submission 671, p 12

¹²⁹ Commonwealth Government, *Review of Funding for Schooling: Discussion paper and draft terms of reference*, 2010, p 3

¹³⁰ Commonwealth Government, *Review of Funding for Schooling: Discussion paper and draft terms of reference*, 2010, p 4

- 3.33** The first stage of the review is the development of terms of reference through consultations with Australian educationalists. It is anticipated that the terms of reference will be finalised and announced in June 2010 and will include how to best support students with a disability.¹³¹
- 3.34** Once the terms of reference are finalised a period of public consultation will be conducted by an expert review panel in the second half of 2010. The review panel will report to Government in 2011.¹³²

Funding levels in other jurisdictions

- 3.35** The Committee has been advised that comparisons of funding for students with a disability between other jurisdictions is problematic. This is primarily because each jurisdiction defines its students with disabilities or special needs differently. The NSW Government indicated that other jurisdictions also report their expenditure on these students differently (for example different state special education budgets may not contain the same factors such as service costs, capital costs and corporate service costs).¹³³
- 3.36** As noted in Chapter 2, there is a move under the NEA for all governments to work towards a nationally consistent approach to identifying students with disabilities, which should facilitate more reliable comparisons between jurisdictions.

Special education funding for NSW Government schools

- 3.37** The NSW Government uses a combination of both categorical and census-based funding to allocate special education funding to its schools.¹³⁴

Categorical based funding

- 3.38** The Department uses a categorical based funding system to allocate resources to SSPs, support classes in regular schools and the Integration Funding Support Program, which supports students with a disability in regular schools, based on the disability type of students.¹³⁵
- 3.39** This model allocates funding according to the type and degree of an individual's disability. This ensures that children with qualifying disabilities receive a defined level of service provision. This is also referred to as individually targeted funding.¹³⁶

¹³¹ Commonwealth Government, *Review of Funding for Schooling: Discussion paper and draft terms of reference*, 2010, p 3 and p 5

¹³² Commonwealth Government, *Review of Funding for Schooling: Discussion paper and draft terms of reference*, 2010, p 5

¹³³ Submission 715, pp 25-26

¹³⁴ Submission 715, p 33

¹³⁵ Submission 715, p 33

¹³⁶ Submission 715, p 31

Schools for Specific Purposes funding allocation

- 3.40** Schools for Specific Purposes (SSPs) are funded according to the number of approved classes. Each class has one teacher and one School Learning Support Officer (formerly teacher's aide). The size of the class is determined by totalling each student's "factor of need" until it reaches approximately 10. The factor of need is a numerical value that corresponds to the label of the student's designated prime disability, and is allocated to the student by the regional placement panel when the family seeks enrolment in a SSP.¹³⁷
- 3.41** By way of example, a student with a:
- Moderate intellectual disability has a factor of need of 1.111
 - Severe intellectual disability has a factor of need of 1.666
 - Physical disability has a factor of need of 1.225
 - Behaviour disorder, mental health disorder or autism have a factor of need of 1.428.¹³⁸

Census-based funding

- 3.42** This type of funding is determined on the basis of census data, such as the total number of enrolments at a school; school performance on state-wide assessments; and socioeconomic status,¹³⁹ rather than on the identification or categorisation of individual students.
- 3.43** Under this model the determination of additional needs and the appropriate amount and type of resource that may be needed for individual students is carried out primarily at the school level.¹⁴⁰
- 3.44** The Department uses census-based funding for programs such as the Learning Assistance Program, which supports students with difficulties in basic areas of learning and the School Learning Support Coordinator initiative, which supports students with additional needs.¹⁴¹ It is also used as part of the funding allocation mechanism for the new School Learning Support Program.

Allocation of funding at a school level

- 3.45** Regardless of whether funding is categorical or census based it is allocated directly to the school. Under the DET policy, *Leading and Managing the School*, the school principal is

¹³⁷ Answers to questions taken on notice during evidence, 22 March 2010, NSW SSP Principals' Network, Question 1

¹³⁸ Answers to questions taken on notice during evidence, 22 March 2010, NSW SSP Principals' Network, Question 1

¹³⁹ Submission 715, p 32

¹⁴⁰ Submission 715, p 32

¹⁴¹ Submission 715, p 33

responsible for the management of resources, including these funding allocations for students with disabilities.¹⁴²

Funding issues for students with disabilities or special needs

3.46 The vast majority of inquiry participants argued that government funding for students with disabilities or special needs was grossly inadequate to allow for the full participation of these students in their respective education sectors. This view was expressed in relation to both the government and non-government sectors. The detrimental impact on students of this inadequate funding was emphasised by a number of inquiry participants and calls for increased funding where made. However, there was no consensus amongst inquiry participants as to how much this funding should be increased or its application.

General comments on inadequate funding levels

3.47 The Committee received hundreds of submission from teachers and parents who suggested that funding for disability education was highly inadequate.

3.48 One teacher stated that ‘the inadequacy of funding is absurd. How can we meet these children’s needs without the necessary funds’.¹⁴³ According to one teacher ‘completely and totally inadequate! Insufficient funds for resources, aide support and specialist teachers’.¹⁴⁴

3.49 Another commented that ‘if (and it’s a big if) a school is granted funding it is often totally inadequate’.¹⁴⁵ A further example stated:

The level, nature and adequacy of support has dwindled significantly over the years since the introduction of disabled students within mainstream schools (mid 1990’s). There is little funding available to spread over an increased number of students with more varied disabilities.¹⁴⁶

3.50 According to the NSW Secondary Principals’ Council, funding levels have not kept up with the increase in the number of students with disabilities:

The amount of funding has not increased with the growing number of disability enrolments in public schools. Schools are required to make current resources and programs stretch to encompass more and more students with diverse needs than ever before with a community expectation that we are able to cater for each individual.¹⁴⁷

¹⁴² Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 4

¹⁴³ Submission 706, Name suppressed, p 1

¹⁴⁴ Submission 176, Name suppressed, p 1

¹⁴⁵ Submission 711, Name suppressed, p 1

¹⁴⁶ Submission 152, Name suppressed, p 1

¹⁴⁷ Submission 672, NSW Secondary Principals’ Council, p 2

3.51 The Public Schools Principals Forum stated that 78% of over 800 principals surveyed rated the adequacy of funding for students with disabilities or special needs as either poor or very poor.¹⁴⁸ The Forum called on the NSW Government and DET to:

... fulfil their legal responsibility to provide appropriate levels of funding and resources to ensure that all disabled/special needs children, whether in special or regular classes, have the opportunity of reaching their full potential.¹⁴⁹

3.52 Many parents also identified the current level of funding as inadequate and called for more funding. One commented that:

The level of funding for students with special needs or a disability must be increased dramatically. Governments tend to think that tinkering with administrative changes can cover up inadequacies. There is no getting away from the fact that students afflicted with disorders like my son's require funding commensurate with their needs.¹⁵⁰

3.53 Another stated that 'as a parent of two children with a disability, I can honestly claim that funding for the education of children with a disability is totally inadequate'.¹⁵¹

3.54 Similarly, another parent argued:

The current level of funding provided for the education of SWD [students with a disability] is grossly insufficient to meet the needs of these students. Accordingly, the educational support these students receive is inadequate and these children are effectively blocked from receiving an adequate education... I submit that funding for the education of SWD must be enormously increased as a matter of urgency.¹⁵²

3.55 In a further example, a parent commented:

At present the level of funding for children with a learning disability is grossly under funded in the public system. As a parent of a child with a learning disability I have been constantly frustrated with the lack of extra assistance my child has received through the school system.¹⁵³

3.56 Disability Advocacy NSW argued that 'greater resources are required to ensure a child's full participation not only in the classroom but in all aspects of school life, including excursions and sporting and cultural activities'.¹⁵⁴

¹⁴⁸ Submission 259, Public Schools Principals Forum, p 4

¹⁴⁹ Submission 259a, Public Schools Principals Forum, p 1

¹⁵⁰ Submission 478, Name suppressed, p 1

¹⁵¹ Submission 499, Name suppressed, p 1

¹⁵² Submission 265, Name suppressed, p 1

¹⁵³ Submission 229, Name suppressed, p 1

¹⁵⁴ Submission 216, Disability Advocacy NSW, p 3

- 3.57** Mr Gary Zadkovich, Deputy President of the NSW Teachers Federation, stated that funding has not kept up with the higher and increasing proportion of students with disabilities in government schools:

The federation's central contention in an investigation of this kind is that the funding commitments in both State and Federal government's over decades now have not kept pace with the needs of students with disabilities and special needs... as we see the widening gap between the resource provisions in public schools as distinct from private schools, we are losing more of those students from public schools that we would regard as having low support needs and higher family income backgrounds.¹⁵⁵

- 3.58** Mr Zadkovich also contended that the proportion of government funding has declined in comparison to independent schools.¹⁵⁶

Funding is inadequate for Schools for Specific Purposes

- 3.59** Inquiry participants, including parents of students in SSPs also commented on the inadequacy of funding for these schools. For example, one parent stated:

This issue is one that can be summed up very succinctly. More funding is needed. Our children battle many and varied disabilities and conditions and have very high and complex medical issues. Much of the special needs therapy equipment required to help our children is costly and hard to obtain. Within the classroom setting out children should have a right to access all therapies and equipment necessary to help make their lives easier for them. At my son's school, the P&C is run off its feet trying to fund raise...¹⁵⁷

- 3.60** The NSW SSP Principals' Network explained how it believes the funding levels are inadequate for their schools:

Funding and staffing ratios are generally inadequate for students in SSPs as they are based only on the student's primary disability and do not take account of the impact of the complex nature of the disabilities, nor the effect on the student's functioning.¹⁵⁸

- 3.61** According to the Network, funding for the following types of activities is inadequate:

- Professional learning of staff in SSPs and support classes
- Executive release, to allow this staff to provide appropriate mentoring, supervision for new teachers, to assist in development of individual education plans and coordinate other student services, like transport
- To allow for collaboration with other professionals
- To meet the OHS needs of students and staff in SSPs.¹⁵⁹

¹⁵⁵ Mr Gary Zadkovich, Deputy President, NSW Teachers Federation, Evidence, 23 March 2010, p 2

¹⁵⁶ Mr Zadkovich, Evidence, 23 March 2010, p 2

¹⁵⁷ Submission 713, Name suppressed, p 1

¹⁵⁸ Submission 383, NSW SSP Principals' Network, p 3

¹⁵⁹ Submission 383, pp 3-4

- 3.62** The Network advised that SSPs are funded as primary schools despite accommodating significant numbers of high school aged enrolments. Primary schools generally receive less funding than high schools, therefore the high school aged students attending SSPs are staffed and funded at a lesser level. This anomaly reduces these schools base funding and staffing, executive support allocation and teacher preparation time in release from face to face allocation as it is used to cover the shortfall for these students.¹⁶⁰
- 3.63** Similarly, the NSW Teachers Federation also commented that the level of funding for SSPs was not adequate to ensure access to the curriculum for students with disabilities in these schools due to lack of provision of secondary staffing.¹⁶¹
- 3.64** Another parent stated that funding for SSPs was inadequate to cover the range of students attending these schools:

Recurrent funding in the special schools, which cover pre-schoolers through primary to secondary school, is the same as mainstream primary schools. The teachers consequently have less release from the classroom than secondary school teachers, yet they are dealing with students with greater individual needs... It seems ridiculous that the students should be funded at a primary level...¹⁶²

Impact on students

- 3.65** Inquiry participants highlighted the detrimental impact on students of inadequate funding. The NSW Secondary Principals' Council stated that the 'lack of funding makes inclusion of all students difficult in the school environment as we are restricted by the support we can give to students to allow them to participate fully'.¹⁶³
- 3.66** According to the Public Schools Principals Forum students with disabilities and special needs enrolled in mainstream classes who have either attracted no or inadequate funding struggle with all aspects of school life. The Forum further commented of the impact:

Depending on the nature of the need/disability students may be unable to:

- Engage in the full curriculum because the child cannot attend or remain on task without individual and/or specific instruction
- Manage challenging and/or anti social behaviours without specialist/professional support and/or smaller class sizes;
- Establish satisfying social/emotional relationships with peers without individual/informed assistance in classrooms and playgrounds; or

¹⁶⁰ Submission 383, p 4

¹⁶¹ Submission 632, NSW Teachers Federation, p 6

¹⁶² Submission 381, Name suppressed, p 1

¹⁶³ Submission 672, NSW Secondary Principals' Council, p 2

- Access relevant and challenging curriculum that is appropriate to meet their learning needs.¹⁶⁴

3.67 Disability Advocacy NSW pointed out that a lack of adequate funding for students with disabilities impacts parents' preferred choice of educational setting for their child:

A lack of adequate funding often forces parents to seek alternatives to mainstream schooling such as specialist education settings despite a desire for their child to attend a local school... DA [Disability Advocacy] has advocated for a number of students with disabilities and their carers who are forced to choose between attending a mainstream school or a couple of hours a day at best or full time attendance in a special education setting.¹⁶⁵

3.68 One teacher commented 'save money building prisons in the future... put money and resources into the conduct disordered kids now'.¹⁶⁶

3.69 A parent noted that providing adequate funding to children with special needs could save money for the government in the future: 'the monies invested into special needs children now and especially in primary school years, will produce a more self-sufficient and ultimately less government supported adult'.¹⁶⁷

3.70 The Committee heard from a number of parents about the need to continually fight for funding and resources for their children.¹⁶⁸ One parent described this situation and its impact on children:

The continual fight for funding for our children's education and therefore their future is a drain on schools and parents – one that takes away from our children's lives because we already have enormous responsibilities to just to take care for our children. The fact that parents of a child or children with a disability, have to fight for every step of our children's lives and will have to do this forever, means that we have limits. We therefore need our Governments to support us and our children, not make our already difficult lives more difficult.¹⁶⁹

DET response

3.71 The Department advised that its expenditure on additional support for students with a disability and special needs has increased by 76% in the last seven years. However, DET has recognised that even with this funding increase 'there is more to be done to help students with

¹⁶⁴ Submission 259, p 12

¹⁶⁵ Submission 216, p 3

¹⁶⁶ Submission 530, Name suppressed, p 1

¹⁶⁷ Submission 68, Mrs Isabella Hawthorne, p 1

¹⁶⁸ Ms Sharon Ferguson, Parent, Evidence, 22 March 2010, p 25; Ms Corrina Lueg, Parent, Evidence, 22 March 2010, p 29

¹⁶⁹ Submission 501, Name suppressed, p 1

a disability or additional learning needs to participate and achieve at school, wherever they enrol'.¹⁷⁰

- 3.72** Mr Michael Coutts-Trotter, Director General, DET, commented that he does not have an assessment of unmet need but his 'view as a director general is that I always like more resources to do the work we need to do'.¹⁷¹

Other ways to improve education for students with disabilities

- 3.73** While funding inadequacy is a major concern for inquiry participants, the NSW Council for Intellectual Disability suggested culture issues also play a major role in encouraging better integration of students with disabilities or special needs:

Increases in funding would certainly go a long way to ensuring a better integrated education system to support all students and their needs. However, in NSW CID's view, a need for increased funding is only part of the solution. A shift in culture is what is required more urgently than anything else. Students with disability must be recognised and treated as equal to other students in the school - included in the same way, appreciated and valued in the same way as regular students.¹⁷²

- 3.74** Furthermore, Northcott Disability Services argued that the real focus should be on 'how the resources are utilised by the school to support students with disabilities'.¹⁷³
- 3.75** The Department has recognised that improving school education for students with disabilities and special needs is not only about increasing resources, such as funding, 'it must also be about strengthening the system to better maximise available resources'.¹⁷⁴ The Department acknowledged this in their answers to questions on notice and advised that, because principals and schools have the discretion to allocate targeted resources and funds as they see fit, they have the responsibility to utilise the 'total available funding to provide learning opportunities for all students, including students with disabilities and additional learning needs'.¹⁷⁵
- 3.76** The Department suggested that the school learning support team can play a pivotal role in encouraging schools to consider all the resources available to support all of its students, including those with disabilities and special needs.¹⁷⁶

¹⁷⁰ Submission 715a, NSW Government (Department of Education and Training), p 1

¹⁷¹ Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Evidence, 23 March 2010, p 34

¹⁷² Submission 544, NSW Council for Intellectual Disability, p 7

¹⁷³ Submission 261, Northcott Disability Services, p 3

¹⁷⁴ Submission 715a, p 2

¹⁷⁵ Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 7

¹⁷⁶ Answers to additional questions on notice, 25 May 2010, Mr Coutts-Trotter, Question 7

Committee comment

- 3.77** The Committee is concerned that the NSW Government and DET may run the risk of breaching their international and Commonwealth legal obligations under the United Nations *Convention on the Rights of Persons with Disabilities* and the National Disability Standards for Education. Hundreds of inquiry participants have indicated that students with disabilities are not able to access and participate in education on the same basis as other students primarily due to inadequate funding.
- 3.78** The Committee is of the view that, in response to the overwhelming concerns, the level of funding for students with disabilities and special needs is inadequate and therefore the Committee calls for a substantial increase in funding for these students to ensure that all students have equitable access to reach their full learning potential.
- 3.79** The Committee notes that school funding, including funding for students with disabilities or additional learning needs, is currently being examined by the Commonwealth in its review of school funding.
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Recommendation 1

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.

Recommendation 2

That the NSW Government, in its submission to the Commonwealth school funding review, advocate a transparent funding mechanism to meet the need of students with disabilities or additional learning needs.

- 3.80** The Committee is also concerned about inadequate funding for SSPs. These schools are staffed and funded as primary schools despite accommodating significant numbers of high school aged enrolments. Inquiry participants have argued that this lack of funding impacts on adequately meeting the needs of their students and ensuring their access to the curriculum. The Committee recommends that the NSW Government address the current anomaly in which SSPs are staffed and funded on a primary school formula, even though they cater for a large number of high school aged students.
-

Recommendation 3

That the NSW Government address the current anomaly in which Schools for Specific Purposes are staffed and funded on a primary school formula, even though they cater for a large number of high school aged students.

- 3.81** The Committee also notes the Department's comments about how it is necessary to maximise the use of available resources at the school level and that the total available funding for schools should be used to provide learning opportunities for all students, including students with disabilities and special needs. However, as this issue appears to be widespread across numerous schools in NSW, the Department will need to consider how this can be achieved effectively. It is suggested that this may be achieved through the school learning support team, and on this issue the Committee will make recommendations in upcoming chapters of this report.

Non-government school funding vs government school funding

- 3.82** There has been debate regarding whether students with disabilities in non-government schools attract higher levels of funding than similar students in government schools. Arguments for and against this claim are presented below.
- 3.83** As was demonstrated earlier in the chapter, the funding sources and processes for both government and non-government schools is complex.

Do non-government schools receive more funding for students with disabilities?

- 3.84** According to Save Our Schools, who provided a detailed analysis of the comparison between government funding for non-government schools and government schools for students with disabilities, the claim made by non-government education authorities that non-government schools receive less funding for students with disabilities 'is misleading because they only consider direct additional government funding for these students'.¹⁷⁷
- 3.85** Save Our Schools explained:

They [non-government schools] ignore substantial indirect additional funding for students with disabilities in private schools which occurs because Commonwealth and NSW Government general recurrent grants to private schools are linked to government school costs, which includes the costs of educating students with disabilities.

Government schools enrol a much higher proportion of enrolments of students with disabilities than private schools ... and incur correspondingly higher costs. Private schools receive a portion of this higher expenditure even though they enrol far fewer students with disabilities than government schools. This provides a source of additional funding for students with disabilities in private schools or which can be diverted to other students. Claims even more direct funding grants for students with disabilities amount to double-dipping by private schools.¹⁷⁸

- 3.86** It is noted a Senate Committee report in 2002 concluded:

¹⁷⁷ Submission 724, Save Our Schools, p 4

¹⁷⁸ Submission 724, p 4

The Commonwealth funds provided to non-government schools through the general recurrent grants implicitly includes a proportion of funding for the education of students with disabilities. Where non-government schools either do not enrol many students with disabilities or where they do not provide appropriate levels of support for students with disabilities, they benefit disproportionately from Commonwealth assistance.¹⁷⁹

3.87 Commenting on NSW government funding to non-government schools, Mr Zadkovich from the NSW Teachers Federation said:

Essentially ... for every \$1 spent on a public school student, a private school student will receive 25¢ as a funding link. We have a situation where private schools obtain a windfall through that funding link... Funding mechanisms like that need urgent review, because we would claim that there has been a disproportionate amount of government funding going to private schools, albeit with an enrolment of special needs students, because of the way the funding link works.¹⁸⁰

3.88 Some inquiry participants suggest that students with disabilities in non-government schools attract higher levels of funding than similar students in government schools. The NSW Teachers Federation stated that even though public schools educate the majority of students with a disability, 'both state and federal mechanisms transfer the higher average costs of educating a child in the public education system to non-government schools who educated far fewer students with a disability'.¹⁸¹

What the non-government sector say

3.89 Both AIS NSW and CEC NSW reject the claim made by some inquiry participants that students with disabilities in non-government schools attract higher levels of funding than similar students in government schools.

3.90 Both argued that these claims are made by groups opposed to government funding of non-government schools and that such 'claims are usually based on either selective or partial evidence or on a complete lack of understanding of how Commonwealth and State grants for non-government schools are calculated and allocated, and are demonstrably incorrect'.¹⁸²

3.91 The AIS NSW continued:

Any valid analysis of schools funding, taking into account the relevant Commonwealth and State funding models and allocative processes, shows that students with disability and special needs in the non-government schools sector attract lower levels of funding than similar students in the government schools sector... it

¹⁷⁹ Employment, Workplace Relations and Education References Committee, *Education of Students with Disabilities*, 2002, p 130, accessed 16 June 2010, <www.aph.gov.au/senate/committee/eet_ctte/completed_inquiries/200204/ed_students_withdisabilities/report/report.pdf>

¹⁸⁰ Mr Zadkovich, Evidence, 23 March 2010, p 2

¹⁸¹ Submission 632, p 8

¹⁸² Correspondence from Mr Newcombe to Chair, 2 June 2010 and Correspondence from Mr Baker to Chair, 2 June 2010

must be pointed out that recurrent Commonwealth and State funding is for general educational purposes for all students.¹⁸³

- 3.92** A number of other inquiry participants from the non-government school sector, including parents with students in this sector, supported the argument that non-government schools receive less funding for students with disabilities than government schools.¹⁸⁴ For example, the NSW Parents' Council commented:

Government provided funding for education of children with disabilities in the non-government sector has been completely inadequate for too long. They have been funded at well below the same levels as their government school contemporaries but even their funding is inadequate.¹⁸⁵

- 3.93** A number of non-government school representative organisations or parents suggested putting this debate aside and focusing instead on the adequacy of funding for students with disabilities and special needs regardless of sector. For example, Ms Mary Lou Carter, Executive Member, NSW Parents' Council, said that all students with disabilities, irrespective of their education setting, should be funded to meet their educational needs.¹⁸⁶
- 3.94** Similarly, AIS NSW and CEC NSW both recommend that funding levels for students with disabilities and special needs, irrespective of school sector, need to be reviewed.¹⁸⁷

Committee comment

- 3.95** The Committee notes the arguments on both sides of this debate. The Committee agrees that irrespective of school sector, funding levels for students with disabilities and special needs should be reviewed and has made a recommendation to this effect earlier in the chapter. The majority of government funding for non-government schools comes from the Commonwealth Government. It is therefore expected that the level of funding for students with special needs and disabilities in both sectors will be examined by this review.

¹⁸³ Correspondence from Mr Newcombe to Chair, 2 June 2010

¹⁸⁴ Submission 318 Natalie Hood, p 1; Submission 372, Name suppressed, p 1; Submission 43, National Independent Special Schools Association, p 1; Submission 370, Royal Institute for Deaf and Blind Children, p 10

¹⁸⁵ Submission 205, NSW Parents' Council, p 1

¹⁸⁶ Ms Mary Lou Carter, Executive Member, NSW Parents' Council, Evidence, 10 May 2010, p 47

¹⁸⁷ Submission 670, p 15 and Submission 671, p 13

The provision of education to students with a disability or special needs

Chapter 4 **The assessment process for students with disabilities and special needs**

This chapter reviews the current assessment model used by the NSW Government to identify students with disabilities who are eligible for disability funding. A major issue for the inquiry is whether a diagnosis of a disability should be a prerequisite for receiving additional funding or whether a functional assessment of a student's learning needs should be considered in decisions about access to individual funding. This chapter includes a discussion of the functional assessment tool that is currently being developed by the Department of Education and Training (DET). The assessment process in non-government schools is also considered.

Assessment of students with disabilities and special needs

- 4.1** Access to Schools for Specific Purposes (SSPs), support classes and funding under the Integration Funding Support Program (IFSP) is only available to those students who are assessed as meeting the DET Disability Criteria.¹⁸⁸ This means the student has a confirmed disability.
- 4.2** As noted in Chapter 2, students in the non-government sector also use the DET Disability Criteria to assess which students qualify for government disability funding.
- 4.3** Students who do not have a confirmed disability as assessed by DET, but whom, nonetheless, have 'special needs' are not able to access funding under the Integrated Funding Support Program. This issue is discussed later in the chapter.

Assessment models

- 4.4** There are two possible ways for education authorities to assess whether students with disabilities qualify for funding:
- Disability assessment (also referred to as a categorical approach), based on the type of confirmed disability, and
 - Functional assessment or capacity, based on the achievement of skills related to schooling.¹⁸⁹

Disability assessment model

- 4.5** Under this model an educational authority has a list of disability types that attract special education funding. Students have a disability confirmed or diagnosed by specific assessment

¹⁸⁸ Submission 715, NSW Government, p 36. Integration Funding Support Program provides funding for students with a confirmed disability in regular classes.

¹⁸⁹ Submission 715, p 34

processes and education authorities allocate resources as determined for that specific disability.¹⁹⁰

- 4.6 The Department advised that this method of assessment developed out of the historical practice of identifying children with a disability in order to match them to a SSP or class.¹⁹¹ This model is sometimes referred to as ‘labelling’ and is associated with a medical model that focuses on the physiological characteristics of the student.¹⁹²

Functional capacity assessment model

- 4.7 In the functional capacity assessment model educational authorities allocate funds on the basis of a student’s competence in skills related to accessing school. Assessment is directed at defining and profiling students in the skills considered essential for functioning successfully in any given environment. Such skills may include:

- Physical skills, such as the ability to get around the school
- Curriculum skills, such as literacy
- Functional living skills, such as the ability to use the toilet
- Social skills, such as the ability to communicate.¹⁹³

- 4.8 A list of these skills is developed and children are assessed on each skill on the list. The Department advised that, in contrast to the disability assessment model, the tools used to evaluate performance of skills related to schooling are familiar and flexible. They include students’ performance on specific tasks as outlined in the school curriculum, such as assessment of reading and writing.¹⁹⁴

Current assessment process used in NSW Government schools

- 4.9 The Department of Education and Training currently employ the disability assessment model to determine if students should access SSPs and support classes, specialist teaching support, and the IFSP.¹⁹⁵
- 4.10 The Department’s school counselling service is responsible for confirming eligibility based on reports from medical specialists, specialist health clinics or school counsellor assessments.¹⁹⁶
- 4.11 The current assessment process is outlined in the figure 4.1:

¹⁹⁰ Submission 715, p 34

¹⁹¹ Submission 715, p 34

¹⁹² Submission 715, p 35

¹⁹³ Submission 715, p 35

¹⁹⁴ Submission 715, p 35

¹⁹⁵ Submission 715, p 36. The IFSP is discussed in more detail in Chapter 6.

¹⁹⁶ Submission 715, p 36

Figure 4.1: Current DET assessment process for students with disabilities¹⁹⁷

Step 1: Teacher or parent identifies that the student may have learning or disability concern and brings it to the attention of the school.
Step 2: School supports student and can refer to school learning support team and/or school counsellor.
Step 3: If concerns continue, school counsellor undertakes assessment process, including collecting medical reports and carrying out standardised tests (such as psychometric tests) and anecdotal observation. School counsellor then makes recommendations regarding eligibility against DET Disability Criteria.
Step 4: District guidance officer reviews school counsellor recommendations and confirms (or otherwise) eligibility against DET Disability Criteria.
Step 5: A Disability Confirmation Sheet is provided if eligibility has been confirmed, which is used by the school learning support team to apply for specialised support. If the disability is not confirmed, then the student may be identified as having special needs (additional learning needs) and is supported through programs such as the Learning Assistance Program.

4.12 The DET Disability Criteria lists the following eight categories for confirmed disabilities:

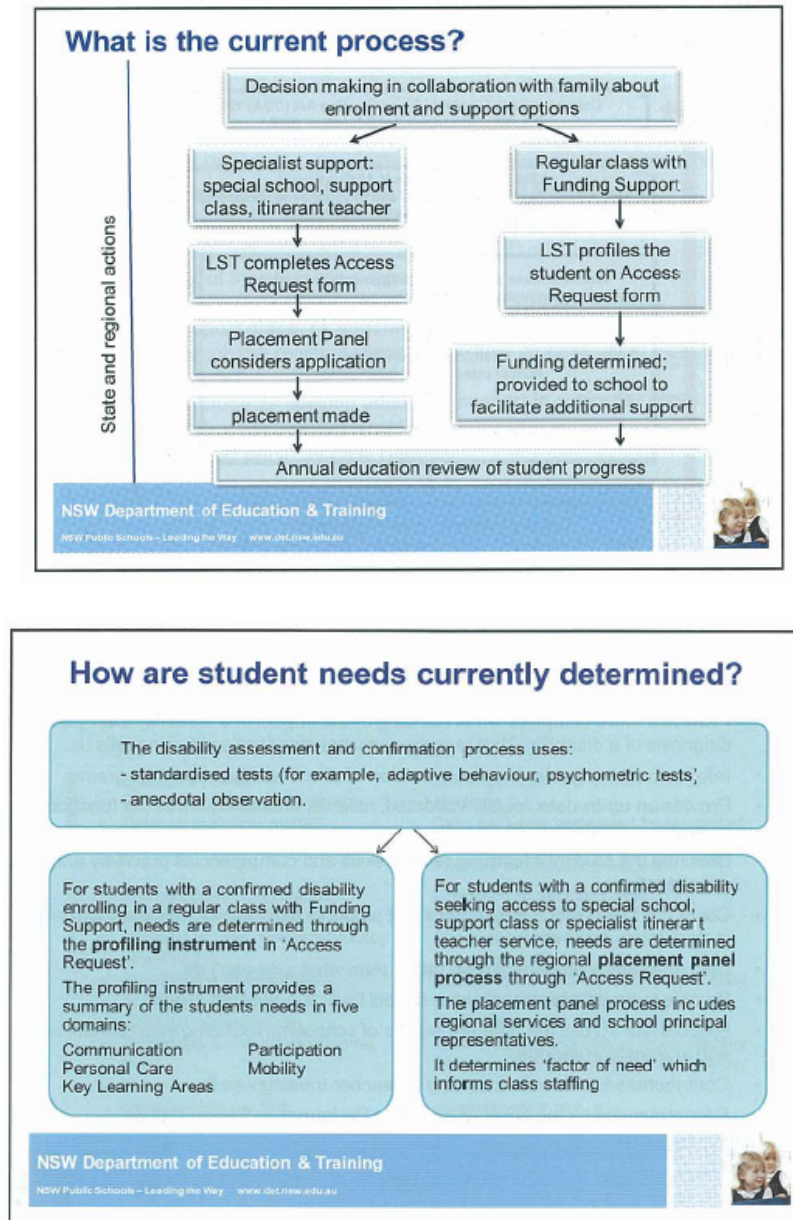
- Language disorder
- Physical disability
- Intellectual disability
- Hearing impairment
- Vision impairment
- Deaf and Blind
- Mental health problems
- Autism.¹⁹⁸

4.13 After the disability confirmation assessment process is completed, a process to determine the student's required level of support is undertaken. For example, placement at a SSP, support class in a regular school or in a regular class with funding support. This secondary process is demonstrated in the following figure.

¹⁹⁷ Submission 715, p 36 and Tabled document, Department of Education and Training, *Functional Assessment Tool* presentation slides, 2010, pp 4-5

¹⁹⁸ Submission 715, Appendix 5, pp 108-109. It is noted that these criteria reflect internationally accepted standards provided in the Diagnostic and Statistical Manual of Mental Disorder (Fourth Edition) of the American Psychiatric Association, and the International Classification of Diseases (Tenth Edition) of the World Health Organisation. The eligibility criteria is also provided in Appendix 5.

Figure 4.2: DET Assessment of level of support for students with disabilities¹⁹⁹



4.14 It is possible for a student to have a diagnosed disability, but not be considered eligible for consideration for specialised support as the functional impact of that disability is not significant in the school environment. For example, a student may have a physical condition which affects the way they walk but they may not need any additional support to access educational activities.²⁰⁰

¹⁹⁹ Tabled document, *Functional Assessment Tool* presentation slides, pp 4-5

²⁰⁰ Submission 715, p 37

- 4.15 The NSW Government indicated that it had always incorporated some further level of assessment of a student's functioning skills to determine the level of need.²⁰¹

Current assessment method used in non-government schools

- 4.16 In independent schools in NSW, students with disabilities are generally assessed for additional funding using the DET Disability Criteria as well as on their functional level of need. The Association of Independent Schools NSW (AIS NSW) indicated that a panel determines the functional level of a student with a confirmed disability and applies for funding accordingly.²⁰²
- 4.17 The Catholic Education Office, Sydney, uses a similar approach to assess students with disabilities. Firstly, through a diagnosis that meets the DET Disability Criteria and then on the functional level of individual students, which is determined through collaboration between the regional adviser and school personnel.²⁰³
- 4.18 The Catholic Education Commission NSW (CEC NSW) is currently developing an online individual profiling system called the Individual Student Planning and Profiling process. This is to improve the process for allocating resources for students who already have a confirmed disability: 'the aim is to achieve a set of educational adjustments based on functional criteria rather than on categorical, medical, criteria.'²⁰⁴ Outcomes of the initial trial of this new process indicate that it has the capacity to identify those students who have high support needs, irrespective of educational setting.²⁰⁵

Current disability assessment model

Advantages of the current disability assessment model

- 4.19 The Department advised that the main argument in support of including a requirement that a confirmation of a diagnosed disability is needed to be eligible for disability funding is that the process is standardised and rigorous thus making measurement more reliable and valid.²⁰⁶

Limitations of the current disability assessment model

- 4.20 Inquiry participants expressed serious reservations about the existing disability assessment approach, including that it:
- is time consuming and expensive

²⁰¹ Submission 715, p 37

²⁰² Ms Catherine Pinnington, Director Professional Services, Association of Independent Schools NSW, Evidence, 22 March 2010, p 44

²⁰³ Submission 212, Catholic Education Office Sydney, p 12

²⁰⁴ Submission 671, Catholic Education Commission NSW, p 14

²⁰⁵ Submission 671, p 14

²⁰⁶ Submission 715, p 36

- confusing and not transparent
- only focuses on the primary disability of the student and does not take into account the impact of other disabilities for students with multiple disabilities
- does not help students with special needs.

4.21 These concerns are discussed below.

Time consuming and costly

4.22 Parents of students with disabilities indicated that the assessment process can be time consuming and costly due to the need to obtain medical and professional diagnosis reports for their children.²⁰⁷

4.23 Family Advocacy argued that the disability assessment approach is expensive and therefore inequitable. For example, when resources are allocated on the basis of a disability label, those who do not have access to specialists to confer a label are disadvantaged.²⁰⁸

4.24 Teachers also commented on the time it takes to undertake assessments. An example from a member of the NSW Primary Principals' Association indicated:

Funding at our school is based on testing, however, we are only allocated four support learning days a year, so all that time in testing, then we get no help, after chasing all year, regardless of what the testing says. So a different approach to determine children's needs is needed.²⁰⁹

4.25 The NSW Primary Principals' Association suggested that teachers often bear the responsibility for completing applications for funding, placing excessive demands on their time:

Funding issues for children placed in mainstream classes centre on the demands placed on school staff to manage the application process. This process is demanding and complex...²¹⁰

4.26 Disability Advocacy NSW noted that it 'constantly encounters a prevalent sense amongst teachers and school administrators that applying for disability funding is an arcane art rather than being a simple and straight forward process'.²¹¹

4.27 Independent schools also expressed concerns about the cost and complexity of the assessment process as demonstrated by the Rudolf Steiner Schools of Australia:

... [I]n smaller independent schools, like many of our member schools, the time and expertise required to research and apply for all appropriate, available funding sources

²⁰⁷ Submission 72, Mr Wayne Reeve, p 2; Submission 202, Mrs Angela Begas, p 1; Submission 556, Mrs Naomi Clarke, p 2; Submission 113, Name suppressed, p 1

²⁰⁸ Submission 127, Family Advocacy, p 6

²⁰⁹ Submission 669, NSW Primary Principals' Association, p 4

²¹⁰ Submission 669, p 2

²¹¹ Submission 216, Disability Advocacy NSW, p 4

for students with a disability, and the complexity and cost of assessment requirements to establish the eligibility of students to receive additional funding are a further burden on limited schools resources. In addition, assessment requirements can also be very costly for parents – who are often already under financial strain due to their child’s needs.²¹²

4.28 Ms Geraldine Gray, State Coordinator Special Learning Needs, CEC NSW, recognised that ‘it is sometimes quite difficult and costly to gain that assessment, which includes such things as a psychometric assessment and a speech therapy assessment’.²¹³

4.29 A number of inquiry participants commented on the excessive demands placed on school counsellors to manage the assessment process in addition to providing welfare support to students in NSW Government schools. This issue is addressed in Chapter 7.

4.30 The difficulties associated with the assessment process are exacerbated by the requirement for students who receive disability funding to reconfirm their disability on an annual basis. A parent of a child with Pervasive Development Disorder stated:

Each time my son’s funding is reviewed I am also required to organise repeated medical and psychological assessments. This is an unnecessary and substantial cost to my family for the sake of some paperwork this is a repeat of the previous applications. This is because my son will not ‘out grow’ his disability.²¹⁴

4.31 The NSW Primary Principals’ Association also noted that continual assessments for some disabilities puts increased pressure on parents:

If a child has a medical disability like spina bifida they should not need to update the disability confirmation – all this does is put pressure on doctors to write up paperwork for DET and puts parents under unnecessary pressure to do hospital and doctor visits within DET timeframes – very difficult for isolated and many rural communities.²¹⁵

4.32 Similar views were expressed by Down Syndrome NSW:

A child born with Down syndrome will always have Down syndrome and its related need for support. The need for continual assessment is time-consuming and expensive. Parents often need to take time off work to take their child to the assessments. Schools and teachers must submit applications that take up their time and can take months to complete and need to be repeated every year.²¹⁶

²¹² Submission 438, Rudolf Steiner Schools of Australia, p 2

²¹³ Ms Geraldine Gray, State Coordinator Special Learning Needs, Catholic Education Commission NSW, Evidence, 22 March 2010, p 69

²¹⁴ Submission 233, name suppressed, p 1

²¹⁵ Submission 669, p 4

²¹⁶ Submission 289, Down Syndrome NSW, pp 7-8

- 4.33** Mr Michael Coutts-Trotter, Director General of DET, recognised disadvantages of the current process:

[F]or children with lower support needs we think the processes that schools, that counsellors, that families and parents and health professionals outside the school system go through in order to establish a categorisation to attract funding up to \$6,000 a child is not a good use of people's time. I have met a number of parents who have described to me their own personal expense in going through that process. But also the pressure on their child to be categorised and then have a category confirmed and confirmed again. In this case it won support of \$1,300; the process would have cost \$5,000 or \$6,000 per family.²¹⁷

- 4.34** Mr Coutts-Trotter advised that under the School Learning Support Program, which is currently being trialled, a student will not necessarily be required to go through the disability confirmation assessment process, such as obtaining medical reports and diagnoses to access support.²¹⁸

- 4.35** The Department also advised that it had recently implemented a new online process called "Access Request" which is aimed at streamlining administrative processes for seeking additional support for students.²¹⁹

- 4.36** It is noted that, notwithstanding the introduction of the School Learning Support Program and Access Request, students with medium to high support needs will still need to obtain the necessary medical reports and diagnoses to apply for funding.

Confusing and not transparent

- 4.37** Parents were concerned that the current assessment process to access funding was confusing and that the outcomes were not sufficiently transparent. One parent commented:

Our experience of the way in which the current system of funding works has been in equal measure distressing and frustrating. Despite repeated requests for an explanation of the current system, most teachers cannot explain how funding is calculated or allocated... Funds are then allocated to the child using some complex formula but there is no way for parents (or in my view the teachers) to assess whether the level of funding has been correctly calculated.²²⁰

- 4.38** Another parent commented that there is no transparency in the outcome of the assessment process and therefore the funding allocation for her child:

Funding due to a student's disability is allocated to the student's school and spent at the school's discretion, with information on this funding only provided to the

²¹⁷ Mr Michael Coutts-Trotter, Director General of the Department of Education and Training, Evidence, 23 March, p 36

²¹⁸ Mr Coutts-Trotter, Evidence, 23 March, p 36. The School Learning Support Program is discussed in detail in Chapter 6.

²¹⁹ Submission 715a, NSW Government (Department of Education and Training), p 5

²²⁰ Submission 714, Name suppressed, p 1

student's family at the school's discretion. This process has insufficient transparency and creates unnecessary disputes between family and school.²²¹

4.39 This parent has requested that at the beginning of each funding period, families should receive a written statement detailing the outcomes of the assessment process, including the funding amount, the period to which it relates, and how it will be spent.²²²

4.40 Parents have also complained to the NSW Council for Intellectual Disability that the funding assessment process is overly complex and not transparent:

Common opinions expressed by these groups are that the system is lacking transparency, it is not user friendly, timely, nor does the final outcome accurately provide sufficient funding for student support needs. The funding system also appears to be confusing for those who utilise it.²²³

4.41 The Association for Children with a Disability NSW also described the funding assessment process as confusing and complex for parents as there are various models of funding for different types of support.²²⁴

4.42 The Department has acknowledged that 'information about schools and additional support provided for students with a disability is often complex' and there is 'a need to ensure that relevant information is accessible to parents and teachers and that contact points for further information and assistance are clear'.²²⁵ DET further commented that:

Communication about the outcome of processes for accessing additional services also need to be clear, timely and delivered in a way that is sensitive to the experience of many parents and carers of children with a disability.²²⁶

Focus on primary disability

4.43 A significant number of inquiry participants expressed concern that the DET Disability Criteria only focuses on the primary disability of the student and does not take into account the impact of other disabilities for students with multiple disabilities and the complex interactions between those disabilities.

4.44 According to the DET Disability Criteria:

When considering support class placement for students with more than one disability, it is important to ensure that the disability having the most significant impact on

²²¹ Submission 265, Name suppressed, p 1

²²² Submission 265, pp 1-2

²²³ Submission 544, NSW Council for Intellectual Disability, p 7

²²⁴ Submission 266, Association for Children with a Disability NSW, p 3

²²⁵ Submission 715a, p 6

²²⁶ Submission 715a, p 6

educational outcomes is addressed and any other disability supported in an appropriate manner.²²⁷

- 4.45** However, evidence to the Committee suggested that support is only provided for a student's primary disability over (and sometimes at the exclusion of) their other disabilities. For example, according to the NSW Primary Principals' Association:

There are limited categories of disability that attract funding and where a child has a number of disabilities the combined impact of these is not taken in to account. They only receive funding for the 'primary' disability.²²⁸

- 4.46** Ms Jodi Niedermayer, a teacher at Sarah Redfern Public School, argued that a student's various disabilities could not be ignored given the collective impact on the student's capacity to learn:

The fact that only one disability is taken into consideration is just silly. If they have got multiple disabilities, you cannot just ignore the second, third or fourth one and just look at the first. They all compact and they all impact on that child's learning, and they impact on all the other children in the class as well, so this model is just not working. Instead of looking at labels and instead of looking at the cheapest option or the easiest option, we need to look at what is best for the individual child.²²⁹

- 4.47** Nevertheless, DET maintained that students with multiple disabilities are adequately supported as the student profile used to determine funding allocation is supposed to capture and reflect any needs relating to all the disabilities a student may have.²³⁰

Students with special needs, including dyslexia

- 4.48** Inquiry participants also expressed concern that the DET Disability Criteria excludes students with special needs who do not have a confirmed disability thus reducing their access to funding and support. According to Disability Advocacy NSW:

Children must have a specific formal diagnosis in order to receive funding for assistance at school. Unfortunately, this means children who have no specific formal diagnosis but clearly have special needs are often at a disadvantage.²³¹

- 4.49** The NSW Secondary Principals' Association argued that 'we need to be able to fund students who are not functioning within the mainstream but who cannot gain a clear diagnosis'.²³²

²²⁷ Department of Education and Training, *Disability Criteria (school sector)*, May 2003, accessed on 19 May 2010, <www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilityprograms/disabcriteria.doc>

²²⁸ Submission 669, p 2

²²⁹ Ms Jodi Niedermayer, Teacher, Sarah Redfern Public School, Evidence, 22 March 2010, p 6

²³⁰ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 25

²³¹ Submission 216, p 4

²³² Submission 672, NSW Secondary Principals' Council, p 2

Similarly, a parent commented that she had to fight for funding for her son as he ‘did not fit into the boxes’.²³³

- 4.50** A teacher stated that all disabilities including those that impact on language and reading need to be treated equally as ‘any disability impacts on a child’s learning’.²³⁴
- 4.51** Students with dyslexia are a prime example of a group of special needs students that cannot access funding under the current DET Disability Criteria assessment process. While section 20 of the *Education Act 1990* was amended in 2008 to include children with a significant learning difficulty, such as dyslexia, as a category of children who may require additional support, it is not included in the DET Disability Criteria as a condition attracting support.²³⁵ Ms Corrina Lueg, a parent of student with dyslexia commented that:
- The number of children with dyslexia (and other “low level” needs) are not formally identified by the school system... The DET cannot know how many children are ‘missing out’ because they don’t formally identify the children they classify as “language disorders with low support needs”.²³⁶
- 4.52** Mr Jim Bond, an advocate for people with dyslexia, suggested that once a child is identified with a disability or a significant learning difficulty, that child should receive funding regardless of their disability and based on their particular level of need: ‘I would personally like to see the disability criteria abolished within the NSW education system and for everyone to be treated as equal’.²³⁷
- 4.53** Professor Max Coltheart, Macquarie Centre for Cognitive Science, stated that ‘in NSW at present children with dyslexia have no specified pathways to achieve diagnosis and support’.²³⁸
- 4.54** Further to this, Professor Coltheart suggested that the Department has been able to evade this problem because there has not been sufficient emphasis on dyslexia as a disability, and that the only way to prevent such evasion is for any document about disability to include an explicit statement that the term “disability” includes the condition of dyslexia.²³⁹
- 4.55** According to the Department, there are a range of services in place for students with dyslexia and other special needs (or additional learning needs). The Department advised that these students are grouped within those 50,000 students who are in mainstream classes and are supported by 1,387 specialist teachers across the State.²⁴⁰

²³³ Submission 104, Name suppressed, p 1

²³⁴ Submission 673, Name suppressed, p 2

²³⁵ Hon Penny Sharpe MLC, *LC Minutes* (3/12/2008) 12364

²³⁶ Submission 230, Ms Corrina Lueg, p 2

²³⁷ Submission 42, Mr Jim Bond, p 1

²³⁸ Submission 74, Professor Max Coltheart, p 1

²³⁹ Submission 74, p 1

²⁴⁰ Submission 715, p 14; Mr Coutts-Trotter, Evidence, 23 March 2010, p 41; Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Question 4

- 4.56** The Department stated that disability labels may tell us very little about a student's abilities and needs for support. For example, students with the same disability label may have different levels of achievement of skills related to schooling and may require different teaching strategies.²⁴¹
- 4.57** The Department also recognised that a considerable proportion of current resources for supporting students with disabilities and special needs is linked to the requirement for students to have a confirmed disability. The Department acknowledged that this limits its flexibility to respond to the learning needs of the wider range of students with special needs and to respond to the needs of individual students. It suggests that the following activities will help to address this issue:
- Additional professional learning for teachers
 - The School Learning Support Coordinator
 - The School Learning Support Program
 - Improved School Learning Support Teams.²⁴²
- 4.58** These initiatives are discussed in Chapter 6.

A new approach to assessment?

- 4.59** Inquiry participants discussed the possibility of combining a functional capacity and disability assessment as a means to determining access to disability funding. A few inquiry participants further suggested that a functional capacity assessment should be the sole mechanism for determining eligibility to disability funding.

Combining functional capacity and disability assessment

- 4.60** A large number of inquiry participants argued that a disability confirmation and an assessment of functional capacity is necessary to effectively assess access to funding for students with disabilities.
- 4.61** The NSW Primary Principals' Association also indicated that funding should be determined by a combination of approaches:

The functioning capacity of students with the same diagnosis can be extremely varied. Best practice approach needs to look at functioning capacity as well as disability... Students with a disability place diverse demands on a school. Descriptions of individual students in terms of typical 'categories of disability'... cannot convey the exceptional nature of each student and their needs. Children who share the same diagnostic category may be very different.²⁴³

²⁴¹ Submission 715, p 34

²⁴² Submission 715a, pp 3-4

²⁴³ Submission 669, p 3

4.62 The Rudolf Steiner Schools of Australia also agreed that a combined approach is most appropriate in decisions about funding:

While diagnosis is important, eligibility criteria and subsequent funding levels need to take a broad range of functional abilities of students with a disability or special needs into account as well.²⁴⁴

4.63 Mr Edward Kenny, NSW Teachers Federation, argued that for the purposes of allocating funding a functional assessment and diagnosis should not be seen as mutually exclusive: ‘One could and should complement the other’.²⁴⁵

4.64 The Greater Metropolitan Clinical Taskforce’s Brain Injury Rehabilitation Directorate raised specific concerns relating to students with brain injuries and the assessment process. The Directorate explained that there can be wide variation in functional ability based on diagnosis, but consider that both elements may be useful for assessment and planning.²⁴⁶

4.65 A paediatrician, Dr Mick O’Keeffe advised that ‘formal diagnoses, if appropriate, could certainly inform the process, but should not serve a gate-keeping function’.²⁴⁷

4.66 A number of teachers indicated that both factors should be considered in decisions about funding eligibility. One teacher commented that a ‘two pronged approach is best – disability and functioning’.²⁴⁸

4.67 Ms Karen Hickmott, Team Convenor for the NSW Parents’ Council, suggested that a disability assessment was only the start due to the varying impact a disability can have on a student:

My youngest daughter has recently been diagnosed with autism. You will be aware that autism spectrum is a very broad spectrum. So, to me, having that diagnosis is like saying she has blond curly hair. Every child I have come across with autism has been impacted very differently by that. Certainly by funding these children on a medical diagnosis is a start, but it is far from the end.²⁴⁹

Functional assessment as only criteria for funding

4.68 A small number of inquiry participants suggested that an assessment of a student’s functional capacity should be the sole mechanism for assessing eligibility to additional funding.

²⁴⁴ Submission 438, p 2

²⁴⁵ Mr Edward Kenny, Organiser, NSW Teachers Federation, Evidence, 23 March 2010, p 4

²⁴⁶ Submission 292, Greater Metropolitan Clinical Taskforce’s Brain Injury Rehabilitation Directorate, p 9

²⁴⁷ Submission 527, Dr Mick O’Keeffe, p 2

²⁴⁸ Submission 712, Name suppressed, p 1; Submission 689, Name suppressed, p 1; Submission 667, Name suppressed, p 1

²⁴⁹ Ms Karen Hickmott, Team Convenor, NSW Parents’ Council, Evidence, 10 May 2010, p 45

- 4.69** The AIS NSW recommended that funding should be allocated for schools on the basis of functional needs of students and that support for students with disabilities should be based on the level of funding required to allow them to achieve their educational goals.²⁵⁰
- 4.70** The NSW Council for Intellectual Disability (NSW CID) also supports an assessment process for funding based on a student's functioning capacity rather than diagnosis of a disability, and noted the importance of considering the teaching environment as part of that process:
- It is NSW CID's view that allocation of funding should absolutely be based on a student's functioning capacity rather than their disability. Further to this there also needs to be consideration of the skill of the student's teacher and the needs of the school community when determining allocation of resources. There is much variance in the education, experience and training of teachers as well as the leadership provided in schools that impacts directly on a student's success.²⁵¹
- 4.71** There are issues with only having a functional capacity assessment model to assess a student's eligibility for funding. Primarily, methods to assess a student's functional capacity are more subjective and not as amenable to measurement in comparison to the disability assessment process.²⁵² For example, there are issues relating to the measurement of functional skills, including how different levels of skills are defined, the reliability and subjectivity of ratings and observations and the potential for bias in the process.²⁵³
- 4.72** It is also noted that, while most educational systems, including DET, recognise the inadequacies of an assessment model based purely on confirmation of a diagnosed disability, they are still in the process of developing valid and reliable assessment tools to measure student's learning skills in a functional assessment method. The Department advised that '[i]nternationally, the technology for such assessment is still emerging and in its infancy'.²⁵⁴

New functional assessment tool

- 4.73** The Department is currently developing a new functional assessment tool for students with disabilities in NSW Government schools.²⁵⁵ This tool is not intended to replace the existing process of disability assessment and confirmation to determine eligibility for funding but will provide a more complete understanding of the impact of a student's disability on their learning needs. This tool is intended to be used only after a disability has been confirmed.²⁵⁶

²⁵⁰ Submission 670, Association of Independent Schools NSW, pp 16-17

²⁵¹ Submission 544, p 9

²⁵² Submission 715, p 35

²⁵³ Tabled document, *Functional Assessment Tool* presentation slides, pp 4-5

²⁵⁴ Submission 715, p 36

²⁵⁵ Submission 715, p 37

²⁵⁶ Tabled document, *Functional Assessment Tool* presentation slides, p 6 and p 10

- 4.74 The tool is designed to assist members of the school learning support team²⁵⁷ to identify the student's learning related skills, behaviours and competencies precisely and consistently. This description of the student will directly inform the identification of supportive actions necessary to enable the student to learn more effectively. The information on which the description will be based will be provided by parents/carers and any available reports from relevant agencies and previous educational settings.²⁵⁸
- 4.75 The Department has suggested that the new functional assessment tool will:
- Improve the quality of the information available to the school and the teacher and enable the teacher and learning support team to develop an objective profile of the impact of the student's disability within their educational context
 - Provide a fully rounded picture of the student that highlights their strengths as well as their weaknesses and inform the planning to provide and support educational programs
 - Assist less experienced teachers to develop effective programs for students with disabilities and inform teachers about the educational needs of a newly enrolled student with disabilities
 - Improve collaboration between the school and parents.²⁵⁹
- 4.76 According to the Department, the components for the tool have been developed in consultation with teachers, school counsellors and parent bodies to ensure that a wide range of school related skills and behaviours are assessed. A trial version of the tool, informed by initial testing in 2009, will be used during 2010 and further refined into the final functional assessment tool. The Department advised that in Term 3, 2010 the tool will be piloted with a minimum of 2,000 students in three regions as part of the validation process.²⁶⁰
- 4.77 The Department also advised that the assessment variables relating to achievement of skills do not take into account existing support, such as teacher experience, specialist support, teacher expectations of academic and social behaviour or existing material resources. There are concerns with how these educational context variables can be validly and reliably measured to inform identification of need and allocation of resources.²⁶¹ For example, two primary aged students may have identical levels of achievement of skills related to schooling but the additional support needed for one may differ from the other.²⁶²

²⁵⁷ The school learning support team provides integrated support to students with disabilities or special needs in the mainstream setting. The team functions as a whole school planning mechanism to address the learning support needs of students through collaborative planning between educators, service professionals, students and their families. More detail on this team can be found in Chapter 6.

²⁵⁸ Submission 715, p 37

²⁵⁹ Tabled document, *Functional Assessment Tool* presentation slides, p 10

²⁶⁰ Submission 715, p 37 and Tabled document, *Functional Assessment Tool* presentation slides, p 7

²⁶¹ Submission 715, p 37

²⁶² Submission 715, p 37

- 4.78 The Department indicated that, at this point, international literature and best practice has not yet been able to provide a definitive list or ways to assess the critical contextual factors or guidance about how to quantify them.²⁶³ In addition, DET advised that there are also difficulties linking outcomes of functional assessments to levels of funding.²⁶⁴

Committee comment

- 4.79 The Committee acknowledges inquiry participants' concerns that the current assessment process is costly, time consuming and lacking in transparency. While the proposed School Learning Support Program may reduce the need for some students to undertake the disability assessment process, for students with medium to high needs the issues will remain.
- 4.80 The Committee is concerned for those students who are required to reconfirm their disability status on an annual basis when their disability and level of need is unlikely to change dramatically in the space of a year. The Committee therefore recommends that DET examine ways to reduce the requirement for those students who receive disability funding to reconfirm their disability status on an annual basis.

Recommendation 4

That the Department of Education and Training examine ways to reduce the requirement for those students whose disability and level of need is unlikely to change dramatically in the space of a year to reconfirm their disability status on an annual basis in order to receive disability funding.

- 4.81 The Committee acknowledges the concerns expressed by parents that the assessment process is complicated and lacking in transparency and the need to improve communication with parents about his process. We therefore recommend that DET investigate ways to communicate the outcome of the disability funding assessment process to families, carers and schools to ensure this information is provided in a manner that is clear, timely and sensitive.

Recommendation 5

That the Department of Education and Training investigate ways to communicate the outcome of the disability funding assessment process to families, carers and schools in a manner that is clear, timely and sensitive.

- 4.82 Most inquiry participants consider that both an assessment of functional skills as well as confirmation of a diagnosis should be used to determine whether a student should access disability funding.

²⁶³ Submission 715, p 38

²⁶⁴ Submission 715, p 38

- 4.83** The Committee notes that DET has developed a functional assessment tool to be used in conjunction with the DET Disability Criteria to provide a fuller picture of a student's level of need but that it is not intending to use this tool to determine access to funding.
- 4.84** We believe that the DET Disability Criteria cannot work effectively in determining access to disability funding in isolation from the consideration of a student's functional capacity. Therefore, the Committee recommends that the Department move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.
- 4.85** Notwithstanding the challenges posed by such an exercise, the Committee considers that a greater emphasis on functional skills in the assessment process may allow students with significant special needs, such as dyslexia, to qualify for funding, as well as assisting students with multiple disabilities to receive an amount of funding more suitable to their learning needs.

Recommendation 6

That the Department of Education and Training move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs.

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- 4.86** The Committee notes that in the non-government sector there appears to be similar progress towards including a functional assessment tool in the assessment process, such as the program currently being undertaken by the Catholic Education Commission NSW.

Chapter 5 Special education places

This chapter examines the current level and adequacy of special education places in NSW schools. One of the key themes that emerged during the inquiry was that the level of special education places is inadequate. However, several participants in the inquiry also expressed the view that increasing special education places – or even maintaining them at their current level – mitigates against the full inclusion of students with disabilities into mainstream education. Many others have argued that until students with disabilities in mainstream classes are adequately supported, parents will continue to seek special education places for their children. The focus of this chapter is on special education places in the NSW Government school system.

The shift from segregation to inclusion of students with disabilities

- 5.1** In 1980 the NSW Department of Education moved to a policy of inclusion for students with disabilities. This policy change was made in the context of increasing awareness of the rights of people with disabilities. The Department of Education adopted a policy which was based on the principle of normalisation: ‘that is, the creation of a lifestyle and set of living conditions for people with disabilities which are as close as possible to those enjoyed by the rest of the population’.²⁶⁵
- 5.2** Research cited by inquiry participants shows that including students with disabilities in mainstream education has significant benefits both for the students with disabilities and their non-disabled peers.²⁶⁶ This research suggested that students with intellectual disabilities, in particular, benefit from education in mainstream classes, both academically and socially. Research was also cited which indicates that students with multiple and severe disabilities also benefit significantly from participation in mainstream classes.²⁶⁷
- 5.3** In NSW, ‘special education places’ refers to special education placements in support classes in both Schools for Specific Purposes (SSPs) and regular schools. It does not include students with disabilities or special needs in mainstream classes, though these students may also receive additional support. Support for students in mainstream classes is discussed in Chapter 6.

Advocacy for inclusion

- 5.4** Some participants support the full inclusion of students with disabilities into mainstream classes. People With Disability told the Committee that:

²⁶⁵ McRae, D, *The integration/inclusion feasibility study*, NSW Department of School Education, Sydney, 1996, p i

²⁶⁶ Jackson, R, *Inclusion or segregation for children with an intellectual impairment: what does the research say?*, Queensland Parents for People with a Disability, 2008, p 4

²⁶⁷ Arthur-Kelly, M, Foreman, P, Bennett, D, Pascoe, S ‘Interaction, inclusion and students with profound and multiple disabilities: towards an agenda for research and practice’, *Journal of Research in Special Education Needs*, 2008, Vol 8, No 3, pp 161-66, as cited in Submission 27, Associate Professor Michael Arthur-Kelly, p 3

It is our belief that inclusive education is a worthwhile aim for not only people with disability but the diversity that is represented in society generally. Whilst inclusion is essential if students with disability are to have the opportunity to be valued members of their communities, it is also the only approach likely to redress the social disadvantage, stigma and discrimination commonly associated with culture, class, ethnicity and/or other factors which suggest difference.²⁶⁸

- 5.5** Participants who strongly supported inclusion considered questions about the adequacy of current special education places in this light. These participants argued that the very existence of SSPs and support classes in mainstream schools encouraged segregation of students with disabilities. For example, the NSW Council on Intellectual Disability wrote that:

We are of the view that this particular area of investigation by the Inquiry may be somewhat misguided in its focus. Whether there are enough places in SSPs or support units really comes down to whether you support the existence of these segregated learning environments in the first place, and whether we should uphold the status quo as the best possible model of educating students with special needs.²⁶⁹

- 5.6** People with Disability expressed similar views '[PWD] does not support education provided in segregated settings such as special schools, whether they are state, private or independent schools'.²⁷⁰

- 5.7** Many parents suggested that until regular schools are better equipped to meet the learning goals of children with disabilities and special needs, the demand for special education places will remain and parents will continue to expect to be able to choose the appropriate educational setting for their child. For example, the Association for Children With a Disability NSW (ACD NSW) wrote that:

ACD NSW wants there to be choice for parents and children. Education is every person's basic human right. Its aim is to achieve fulfil potential and full inclusion in society. This can be achieved via a special educational setting or in the mainstream school environment depending on the wishes and needs of the child and its family unit.²⁷¹

- 5.8** The practical difficulties of integrating students with disabilities in mainstream classes were widely acknowledged by participants in the inquiry, including those who advocated full inclusion of students with disabilities. For example, the Disability Council of NSW, while strongly favouring the integration of students with disabilities in mainstream education, wrote that:

Like Rome, however, integrated education cannot be built in a day. The agenda for systemic change is clear and the direction of the trend in education in NSW is unambiguous but the transition our State education policies are directed towards is generational in nature and not immediate...

²⁶⁸ Submission 345, People With Disability Australia, pp 2-3

²⁶⁹ Submission 544, NSW Council for Intellectual Disability, p 10

²⁷⁰ Submission 345, p 3

²⁷¹ Submission 266, The Association for Children with a Disability NSW, pp 2-3

The end point of the transition we are commenced upon as a State should be that no child with a disability is segregated from children with no disability during their education. We cannot tell you when that end point will be reached but we do affirm the need to work progressively, over time towards it.²⁷²

- 5.9** SSPs and classes were seen as necessary in the short and medium term until this goal could be achieved. Ms Catherine Hogan of Family Advocacy, said that:

Whilst Family Advocacy would prefer to see the opportunities for inclusion in mainstream classes strengthened, the political reality is that the choices of educational settings that currently exist will continue to exist. In this context Family Advocacy believes that the challenge for this inquiry is to work out how to make all of the options more effective both for the students with disability as well as for the whole school community.²⁷³

- 5.10** Mr Ian Gallan, Management Committee member, NSW SSP Principals' Network, argued that SSPs currently and will continue to play a critical role in the education of students with complex disabilities and learning needs:

I think we are ... catering for more and more very complex students. I think the message that is coming to us is that we do have a very vital role in that special education continuum... I think the need is there.²⁷⁴

- 5.11** Some participants suggested that the move toward inclusion had generated demand for placement of students with disabilities in mainstream classes rather than special education, when mainstream classes may not be the best option for a particular child. For instance, the Catholic Education Office (CEO), Sydney, expressed the view that some parents have unrealistic expectations of schools:

During the last few years there has been an increase in expectations from parents for mainstream settings and classes ... parents are increasingly seeking enrolments in CEO, Sydney schools for students who, in the past, would have been enrolled in specialised settings. Parents are well supported by advocacy groups who inform parents of what they should expect when their child commences school and what the advocacy groups consider are the best schooling option for the child. Many times this is in conflict to what other specialists have advised or what is possible in a mainstream setting with large class sizes.²⁷⁵

How many special education places are there?

- 5.10** The Department of Education and Training (DET) states that in 2009 there were 3,882 students enrolled in SSPs and 13,662 students attending support classes in mainstream schools. These include:

²⁷² Submission 654, Disability Council of NSW, p 3

²⁷³ Ms Catherine Hogan, Director, Family Advocacy, Evidence, 10 May 2010, p 63

²⁷⁴ Mr Ian Gallan, Management Committee member, NSW SSP Principals' Network, Evidence, 22 March 2010, p 60

²⁷⁵ Submission 212, Catholic Education Office, Sydney, p 13

- more than 1,690 support classes in regular schools, with the capacity to support more than 13,000 students with a disability or additional learning needs; and
- More than 620 support classes in SSPs supporting approximately 4,000 students.²⁷⁶

5.11 The size of support classes may vary from 6 to 18 students depending on the type of disability that students have. For example, the largest support class size of 18 students would be made up of students with a mild intellectual disability, whereas students with a severe intellectual disability would have a maximum class size of six.²⁷⁷

5.12 In addition to places in SSPs and support classes outlined above, there are 35 SSPs or learning centres which deal specifically with students with challenging behaviour.²⁷⁸ These behaviour schools have 519 places. Behaviour schools operate on a Year 5 to 10 model, and therefore include students of both primary and secondary age.²⁷⁹ Issues regarding places in behaviour schools were raised in a number of submissions and are also discussed later in this chapter.

Table 5.1: Students with disabilities and special education placements in NSW Government schools²⁸⁰

Total NSW Government schools	> 2,200
Total students in NSW Government schools	> 750,000
Students with disabilities (SWD)²⁸¹	32,550
% Students with disabilities	4.3%
Schools for Specific Purposes	95
Students in Schools for Specific Purposes	3,882
Support classes	1,690
Students attending support classes in mainstream schools	4,000
Behaviour schools/learning centres	35
Students attending behaviour schools	519

²⁷⁶ Submission 715, NSW Government, p 46

²⁷⁷ Submission 715, Appendix 9, p 114

²⁷⁸ Submission 715, Appendix 7, p 111

²⁷⁹ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 36

²⁸⁰ This table has been compiled from information drawn from the following sources: Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Questions 36 and 60 and Submission 715.

²⁸¹ Students with disabilities refers to those students that have a confirmed disability in accordance with the DET Disability Criteria. It is understood that these figures do not include students with behaviour disorders.

5.13 According to the Catholic Education Commission NSW (CEC NSW), there are currently 10,357 students with disabilities in Catholic schools in NSW; however, not all of these are in special education places. The Commission states that there are 483 students attending seven Catholic Schools for Specific Purposes, as well as 54 support classes for students with autism.²⁸²

5.14 There are 25 independent Schools for Specific Purposes for students with disabilities in NSW catering to 1,086 students.²⁸³

Placement of students in special education

5.15 Placement of students in NSW Government support classes and SSPs, including behaviour schools, is managed at the regional level:

Each region is responsible for facilitating the access of students with a disability or additional learning needs to support that will provide access to the curriculum on the same basis as all other students...

Regional Placement Panels consider applications for placement in support classes in regular or special schools or access to specific regional support services. Applications are presented to the panel where they are prioritised for services on the basis of the student's eligibility, suitability for this setting or service, and the availability of the requested service.²⁸⁴

5.16 The placement process is managed through Regional Placement Panels. These panels are comprised of:

- The School Education Director/s with responsibility for Student Services or a nominee;
- The Student Support Coordinator/s or a nominee;
- Principal representation – from primary, secondary and SSPs as appropriate;
- Student Services officers;
- School Counselling representatives; and,
- Other representatives with specialist knowledge as appropriate e.g. Assistant Principal Hearing/Vision.²⁸⁵

²⁸² Submission 671, Catholic Education Commission NSW, p 5

²⁸³ Submission 670, Association of Independent Schools of NSW, p 7

²⁸⁴ Submission 715, p 47

²⁸⁵ Submission 715, p 47

Adequacy of places in special education

- 5.17** One of the significant themes which emerged during the inquiry was that the number of special education places is inadequate. For instance, the Northcott Disability Services wrote that, ‘in our experience there are not enough places in special schools or support units at mainstream schools for the number of students who require a place’.²⁸⁶ Similarly, a parent wrote, ‘there are not enough special education places within the current education system. It was like winning the lottery when we received a place for our son’.²⁸⁷
- 5.18** However, the Director General of DET, Mr Michael Coutts-Trotter, maintained that there are not currently large areas of unmet need for special education places. Mr Coutts-Trotter said:
- Other than 422 support classes for children with a mild intellectual disability, every category of support class is driven by demand. In other words, if the children are identified we make a place for them. Many of those categories of support class are actually well below – well below – maximum levels of enrolment. For example, the Schools for Specific Purposes dealing with children with a mix of mild intellectual disability and behavioural problems are only about 50 per cent full.²⁸⁸
- 5.19** Further to this, DET suggested that there are no waiting lists for the following disability type support classes: Intellectual (including mild), sensory, physical, behavioural/emotional disorders/autism and multi-categorical, as access to the classes is managed through the regional placement panel process.²⁸⁹
- 5.20** However, DET indicated that, while there are “no waiting lists”, there are limits on the availability of places in some class types, such as language, reading, mild intellectual disability and behaviour classes due to the structure of the learning assistance program that supports these classes.²⁹⁰ However, it is unclear what in particular about this program is limiting the availability of places, for example whether it is funding and/or number of support teachers for this program.
- 5.21** Limitations on places, which appear to be for the lower support need students, in language, reading, mild intellectual disability and behaviour classes, have led many inquiry participants to believe there is a shortage in special education places and therefore waiting lists for these classes. For instance, a principal wrote:

Students are on waiting lists especially for Language, Reading, Behaviour and IM [mild intellectual disability] classes. It is not acceptable that students with special needs,

²⁸⁶ Submission 261, Northcott Disability Services, p 4

²⁸⁷ Submission 501, Name suppressed, p 2

²⁸⁸ Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Evidence, 23 March 2010, p 39

²⁸⁹ Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Question 30

²⁹⁰ Mr Brian Smyth King, Director, Disability Programs, Department of Education and Training, Evidence, 24 March 2010, p 39

requiring intervention to assist them to reach their potential, are denied access to placements due to inadequate class numbers and inadequate SSP numbers.²⁹¹

- 5.22** Similar comments pointing to the need for additional placements for students with these conditions were made in a number of submissions.²⁹² Most of these comments came from teachers and principals in mainstream schools who were seeking to refer students to special education places, or from parents. For example, one teacher wrote:

We have students where applications have been sent numerous times for a low level [limited number] of places. Speech and language classes totally inadequate. Behaviour and autism desperately need expanding.²⁹³

- 5.23** A principal of a SSP commented on the effect of the shortage of places:

In recent years we have seen a significant increase in students requiring placement at our school for specific purposes. Not only have we grown by two classes (which is a lot of a small school like ours), our student population is becoming more and more diverse. This is due in a large part to insufficient classes/places being available for students with mild – moderate intellectual disabilities, autism, emotional/behavioural disorder within mainstream schools. This results in both our school (and special schools like ours) being filled to critical capacity and enrolments of students that really should not be placed in a setting like ours. The diversity of ability and needs places further stress on staff and resources and is damaging to the students too who are in a restrictive environment when they should not be.²⁹⁴

- 5.24** The management of places on a regional basis means that, depending on the number of places available, shortages may be experienced in particular regions. For example, one Head Teacher of a support unit wrote:

I attend regional placement panels where students are officially placed in support classes, special schools or intervention services. Based on our current model of special education delivery within this state, there are not enough places available to place most students. The growth in need for places for students with autism spectrum disorder far outweighs the amount of spaces available, even though new classes have been established throughout our region over the last 12 months. Classes for students with mild intellectual disability are grossly low in number compared to demand, which leaves many students not receiving the support they require.²⁹⁵

- 5.25** The regional management of special education placements makes it difficult to identify areas of unmet need. Numerous participants in the inquiry made reference to waiting lists for placements in their region or others. For example Mr Bruce Donaldson, who is a former principal of a SSP and also parent of a child with autism, wrote:

Size and classification of Special Schools – this actually restricts the number of students who can attend and be accommodated at a special school. Students not

²⁹¹ Submission 402, Name suppressed, p 1

²⁹² Submission 465, Name suppressed, p 1

²⁹³ Submission 461, Name suppressed, p 1

²⁹⁴ Submission 665, Name suppressed, pp 1-2

²⁹⁵ Submission 656, Name suppressed, p 2

placed in this way are placed in “Support Classes” in regular schools which have a ceiling on the number of students per class. The cascading effect results in special needs students being placed on waiting lists and held in regular classes. Additionally policy prevents the creation of additional support classes until a prescribed number of students have been assessed and are on an eligibility waiting list.²⁹⁶

- 5.26** Waiting periods for special education placements appear to affect significant numbers of students, as the following comment indicates:

Surely the number of special education places should not be limited. There should be a provision for ALL students! We have SO many students on waiting lists!²⁹⁷

- 5.27** Further, waiting periods can be quite significant. Some participants in the inquiry referred to waiting periods of months or even years, as this example suggests:

Parents awaiting placement for their child in a special education setting, for example, a Behavioural School, Tutorial Centre, PCYC placement or Mental Health placement, currently have to wait for years to have their son/daughter signed off for one of these placements as there just aren’t enough places available!²⁹⁸

- 5.28** A number of participants expressed concerns about the effects of waiting periods on students with disabilities, other students, and teachers in mainstream settings. For example, the NSW Public Schools Principals Forum wrote:

Many children with diagnosed disabilities wait for extended periods of time for placement in support classes. Most special schools and support units have waiting lists especially since the closure of 72 IM classes in 2005-09. The effect of waiting in a mainstream class is devastating for the child’s self esteem and progress, the teacher’s ability to manage learning programs, behaviour and emotional well being and the parents’ confidence in and satisfaction with the government school system.²⁹⁹

- 5.29** As already indicated, concerns about the lack of available places were raised in relation to a number of particular disabilities, including autism, mild intellectual disabilities, language support classes, and students with emotional or behaviour disorders. These issues are reviewed briefly below.

Autism

- 5.30** Numerous submissions made reference to a lack of places for students with autism spectrum disorders.³⁰⁰ One teacher wrote: ‘many autistic children are in mainstream classes not through choice but through a lack of available space in specialised classes’.³⁰¹ A parent wrote:

²⁹⁶ Submission 148, Mr Bruce Donaldson, p 3

²⁹⁷ Submission 412, Name suppressed, p 2

²⁹⁸ Submission 690, Name suppressed, p 2

²⁹⁹ Submission 259, Public Schools Principals Forum, p 14

³⁰⁰ Submission 383, NSW SSP Principals’ Network, p 7; Submission 279, Name suppressed, p 1; Submission 367, Name suppressed, p 1; Submission 458, Name suppressed p 1; Submission 462, Name suppressed, p 1; Submission 463, Name suppressed, p 1

³⁰¹ Submission 333, Name suppressed, p 1

There are not enough special education places within the education system and not enough teachers trained to assist children with a disability. My child now attends an ASPECT satellite class because his needs were not being met by the resources at the local public school.³⁰²

- 5.31** Autism Spectrum Australia operates a number of independent schools ('Aspect' schools) and support classes specifically for children with autism. In its submission, Autism Spectrum Australia wrote:

Aspect asserts that the current number of supported placements for children with an ASD [Autism Spectrum Disorder] is inadequate. Currently Aspect has 6 schools with a total of 700 students enrolled. Aspect is aware of another 650 children who would like to be part of our program.³⁰³

Mild intellectual disabilities (IM)

- 5.32** A number of submissions indicated a shortage of places for students with mild intellectual disabilities (or IM places). One teacher wrote that, 'places in 'special' class [are] very very sparse for I.M. kids',³⁰⁴ while another wrote: 'We have a "queue" from our school to Timbuktu, waiting for an I.M. class placement'.³⁰⁵
- 5.33** The Department indicated that, while the number of support classes for students with mild intellectual disabilities has remained stable since 2005, there has been an increase in multicategorical support classes, which cater to students with a range of different disabilities, based on their level of need. These classes may include students with mild intellectual disabilities.³⁰⁶
- 5.34** Multicategorical classes were introduced following the NSW Auditor-General's Performance Audit in 2006, which recommended classes organised around student need rather than disability type.³⁰⁷ These classes account for the largest areas of growth in support classes since 2007.³⁰⁸

Students with behaviour and emotional disorders

- 5.35** The lack of places available for students with behaviour and emotional disorders was a significant theme in comments about special education places. For instance, the Public Schools Principals' Forum wrote:

Some students with an emotional disturbance or behavioural disorder wait for periods of 3-4 years. Some students remain unsupported for their entire primary career. They

³⁰² Submission 113, Name suppressed, p 2

³⁰³ Submission 45, Autism Spectrum Australia, p 5

³⁰⁴ Submission 359, Ms Lindsay Strachan, p 1

³⁰⁵ Submission 450, Name suppressed, p 1

³⁰⁶ Submission 715, p 51

³⁰⁷ Submission 715, p 49

³⁰⁸ Submission 715, p 51

may only receive placement after being repeatedly suspended when they progress to the less structured secondary education system.³⁰⁹

- 5.36** Numerous submissions commented on the lack of availability of, and waiting periods for, placements in behaviour schools or programs.³¹⁰ One teacher wrote:

The waiting time for students with behaviour problems is far too long. Students with behaviour problems not only impact on a teacher's ability to deliver to twenty-nine other students in the classroom but also impact on the inability of the student with a problem to reach their potential. Behaviour problems are increasing and with the waiting period that exists now there is a need for more places for students with behaviour problems.³¹¹

- 5.37** A draft report provided by DET entitled *Behaviour Schools/Learning Centres Appraisal 2009*, indicated that duration of enrolments at behaviour schools are much longer than anticipated which has placed significant pressure on the ability of behaviour schools to meet demand.³¹²

- 5.38** The draft report suggested that this was due to issues with transitions back to school or finding other alternatives, such as TVET, TAFE and employment opportunities. Also students tend to complete their compulsory school years at a behaviour school, which can impact on the length of their enrolment.³¹³

- 5.39** Participants in the inquiry made similar comments about the lack of places for students diagnosed with an emotional disorder. It is widely acknowledged that diagnoses of emotional disorders have increased significantly in recent years, though this does not necessarily reflect an increase in the incidence of these disorders.³¹⁴ The Department noted that:

Over a very short time span, there has been a sharp increase in the number of students in NSW government schools who meet formal disability criteria for autism or mental health disorder. In just two years, from 2007 to 2009, the number of students who meet formal disability criteria for autism increase on average 67.3 per cent in each year level while the number of students who meet formal disability criteria for mental health disorder increased by an average of 46 per cent in each year level.³¹⁵

³⁰⁹ Submission 259a, Public Schools Principals Forum, p 3

³¹⁰ Submission 447, Name suppressed, p 1; Submission 434, Name suppressed, p 1; Submission 427, Name suppressed, p 1; Submission 335, Name suppressed, p 1; Submission 337, Name suppressed, p 1; Submission 712, Name suppressed, p 1

³¹¹ Submission 627, Name suppressed, p 2

³¹² Department of Education and Training, draft report *Behaviour Schools/Learning Centres Appraisal 2009*, p 20

³¹³ Department of Education and Training, draft report *Behaviour Schools/Learning Centres Appraisal 2009*, p 20

³¹⁴ Graham, L, Sweller, N, (forthcoming) 'The inclusion lottery who's in and who's out? Tracking inclusion and exclusion in New South Wales Government schools', *International Journal of Inclusive Education*, p 5.

³¹⁵ Submission 715, p 21

- 5.40** Participants commented on the impact of a lack of places for students with emotional disorders on the student with this disability and those around them.³¹⁶ The NSW SSP Principals' Network wrote:

Inadequate placement for students with mental health disabilities. Many students' families do not have adequate access to diagnosis and services. Placement cannot occur without a diagnosis. Students are sometimes placed in support classes not catering to their disability due to lack of mental health placements. Mental health issues are having a huge impact on the educational opportunities and outcomes for all students, those affected by these health problems and those in the same classes. We need, as a system, more facilities operated jointly by health and education such as Rivendell. Placements are inadequate. Despite additional classes being established in some areas, demand is outstripping supply.³¹⁷

Language disorders

- 5.41** Language disorder is one of the categories of disability recognised by DET.³¹⁸ There are currently 40 language support classes operating around the state, with capacity for 320 students.³¹⁹

- 5.42** Numerous submissions referred to the demand for language support classes and difficulties in gaining access to these classes.³²⁰ Demand for language support classes also appears to be affected by demand for other types of support classes. For example, Ms Toni Brown, a school counsellor from southwest Sydney, said:

A couple of years ago our support classes were reviewed and changed, and the language class also changed as well. What we used to do was to take children with primarily language disabilities of reasonable intelligence, average and above intelligence. Now the children that are being put into language classes are often autistic children, and also children with a mild intellectual delay because there is a proviso that the child has to have a language disability. Language disability will be connected to autism and also a mild intellectual delay. So a lot of language children are now not necessarily being targeted.³²¹

- 5.43** Some participants in the inquiry expressed concerns about the possible dissolution of language classes in the future, as the new School Learning Support Program is introduced by the DET.³²² For example, one teacher wrote:

³¹⁶ Submission 129, Name suppressed, p 1; Submission 400, Name suppressed, p 1; Submission 690, p 2

³¹⁷ Submission 383, p 7

³¹⁸ Submission 715, Appendix 5, p 108

³¹⁹ Submission 715, p 48

³²⁰ Submission 466, Name suppressed, p 1; Submission 294, Mrs Brooke Butt, p 4; Submission 402, Name suppressed, p 1; Submission 376, Name suppressed, p 1; Submission 128, Hannans Road Public School, p 1

³²¹ Ms Toni Brown, School Counsellor, Evidence, 22 March 2010, p 13

³²² Submission 259, pp 16

Under the government's proposal, the classes, as they now operate, will cease to exist. Instead, principals will be given their own allocations of funding in each school...The government would have us believe that the special education teacher in each school would be able to assist children who no longer have access to a language class.³²³

- 5.44** The School Learning Support Program is currently being trialled in the Illawarra South East region.³²⁴ Mr Coutts-Trotter of DET said that language classes in the Illawarra region would not be abolished during the trial. Mr Coutts-Trotter said:

The pilot in the Illawarra South East...those children that are in language classes will remain in language classes, but we will not be taking new enrolments into that class. We will openly evaluate the effectiveness of that approach.³²⁵

Adequacy of special education places in regional areas

- 5.45** As discussed earlier, the placement of students with disabilities in support classes is managed on a regional basis. A significant number of inquiry participants raised concerns about the adequacy of special education places in the context of specific regions, particularly in rural and remote areas.³²⁶ Rural and remote areas, because of their smaller populations, frequently do not have the population to 'support' minimum class sizes. However, this means that some students with disabilities miss out on special education placements that may be available in urban areas.

- 5.46** For example, one teacher from a rural area wrote:

Access to specialised educational settings is hindered in the country, as a minimum number of students for a minimum amount of years e.g. three years, must be officially recognised to allow for a specialist class to be established. Reaching this minimum number is problematic in the country as there is not the population numbers to draw from. Therefore students that meet the requirements and should be entitled to a specialised service are in mainstream classrooms with little or no support being offered for them or the classroom teacher.³²⁷

- 5.47** Another teacher wrote:

There are too few special education places and settings in our system. In our rural area of approximately 30,000 residents, there are 5 special education classes for intellectual and physical disabilities. There are no Suspension Centres, Behaviour Schools, ED classes, Multi-categorical classes, Tutorial Centres, Autism classes, Vision, Hearing or Speech classes. The nearest ED Class or Behaviour School lay outside the (arbitrary) limit to provision of taxi transport.³²⁸

³²³ Submission 119, Name suppressed, p 2

³²⁴ Submission 715, p 45

³²⁵ Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

³²⁶ Submission 128, p 1; Submission 351, Name suppressed, p 1; Submission 271, ICPA-NSW, p 4; Submission 361, Name suppressed, p 1; Submission 197, Name suppressed, p 1

³²⁷ Submission 541, Name suppressed, pp 1-2

³²⁸ Submission 197, Name suppressed, p 2

- 5.48** The lack of special education places in rural and remote areas was raised as an issue of equity by a number of inquiry participants. One group of parents wrote: '[W]e are of the opinion that the current level of special education funding actually contributes to inequity between families across NSW, depending on where they live.'³²⁹
- 5.49** The increasing identification of students with autism spectrum disorder³³⁰ may further reduce the number of already limited special education places in rural and regional areas.
- 5.50** Dr Trevor Clark, Executive Director, Education and Research, Autism Spectrum Australia (Aspect), commented that Aspect provided a necessary service for students with autism spectrum disorder in country areas in NSW. He advised that Aspect was committed to expanding this service, however, available funding is an issue:

We have classes at Wagga Wagga and Albury. Several months ago we began establishing a new base school site at Albury. We cater to 50 students throughout the Riverina. Pam is in the middle of developing that into a separate school to commence in 2011—the Riverina Aspect School. Another program that is growing on the far North Coast based at Alstonville. We also have three satellite classes up there and a range of early intervention and outreach services. We have a very strong commitment to regional and rural NSW. In the west we have a travelling education outreach support worker who works primarily with Catholic independent schools. It is again a funding issue; if we had more funding we would be able to extend our reach.³³¹

Committee comment

- 5.51** The Committee notes that DET and other organisations provide a valuable service for students with autism spectrum disorder.

Recommendation 7

That the Department of Education and Training facilitate the provision of satellite autism classes in country areas to ensure children with autism in these areas have appropriate access to these classes.

- 5.52** A number of participants in the inquiry objected to impending changes to the Dalwood Assessment Centre.³³² The Dalwood Assessment Centre provides diagnostic and assessment services for students with reading difficulties from rural areas, while the associated Palm Avenue School provides educational programs, including an outreach service and a residential program. It is operated by NSW Health, though referrals are managed jointly by NSW Health

³²⁹ Submission 194, Condoblin Concerned Parents of Students with Special Needs, p 2

³³⁰ Submission 715, p 19

³³¹ Dr Trevor Clark, Executive Director, Education and Research, Autism Spectrum Australia, Evidence, 10 May 2010, p 19

³³² Submission 59, Mr Scott Fullerton, p 1, Submission 354, Name suppressed, p 2, Submission 281, Country Women's Association of NSW, p 4, Submission 670, p 24

and DET.³³³ Participants in the inquiry felt that the Dalwood Assessment Centre provides an important service to students from rural and regional areas. The Country Women's Association, for example, wrote:

The only chance rural and remote children have to overcome their disability, particularly being able to read, is to be accepted at the former Dalwood Assessment Centre, be assessed there, then spend a month at the Palm Avenue School being further assessed and taught – one on one, face to face – then sent home with an information package to a mainstream class in a country school...The news that this highly successful Dalwood/Palm Avenue Centre was to be restructured and relocated has completely devastated country parents and children.³³⁴

5.53 Mr Scott Fullerton, a parent of a student who has attended Dalwood/Palm Avenue School, is very concerned about the proposed closure of the centre. Mr Fullerton advised that after exhausting all other avenues of support, the Dalwood centre is the only available support that can help his son. He asks 'what will we and other remote families do to help our children in the future?'³³⁵

5.54 A teacher has commented that the closure of the centre would be a dramatic loss of a successful program:

The dismantling of Dalwood Assessment Centre and Palm Avenue School is a dramatic loss to both parents and their children who have critical need of specialised learning programs for literacy. This public resource for students has proven to be highly successful over many years.³³⁶

5.55 The NSW Health website states that the Palm Avenue School has been re-located, but will continue to offer a residential service until the end of 2010. An Expert Advisory Panel has been appointed to provide advice on the future of the Dalwood Assessment Centre and Palm Avenue School.³³⁷

Transparency in the regional placement process

5.56 Some inquiry participants expressed concerns about a lack of transparency in the region placement process. For example, a teacher wrote 'the process of acceptance of students into special placement is not transparent and doesn't appear equitable'.³³⁸

³³³ Northern Sydney and Central Coast Area Health Service, accessed 16 June 2010, <www.nscchahs.health.nsw.gov.au/services/dalwood>

³³⁴ Submission 281, p 4

³³⁵ Submission 59, p 1

³³⁶ Submission 354, p 2

³³⁷ Northern Sydney and Central Coast Area Health Service, accessed 16 June 2010, <www.nscchahs.health.nsw.gov.au/services/dalwood> and Hall, L, 'Special needs school wins brief reprieve', *Sydney Morning Herald*, 16 June 2010

³³⁸ Submission 351, p 1

- 5.57** The Department has stated that the Regional Placement Panel process is currently under review.³³⁹ The Department said that, ‘a revision of regional placement panel procedures currently underway will further streamline the Department’s processes for students seeking access to specialist services’.³⁴⁰

Committee comment

- 5.58** While the Committee is supportive of the policy for inclusion of students with disabilities and special needs in mainstream classes, at different times and for different reasons the most appropriate setting for a particular student may be in a SSP or support class in a regular school. We believe that parental choice should be a key factor in these placement decisions.
- 5.59** The Committee believes that demand for special education places is partly a reflection of the lack of adequate support for students with disabilities and special needs in regular classrooms. This issue is discussed further in Chapter 6.
- 5.60** The comments from DET that there are no waiting lists, compared to contrary concerns expressed by schools and parents is perplexing. It would appear that while special education places for students with higher support needs is driven by demand, places for students with lower support needs, such as mild intellectual disability, language, reading, behaviour and in some cases autism, are fixed. The reasons for this are not clear to the Committee, especially given that there has been a significant increase in the identification of these disabilities.
- 5.61** It is also noted that some SSPs have been required to accommodate these students with lower support needs, even though the schools are targeted for students with higher support needs. This could impact on the availability of special education places in these schools for higher support need students.
- 5.62** The Committee recommends that DET acknowledge and accept that there is widespread concern about the unmet demand for special education places in NSW Government schools. Furthermore, DET should undertake an immediate investigation into the level of unmet demand for special education places and classes, publish the results of this investigation and increase the number of special education places and classes to ensure that there are adequate places to cover demand for all students with disabilities and special needs. The Committee also recommends that DET abandon plans to dissolve existing language support classes.

³³⁹ Mr Coutts-Trotter, Evidence, 23 March 2010, p 38

³⁴⁰ Submission 715a, NSW Government (Department of Education and Training), p 5

Recommendation 8

That the Department of Education and Training:

- acknowledge and accept that there is widespread concern about the unmet demand for special education places in NSW Government schools
 - undertake an immediate investigation into the level of unmet demand for special education places and classes and publish the results of this investigation
 - increase the number of special education places and classes to ensure that there are adequate places to cover demand for all students with disabilities and special needs
 - abandon plans to dissolve existing language support classes.
-

5.63 The Committee recognises inquiry participants' concerns regarding the transparency of the Regional Placement Panel process. The Department has also acknowledged the need to examine this issue by initiating a review of this process. It is noted that the Committee received very little information about what this will entail and therefore recommends that DET publish details of its response to the Auditor General's 2006 report in relation to the Regional Placement Panel process, including a timeline for implementation of this revision.

Recommendation 9

That the Department of Education and Training publish details of its response to the Auditor General's 2006 report in relation to the Regional Placement Panel process, including a timeline for the implementation of this revision.

5.64 The Committee notes that the draft DET report *Behaviour Schools/Learning Centres Appraisal 2009* indicated that enrolments at behaviour schools are much longer than anticipated which places significant pressure on the ability of behaviour schools to meet demand. It is understood that this appraisal was an initial step in identifying whether a more rigorous and systematic evaluation of behaviour schools/learning centres would be of benefit.³⁴¹ The Committee recommends that DET conduct a comprehensive evaluation of behaviour schools and learning centres. This evaluation should examine access to secondary curriculum (as discussed in Chapter 8), student/teacher ratios, the impact on students of spending extended periods of time in behaviour schools, as well as the adequacy of places available to meet demand.

³⁴¹ Department of Education and Training, draft report *Behaviour Schools/Learning Centres Appraisal 2009*, p 11

Recommendation 10

That the Department of Education and Training conduct a comprehensive evaluation of behaviour schools and learning centres. This evaluation should examine access to secondary curriculum, student/teacher ratios, the impact on students of spending extended periods of time in behaviour schools, as well as the adequacy of places available to meet demand.

- 5.65** The Committee shares the concerns expressed by inquiry participants that access to special education places in rural areas can be limited and that facilities such as the Dalwood Assessment Centre and Palm Avenue School provide necessary support for students with disabilities and special needs in rural areas. The Committee notes that the Dalwood Assessment Centre and Palm Avenue School are to remain open until the end of the year and that an expert advisory committee will advise the Minister for Education and Training and the Minister for Health on future options for these facilities and the students they cater for. The Committee recommends that the Minister for Education and Training and the Minister for Health publish the report of the Expert Advisory Panel as soon as it becomes available.
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Recommendation 11

That the Minister for Education and Training and the Minister for Health publish the report of the Expert Advisory Panel on the future of Dalwood Assessment Centre and Palm Avenue School as soon as it becomes available.

- 5.66** However, the Committee is concerned that it is unfair of the NSW Government to not give certainty to those parents accessing the services of Dalwood Assessment Centre and Palm Avenue School by continuing to put off a decision regarding the operation or potential closure of the centre. The Committee believes that the closure of this centre would be a significant loss of a valuable service for students with disabilities and special needs from isolated areas, where they already struggle to get equitable access to educational support services. We, therefore, recommend that the Dalwood Assessment Centre and Palm Avenue School and the associated residential service remain open.
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Recommendation 12

That the NSW Government ensure that the Dalwood Assessment Centre and Palm Avenue School and associated residential service continue to deliver its valuable service for students with complex reading difficulties from rural and regional areas.

Chapter 6 Support services for students in mainstream classes

This chapter considers the adequacy of support services for students with disabilities or special needs in mainstream classes. In particular, it examines the current services provided by the Department of Education and Training (DET) to support integration, including the proposed School Learning Support Program.

Supporting students with disabilities or special needs

- 6.1** NSW schools currently offer a range of educational options to students with disabilities or special needs, from inclusion in mainstream classes to enrolment in support classes and Schools for Specific Purposes (SSPs).³⁴²
- 6.2** According to DET, support mechanisms are available to students with disabilities or special needs and their families to facilitate learning and to enable the same access to education as other students.³⁴³
- 6.3** For the purposes of this inquiry, two types of support services were examined:
- *Integrated support services:* the support services available to students with disabilities or special needs enrolled in a mainstream class in a regular school, to be considered in this chapter, and
 - *Professional support services:* the support services available to all students with disabilities or special needs in SSPs and mainstream settings, as provided by professionals and allied health workers, to be considered in Chapter 7.
- 6.4** As part of the integrated support services examined in this chapter, key programs and positions supporting students in the mainstream setting will be discussed. Table 6.1, on the following pages, provides an outline of these programs and positions as a reference and preface to more detailed consideration throughout the chapter.

³⁴² Submission 715, NSW Government, p 10

³⁴³ Attorney General's Department and Department of Education, Science and Training, *Disability Standards for Education*, 2005, p iii

Table 6.1: Key programs and positions supporting students in the mainstream setting³⁴⁴

Term	Acronym	Description
Programs		
Learning Assistance Program	LAP	<ul style="list-style-type: none"> * supports students in mainstream classes with difficulties in literacy, numeracy or language, regardless of cause * allocates Support Teachers Learning Assistance (STLA) and additional funding to schools * elements have been included in the proposed School Learning Support Program (SLSP)
Integration Funding Support Program	IFSP	<ul style="list-style-type: none"> * provides funding to schools according to disability type and level of need of individual students with a confirmed disability
School Learning Support Coordinator Program	SLSC program	<ul style="list-style-type: none"> * provides specialist support to classroom teachers through the School Learning Support Coordinator (SLSC) * also features online training course for teachers * introduced in 2009 as a pilot program in 265 mainstream schools * elements have been included in the proposed School Learning Support Program (SLSP)
Proposed School Learning Support Program	Proposed SLSP	<ul style="list-style-type: none"> * provides specialist support to classroom teachers through the School Learning Support Teacher (SLST) * includes elements of the LAP and SLSC program * also features online training course for teachers * currently being trialled in the Illawarra and South East Region
Positions		
Support Teacher Learning Assistance	STLA	<ul style="list-style-type: none"> * teaches and supports students experiencing learning difficulties regardless of the cause * positions currently exist as part of the LAP * positions will be merged with others to create School Learning Support Teacher (SLST) position as part of proposed SLSP
School Learning Support Officer (formerly known as 'teacher's aide')	SLSO	<ul style="list-style-type: none"> * assists class teacher to support students in the classroom or playground * will not be affected by the proposed SLSP
School Learning Support	SLSC	<ul style="list-style-type: none"> * provides advice, support and guidance to classroom teachers

³⁴⁴ This table was compiled using information sourced from: Submission 715; Martin & Associates, *The Learning Assistance Program: A Reflective Study*, June 2006, Department of Education and Training; Department of Education and Training, School Learning Support Program – Consultation proposal on the model, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>; Department of Education and Training, Information Sheet 1 - School Learning Support Coordinator Presence in 265 schools, <www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilitypgrms/slscinfo.pdf>; Department of Education and Training, <www.schools.nsw.edu.au/studentsupport/programs/lrngdifficulty.php>

Term	Acronym	Description
Coordinator		<ul style="list-style-type: none"> * positions were introduced in 2009 as part of the SLSC program * positions will be merged with others to create School Learning Support Teacher (SLST) position as part of proposed SLSP
School Learning Support Teacher	SLST	<ul style="list-style-type: none"> * provides advice, support and guidance to classroom teachers * provides direct assistance to students but does not teach * positions are primarily based on the roles of the STLA and SLSC * positions will replace STLA, SLSC and other support teaching positions as part of proposed SLSP * position is currently being trialled in the Illawarra and South East Region
School Learning Support Team	-	<ul style="list-style-type: none"> * comprised of school staff, service professionals, students and their families * addresses the learning needs of individual students * currently exists as the primary mechanism for integrated support services * all of the above positions may contribute or participate in the team * role of the team will not be affected by the proposed SLSP

Integration in NSW schools today

- 6.5** As described in Chapter 2, the opportunity to educate students in a mainstream setting reflects the philosophical shift from segregating students with disabilities or special needs to including them in regular classes and schools amongst their peers.
- 6.6** Today, a substantial number of students with a confirmed disability are educated in an integrated setting in mainstream classes across both government and non-government sectors. For example, 15,006 students out of 32,550 students with a confirmed disability in NSW government schools are enrolled in mainstream classes.³⁴⁵ Similarly, most students with disabilities or special needs attending Catholic and independent schools are supported in mainstream classes.³⁴⁶
- 6.7** The overwhelming perception among inquiry participants, particularly teachers and parents, is that the integrated support services currently available to students with disabilities and special needs in NSW schools are inadequate.
- 6.8** For example, one teacher commented on their constant struggle to support students with disabilities or special needs in their class:

³⁴⁵ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 60

³⁴⁶ Submission 671, Catholic Education Commission NSW, p 20; Submission 670, Association of Independent Schools of NSW, p 5

As a high school teacher in a mainstream setting, I constantly struggle to meet the needs of students integrated into my classroom who have special needs and either little or no support available to them.³⁴⁷

- 6.9** Another teacher indicated that, despite their efforts, teachers find it difficult to cope without the necessary support and resources to educate the growing number of students with diverse disabilities being integrated into regular schools today:

The support is limited and students integrated are not getting an opportunity to participate in a full and enriching education ... Teachers are excellent people who always put the education of their students first but they are finding it very difficult to cope with all the disabilities that are integrated in schools now without extra training and support ... I believe teachers do the best they can with the limited resources they have.³⁴⁸

- 6.10** Similarly, one teacher expressed that there is an 'overall lack of support for classroom teachers' as more and more students with disabilities or special needs are enrolled in mainstream classes. Subsequently, this teacher concluded that:

The system is letting down all students, teachers, parents and the wider community by not adequately funding and resourcing the education of students with disabilities and special needs.³⁴⁹

- 6.11** Parents have also relayed their concern over the lack of integrated support their children receive in the mainstream setting.

- 6.12** This view was reflected by a parent whose son had not received support during his attendance at a mainstream primary school:

For integrated students, teachers need support.... For my son, the support has been NON-EXISTENT ... He has received NO in-classroom support over the last 7 years.³⁵⁰

- 6.13** Another parent expressed the need for more support and funding for students with disabilities or special needs in mainstream schools:

There is insufficient support and funding available for children in mainstream schools who have disabilities.³⁵¹

³⁴⁷ Submission 483, Name suppressed, p 1

³⁴⁸ Submission 375, Name suppressed, p 2

³⁴⁹ Submission 429, Name suppressed, p 2

³⁵⁰ Submission 93, Name suppressed, p 1

³⁵¹ Submission 511, Mr Michael Rowsell, p 1

Integrated support services offered in NSW Government schools

- 6.14** The NSW Government submission identified a number of integrated support services currently available to students with disabilities or special needs enrolled in mainstream classes in NSW Government schools. These may include:
- the School Learning Support Team
 - the Learning Assistance Program
 - the Integration Funding Support Program
 - Specialist itinerant support teachers and regional student services
 - the School Learning Support Coordinator, and
- 6.15** The proposed School Learning Support Program will amalgamate some of these programs into an integrated model.
- 6.16** A summary of the key programs and positions involved in supporting students with disabilities or special needs in the mainstream setting can be found in Table 6.1, at the end of the chapter.
- 6.17** Support services are also available for senior secondary school students with disabilities attending TAFE NSW-delivered Vocation Education and Training courses. Aboriginal students with disabilities can also access a range of support services, such as Aboriginal Education Officers, the Aboriginal Early Language Development Program and the Norta Norta Program.³⁵² These particular services will not be examined in this chapter, however, further information can be found in the NSW Government submission.

School learning support team

- 6.18** The school learning support team is the key means through which integrated support is provided to students with disabilities or special needs in the mainstream setting. The team is designed to function as a whole school planning and support mechanism aimed at addressing the learning support needs of students through collaborative planning between educators, service professionals, students and their families. It seeks to do this by coordinating, developing, implementing, monitoring and evaluating educational programs for individual students.³⁵³
- 6.19** The Department noted that students should be referred to a school learning support team whenever they require additional advice or support to meet learning needs but did not state that all schools were required to establish such a team.³⁵⁴

³⁵² Submission 715, pp 42-43

³⁵³ Submission 715, p 39

³⁵⁴ Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 3

6.20 Membership of the school learning support team is determined by each school but generally includes:

- a team facilitator (usually a member of the school executive)
- school counsellor
- teacher representatives
- specialist personnel (such as specialist teachers in learning assistance)
- other specialist personnel (such as teacher's aides), and
- parents and carers.³⁵⁵

6.21 The school learning support team is responsible for ensuring a student's educational needs are met in key areas such as teaching and curriculum, school organisation and parent participation. They also coordinate support resources within and outside the school, develop strategies for program planning and implementation, and organise access to additional services.³⁵⁶ An overview of the responsibilities of the school learning support team as described by the DET are found in Appendix 6.

6.22 Ms Deonne Smith, General Manager, Access and Equity, DET, further explained the role of the school learning support team and the positive impact she believes they can and do have in schools:

[The] school learning support team has an overview of the needs of children within the whole school. But, importantly, if a classroom teacher was a bit worried about a young person in their class there is somebody they can go to for support and advice. I have seen some amazing school learning support teams in operation. I guess that is the core within the school.³⁵⁷

6.23 The NSW Primary Principals' Association argued that, while school learning support teams bear much responsibility, they are comprised of teachers and staff who take up their roles voluntarily, often with little experience in dealing with students with disabilities and with limited access to expert support:

The DET tries to put the responsibility for these students at the feet of the Learning Support Team in schools. These teams are made up of ordinary classroom teachers with often very little or no experience of students with a disability. They volunteer for this role and are expected to make decisions and help write programs with no support from anyone with experience in the area of disability and all in their own lunchtimes or after school hours.³⁵⁸

6.24 Some inquiry participants suggested that the establishment and use of school learning support teams varies significantly across schools, with some students having little access, or in some

³⁵⁵ Submission 715, p 39

³⁵⁶ Submission 715, Appendix 8, p 113

³⁵⁷ Ms Deonne Smith, General Manager, Access and Equity, Department of Education and Training, Evidence, 23 March 2010, p 42

³⁵⁸ Submission 669, NSW Primary Principals' Association, p 11

cases none at all, to the fundamental mechanism through which integrated support services are supposed to be delivered in mainstream schools.³⁵⁹

- 6.25** The Federation of Parents and Citizens' Associations of NSW observed that there is an inconsistency in the use, quality and effectiveness of school learning support teams:

School Learning Support teams have been promoted as the mechanism to engage staff and families in the provision of a quality service supporting students with disabilities in the classroom and the school. Unfortunately, there appears to be a gap in the level of usage of these teams in schools. Reports vary from teams that are inclusive and active within the school to schools who are unaware of the function and/or role of these teams.³⁶⁰

- 6.26** Similarly, the Specific Learning Difficulties Association of NSW and Family Advocacy pointed out that some schools have learning support teams 'in name only' or treat them with little regard, or do not have one at all.³⁶¹

- 6.27** While this evidence suggests that school learning support teams may not always meet the objectives of providing adequate support for students in need, Associate Professor Michael Arthur-Kelly, University of Newcastle, maintained that the school learning support team '...if it is done well, has great potential'.³⁶²

- 6.28** Associate Professor Arthur-Kelly suggested that in order for the school learning support team to achieve its potential, a top down/bottom up approach must be taken. He argued that principals need to be supported in order to lead the decision-making but that teachers must equally be qualified and have access to training to better inform and carry out those decisions.³⁶³ Teacher training and professional development will be considered further in Chapter 9.

- 6.29** Ms Hogan asserted for those children whose inclusion and mainstreaming is going well, there is a functioning school learning support team who recognises the value of parental input and knowledge:

Generally, where the parents' knowledge of their children has been listened to, respected, and taken on board, the teams work well, and the child's inclusion is going better than it might otherwise.³⁶⁴

- 6.30** However, the Committee heard that for some parents of children with disabilities or special needs, teachers and schools do not always welcome their input. It was suggested that parents often developed tenuous relationships with school principals and teachers in the pursuit to have their child educated. Ms Catherine Hogan, Director, Family Advocacy, observed that for

³⁵⁹ Submission 668, Federation of Parents and Citizens' Associations of NSW, p 7; Submission 127, Family Advocacy, p 7; Submission 529, Specific Learning Difficulties Association of NSW, p 20

³⁶⁰ Submission 668, p 7

³⁶¹ Submission 127, Family Advocacy, p 7; Submission 529, p 20

³⁶² Associate Professor Michael Arthur-Kelly, University of Newcastle, Evidence, 10 May 2010, p 59

³⁶³ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

³⁶⁴ Ms Catherine Hogan, Director, Family Advocacy, Evidence, 10 May 2010, p 70

parents negotiating with the school system on how the needs of their child should be addressed, ‘often it is not an even playing field, it is a very different power differentiation’.³⁶⁵

- 6.31** Indeed, for some parents the experience of working with school staff to plan for their child’s educational program has been a challenging and difficult one. For example, Mr Mark and Mrs Cassie Gardner, parents of a child with Down Syndrome, conveyed feelings of intimidation and isolation set up and perpetuated by the ‘system’:

Often we felt isolated, under siege and embattled. As an example, at regular planning meetings for Emily we would often be sitting across the room from 6-8 teachers and departmental staff (sometimes from regional office) which was very intimidating, particularly if only one parent could attend the meetings. No doubt this is one of the reasons we parents can be labelled “emotional”. The whole system is set up to be stressful for the less powerful participant – which is always the parent.³⁶⁶

- 6.32** Mr and Mrs Gardner advised that when they moved their daughter to another school whose staff were responsive to their contribution as parents, the school not only created ‘educational opportunities’ for their daughter but their daughter in turn flourished.³⁶⁷

- 6.33** In a supplementary submission to the Inquiry, DET reiterated the central role school learning support teams play in delivering support services to students in NSW Government mainstream school. Significantly, they also recognised the benefit of developing clearer practice guidelines and additional resource support material for operating school learning support teams.³⁶⁸

Committee comment

- 6.34** The Committee agrees that school learning support teams are vital to the planning and support of students with disabilities or special needs. It is concerned by the evidence that these teams do not appear to exist in some schools, and therefore recommends that DET require all mainstream NSW Government schools to establish or be resourced by a school learning support team.

Recommendation 13

That the Department of Education and Training require all mainstream NSW Government schools to establish or be resourced by a school learning support team.

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- 6.35** The Committee also believes that, given their critical role in assisting students with disabilities or special needs, school learning support teams need the professional support of at least one person with appropriate special education qualifications, as discussed in Chapter 9.

³⁶⁵ Ms Hogan, Evidence, 10 May 2010, p 70

³⁶⁶ Submission 267, Mr Mark and Mrs Cassie Gardner, p 3

³⁶⁷ Submission 267, p 5

³⁶⁸ Submission 715a, NSW Government (Department of Education and Training), p 4

- 6.36** The Committee therefore recommends that the Department of Education and Training work towards ensuring that all school learning support teams have at least one member with a special education qualification, such as the School Learning Support Teacher in the proposed School Learning Support Program, to be discussed later in this chapter. If necessary, DET should provide funded professional development opportunities to existing school staff.

Recommendation 14

That the Department of Education and Training work towards ensuring that all school learning support teams include at least one member who holds a special education qualification, if necessary, by providing funded professional development opportunities to existing school staff.

- 6.37** The Committee is also aware that the capacity of school learning support teams to provide integrated support to students with disabilities or special needs varies considerably across mainstream government schools in NSW. The Committee feels that greater consistency can be achieved by educating and supporting families and schools, in particular school executives and teachers, to take an active part in these teams.
- 6.38** The Committee therefore recommends that DET develop and publish practice guidelines on the functions and outcomes of school learning support teams, and that these guidelines be distributed to the school community.
- 6.39** The Committee also notes the importance of parent participation in supporting the needs of students in the school environment and believes that parental input to the school learning support team will lead to better outcomes for students with disabilities or special needs. Therefore, the proposed school learning support team guidelines should outline the role of parents to participate in these teams.

Recommendation 15

That the Department of Education and Training publish guidelines on the functions and outcomes of school learning support teams, including the role of parents in these teams, for distribution to school communities.

Learning Assistance Program (LAP)

- 6.40** The Learning Assistance Program (LAP) supports students enrolled in mainstream classes from Kindergarten to Year 12 who are experiencing difficulties in literacy, numeracy or language, regardless of the cause.³⁶⁹ While the program may assist students with significant

³⁶⁹ Submission 715, p 40

learning difficulties, mild intellectual disabilities and language disorders, students are not required to have a confirmed disability in order to access the LAP.³⁷⁰

- 6.41** The program, which was introduced in 2004, allocates resources on a three year basis directly to schools using a formula informed by census-based performance data.³⁷¹ Schools are then given the flexibility to manage and use these resources in ways they deem will best meet the needs of their students.³⁷² This may include professional learning for staff or additional teacher time for program development.³⁷³
- 6.42** Resources provided through the LAP are generally facilitated by the school learning support team and are delivered through the allocation of Support Teachers Learning Assistance (STLAs) and additional funds to schools.³⁷⁴
- 6.43** STLAs are specialist teachers in learning assistance with a strategic role to improve outcomes for students with learning difficulties. They work collaboratively as part of the school learning support team to identify and assess students experiencing difficulties in the basic areas of learning and to plan, monitor and evaluate the educational programs for these students.³⁷⁵
- 6.44** For the 2007-2009 funding period, the LAP provided assistance to students through 1,378 STLAs and funding to 1,886 primary and secondary schools.³⁷⁶ In 2009-2010, these resources are estimated to be worth over \$149 million.³⁷⁷
- 6.45** In 2006, the DET commissioned an independent reflective study of the LAP. It found that, of the parents, schools, key school organisations and community groups consulted, the general attitude towards the LAP was a 'positive' one.³⁷⁸ It cited a number of benefits for students, teachers and schools, including improved literacy and numeracy, specialist help for students and teachers, a fixed funding period and the flexibility to allocate resources at the school level.³⁷⁹

³⁷⁰ Submission 715, p 40; Department of Education and Training, accessed 26 May 2010, <www.schools.nsw.edu.au/studentsupport/programs/lrngdifficulty.php>

³⁷¹ Submission 715, p 32

³⁷² Submission 715, p 32; Martin & Associates, *The Learning Assistance Program: A Reflective Study*, June 2006, Department of Education and Training, p 16 (hereafter referred to as *The Learning Assistance Program: A Reflective Study*)

³⁷³ *The Learning Assistance Program: A Reflective Study*, p 8

³⁷⁴ *The Learning Assistance Program: A Reflective Study*, p 8

³⁷⁵ Department of Education and Training, accessed on 17 May 2010, <www.schools.nsw.edu.au/studentsupport/programs/lrngdifficulty.php>

³⁷⁶ Department of Education and Training, *Annual Report*, 2008, p 14

³⁷⁷ Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Question 61(b)

³⁷⁸ *The Learning Assistance Program: A Reflective Study*, p 4

³⁷⁹ *The Learning Assistance Program: A Reflective Study*, p 16

- 6.46** The study also acknowledged areas for improvement and suggested changes to the program such as increasing the number of STLAs,³⁸⁰ expanding the categories of students included in the program, more professional development and increased access to speech pathologists.³⁸¹
- 6.47** While there has been some move to address these issues as well as to extend the benefits of the LAP through the proposed School Learning Support Program (see paragraph 6.52), increased opportunities for professional training and development as well as greater access to professional support services remain key issues for the current inquiry. These will be discussed in greater detail later in Chapter 7 (professional support services) and in Chapter 9 (teacher training).
- 6.48** While the STLA component of the LAP is strongly supported by organisations such as the NSW Council for Intellectual Disability and the Public Schools Principals Forum,³⁸² concerns raised in the reflective study that there are not enough STLAs were echoed again in the current inquiry. As one teacher stated, ‘the STLA allocation often falls well below school needs’.³⁸³
- 6.49** This has been particularly true of the experiences of parent Ms Corinna Lueg, whose son has been diagnosed with severe dyslexia and is only eligible for assistance through the LAP. Ms Lueg stated in her submission that some students with dyslexia do receive some learning support through the STLA but ‘only with luck, and never what is really needed’.³⁸⁴
- 6.50** A teacher from a low socio-economic status community in a highly multicultural school in southwest Sydney commented that funds provided through the LAP ‘especially at a school such as ours, are severely stretched’.³⁸⁵
- 6.51** The NSW Government acknowledged the limitations of a census-based model of resource allocation, such as that used for the LAP. It noted that, while the census-based model can be flexible, it is not responsive to changes in the school demographic.³⁸⁶
- 6.52** In 2009, DET proposed a new model to coincide with the conclusion of the LAP triennium – the School Learning Support Program. According to the Department, the proposed model will build upon the current strengths of the LAP, such as those identified in the reflective study, to provide more specialist support in schools.³⁸⁷ The proposed School Learning Support Program will be examined later in this chapter.

³⁸⁰ At the time of the study, there were 1,357 STLAs in primary and secondary schools.

³⁸¹ *The Learning Assistance Program: A Reflective Study*, p 17

³⁸² Submission 544, NSW Council for Intellectual Disability, p 13; Mr Brian Chudleigh, Deputy Chair, Public Schools Principals Forum, Evidence, 22 March 2010, p 18

³⁸³ Submission 390, Name suppressed, p 2

³⁸⁴ Submission 230, Ms Corinna Lueg, p 2

³⁸⁵ Submission 497, Name suppressed, p 3

³⁸⁶ Submission 715, pp 32-33

³⁸⁷ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>, p 13

Recommendation 16

That the Department of Education and Training support the maintenance and expansion of the Learning Assistance Program.

Integration Funding Support Program (IFSP)

- 6.53** The Integration Funding Support Program (IFSP) provides funding to schools according to the level of need and disability type of individual students with a confirmed disability enrolled in mainstream classes.³⁸⁸
- 6.54** The school learning support team completes a student profile which summarises the student's educational needs across five domains: key learning areas, communication, participation, personal care and movement. The profile is then used, in conjunction with the student's disability type, to determine the level of funding that student will receive.³⁸⁹
- 6.55** Funding for targeted students is allocated to the school as a total annual figure. School principals then determine the most appropriate ways of using the funding provided through the program to meet the needs of eligible students. Funds may be used to purchase training and development, additional teacher time, School Learning Support Officer (SLSO, formerly known as teacher's aide) time, teacher release, transfer of duty or program coordination time.³⁹⁰
- 6.56** In 2009, 15,006 students with disabilities in mainstream classes accessed the IFSP.³⁹¹ In 2009-2010, almost \$124 million was allocated to the program, in addition to the base funding provided to cover regular classroom teachers and other school costs.³⁹²
- 6.57** Inquiry participants raised a number of concerns relating to the assessment process to qualify for funding under the program. These issues are examined in Chapter 4. Other concerns regarding the program relate to the nature of the School Learning Support Officer (SLSO) position.

School Learning Support Officer

- 6.58** A key feature of the IFSP discussed by inquiry participants is the ability of schools to use funding from the program to employ School Learning Support Officers (SLSOs). An SLSO is:

³⁸⁸ Submission 715, p 40. A student with a confirmed disability is defined as a student who meets the DET Disability Criteria as discussed in Chapter 4.

³⁸⁹ Submission 715, p 40

³⁹⁰ Submission 715, p 40

³⁹¹ Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Question 60

³⁹² Answers to questions on notice taken during evidence, 23 March 2010, Mr Coutts-Trotter, Question 61(b)

A person employed by a school who assists the class teacher to support student/s with a disability in the classroom or playground. Formerly known as a “teacher aide”.³⁹³

- 6.59** Some inquiry participants expressed concern about the way SLSOs were being utilised. Ms Aine Healy, Project Officer, NSW Council for Intellectual Disability, observed that:

Teacher's aides can be utilised to develop resources, to find additional information for the teachers—that is not always the way that it occurs...Teacher's aides feel that they are often used as babysitters as students are sent off to them for looking after because mainstream teachers do not want them in the classroom.

- 6.60** Indeed, the Council reported that teachers often assumed the child with special needs was the SLSO’s sole responsibility.³⁹⁴

- 6.61** Associate Professor Jennifer Stephenson, Director, Macquarie University Special Education Centre and President, Australian Association of Special Education, suggested that teachers and schools should be responsible for determining the most appropriate ways SLSOs can support the needs of students with disabilities or special needs:

Teacher aides or education officers can play a valuable role in the education of students with special needs because they can provide that one-to-one teaching that a regular class teacher may not be able to provide. Having said that, a teacher aide needs to work under the supervision of someone who does have the appropriate knowledge to design teaching programs, someone who can coach them in the way that they are to be carried out, someone who can design appropriate behaviour management programs and coach the aide in the way that they are to be carried out.

To take a child with significant behaviour problems and employ a teacher aide with little or no qualifications in education and attach that aide to the student as a means of moderating their behaviour is probably not a very effective way of teaching new behaviours to that student. A teacher aide will be only as effective as the supervision that is provided to them by a teacher and the school. It is often said that when we use teacher aides in that way that means the least qualified person in the school becomes responsible for the students with the most complex learning and behaviour needs, and that is not appropriate.³⁹⁵

- 6.62** Further discussion on the role of SLSOs, and in particular, their access to training, will be discussed in Chapter 9.

Committee comment

- 6.63** The Committee recognises the considerable positive impact SLSOs have on a student’s welfare and education, and the valued contribution they make to assisting teachers in mainstream classrooms. However, the Committee notes that this resource is not always used

³⁹³ Submission 715, p 83

³⁹⁴ Submission 544, p 12

³⁹⁵ Associate Professor Jennifer Stephenson, Director, Macquarie University Special Education Centre and President, Australian Association of Special Education, Evidence, 23 March 2010, p 22

in the most effective way or to the benefit of all students, including those with disabilities or special needs.

- 6.64** A well functioning school learning support team offers school level advice and guidance on the needs of students with disabilities and special needs in mainstream classes. Further to the Committee's earlier recommendation regarding the publication of guidelines for the school learning support team, the Committee recommends that these guidelines include a clear statement on the role and appropriate use of SLSOs.

Recommendation 17

That the Department of Education and Training include a clear statement on the role and appropriate use of School Learning Support Officers (teacher's aides) in the proposed guidelines on the functions of school learning support teams.

Specialist itinerant support teachers and regional student services

- 6.65** Specialist itinerant support teachers provide practical support to students with disabilities and their teachers, including those in mainstream classes. They usually work across several schools and have expertise in autism, integration, transition, vision, hearing and behaviour.³⁹⁶
- 6.66** Itinerant teachers participate in the school learning support team, facilitate collaborative and team teaching, administer group work within the classroom and provide intensive one-to-one support when required.³⁹⁷
- 6.67** It should be noted that itinerant support teacher positions, with the exception of Itinerant Support Teacher – Integration, will **not** be affected by the proposed School Learning Support Program (see paragraph 6.80 for further explanation about the proposed changes).³⁹⁸
- 6.68** Several inquiry participants indicated that they valued the services of itinerant teachers.³⁹⁹ For example, Ms Cheryl McBride, Chairperson, Public Schools Principals Forum, described how her school was able to access a level of expertise through an itinerant teacher that they would not have had elsewhere:

... under those programs you have somebody with a great deal of expertise come into your school and provide expert advice and support. I can recall having a young woman come last year to give us some expert advice on the children with autism that we have in our mainstream classes. She came in and worked with the teacher, did

³⁹⁶ Submission 715, p 41

³⁹⁷ Department of Education and Training, *Who's going to teach my child? A Guide for parents of children with special learning needs*, 2008

³⁹⁸ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

³⁹⁹ Submission 488, Name suppressed, p 4; Ms Sharon Ferguson, Parent, Evidence, 22 March 2010, p 26

demonstration lessons, worked with the parents and worked with the children individually. She provided a level of expertise that we would not be able to access, frankly, on a ready basis anywhere else.⁴⁰⁰

- 6.69** Some submission authors admitted, however, that these teachers have limited impact because they are overstretched and cannot provide the regular long-term support some students need.⁴⁰¹ The NSW Primary Principals' Association reflected this view:

The time allocation to students from itinerant services is minimal and rarely results in measurable student outcomes. Interventions for many students require longer periods of support to sustain change.⁴⁰²

- 6.70** Operating in similar ways to itinerant teachers are the Regional Student Services Team facilitate the ongoing implementation of programs that support, in particular, students with disabilities or additional learning needs.⁴⁰³
- 6.71** Each region has a team which includes specialist personnel who provide advice and support to schools (for curriculum and welfare issues, for example), school counsellors and specialist personnel in areas such as literacy, numeracy, multicultural and English as a Second Language (ESL) education.⁴⁰⁴ It is unclear whether the operation of these teams will be affected by the proposed School Learning Support Program.
- 6.72** Associate Professor Arthur-Kelly, University of Newcastle, lauded the work of some regional teams who in his view have done an 'amazing' job in providing a support structure for teachers and school communities.⁴⁰⁵

School Learning Support Coordinator program

- 6.73** In 2009, 80 full-time specialist teacher positions known as School Learning Support Coordinators (SLSC) were established in 265 mainstream schools as part of a pilot program to provide additional support to students with disabilities or special needs and their teachers. Positions were allocated using a census-based model based on student learning need.⁴⁰⁶
- 6.74** School Learning Support Coordinators are responsible for providing specialist support and guidance to classroom teachers to respond to the specific needs of students with learning difficulties, as a supplement to the existing resources available to schools. Other features of the program include a greater degree of school-level decision making about how best to meet a student's needs and access to 110 hours of accredited online training for SLSCs with tutor

⁴⁰⁰ Ms Cheryl McBride, Chairperson, Public Schools Principals Forum, Evidence, 22 March 2010, p 18

⁴⁰¹ Submission 37, Ms Michelle Ralston, p 4

⁴⁰² Submission 669, p 6

⁴⁰³ Submission 715, p 41

⁴⁰⁴ Submission 715, p 41

⁴⁰⁵ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁴⁰⁶ Submission 715, p 41

support in a range of areas relevant for supporting students with disabilities or special needs.⁴⁰⁷

- 6.75** Ms Michelle Ralston, SLSC, advised the Committee that from her experience the program has many strengths. She explained that through the SLSC, teaching practices were improved, parents were better informed and supported, specific areas of learning need were targeted and addressed, and online training provided access to knowledge and resources that could be shared with other staff.⁴⁰⁸ All of this resulted in better inclusion for students and a greater capacity for schools to provide improved educational outcomes.⁴⁰⁹
- 6.76** An independent early review of the SLSC program demonstrated encouraging results, although the NSW Government have noted that further evaluation is needed.⁴¹⁰
- 6.77** The Department has sought to draw out the strengths of the SLSC program, such as the specialist teacher presence in every school and the availability of online training, to inform the proposed School Learning Support Program.⁴¹¹

School Learning Support Program

- 6.78** Building upon elements of the LAP and SLSC program, the DET has proposed a new model of support for students with disabilities or special needs in mainstream classes, known as the School Learning Support Program (SLSP).⁴¹²
- 6.79** The program aims to address identified needs in the current system by delivering more immediate support for classroom teachers, reducing administration and increasing the expertise of specialist teachers through a coordinated approach.⁴¹³
- 6.80** Key features of the SLSP include:
- merging existing specialist and support teacher positions into a single specialist teacher position known as the School Learning Support Teacher (SLST), with the role of providing general advice and support to teachers and students. Positions to be merged include:

⁴⁰⁷ Submission 715, p 41; Department of Education and Training, Information Sheet 1 - School Learning Support Coordinator Presence in 265 schools, accessed on 26 May 2010, <www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilityprograms/slscinfo.pdf>

⁴⁰⁸ Submission 37, p 4

⁴⁰⁹ Submission 37, p 5

⁴¹⁰ Submission 715, p 42

⁴¹¹ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

⁴¹² Submission 715, p 45

⁴¹³ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

- Support Teacher Learning Assistance (STLA)
 - Support Teacher Learning Assistance (STLA) (Reading and Language)
 - Early School Support Teacher
 - Assistant Principal Learning Assistance and Behaviour
 - Support Teacher Behaviour
 - Support Teacher – Integrated Intellectual Mild
 - Itinerant Support Teacher Integration
 - Outreach Teacher (Autism, ED, Special Education)
 - School Learning Support Coordinator
- pooling funds previously allocated to students with lower support needs (that is, students receiving less than \$6,000 under the IFSP) to fund the new SLST positions, therefore negating the need for any additional funds to implement the program
 - not requiring students with lower support needs (that is, students receiving less than \$6,000 under the IFSP) to obtain a disability confirmation in order to access the SLSP, and
 - continuing access to the online training course initially introduced as part of the SLSC program.⁴¹⁴

6.81 Further information about the program can be found in Appendix 7.

6.82 A trial of the SLSP commenced in the Illawarra and South East Region in Term 2, 2010, and is currently underway in 221 schools in this region.⁴¹⁵ According to Mr Michael Coutts-Trotter, Director General, Department of Education and Training, the trial will continue for a period ‘as long as the Government determines and at least a year’.⁴¹⁶

6.83 The trial program was informed by a state reference group (comprised of senior officers from the Primary Principals’ Association, Secondary Principals’ Council, NSW Teachers Federation, Public Service Association, Federation of Parents and Citizens’ Association of NSW and the DET) and working party (comprised of the DET, education and union stakeholder groups), established to engage in continuing consultation and development of the proposed program.⁴¹⁷

⁴¹⁴ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

⁴¹⁵ Submission 715, p 45

⁴¹⁶ Mr Michael Coutts-Trotter, Director General, Department of Education and Training Evidence, 23 March 2010, p 40 and p 46

⁴¹⁷ Submission 715, p 45

6.84 Some inquiry participants noted that, with the merging of the STLA (Reading and Language) position, language classes would be dissolved and these students would move into mainstream classes.⁴¹⁸ This will be considered later in this section.

6.85 However, as discussed in Chapter 5, the Committee notes that Mr Coutts-Trotter advised that language classes would not be abolished as part of the trial in the Illawarra and South East Region:

The pilot in the Illawarra South East...those children that are in language classes will remain in language classes, but we will not be taking new enrolments into that class. We will openly evaluate the effectiveness of that approach.⁴¹⁹

Responses to the proposed model

6.86 The SLSP elicited a mixed response from inquiry participants, particularly in relation to its impact on existing programs and resources, the effect of merging specialist and support teacher positions, and the quality of the online training course.

6.87 Several participants suggested that they would need to wait until the SLSP trial had been evaluated before coming to any conclusions about the program.

Impact on current programs and resources

6.88 Some inquiry participants expressed concerns about the significant impact they believe the SLSP will have on the delivery of quality education to students with disabilities or special needs. For example, the Public Schools Principals Forum stated that:

Principals are of the opinion that this program ... is a retrograde step. They fear the loss of specialist facilities and staff when children need more rather than less.⁴²⁰

6.89 The NSW Primary Principals' Association expressed concern that no additional funding or resources would be made available for students with disabilities or special needs as part of the proposed SLSP:

The interesting and most significant fact with the trial School Learning Support Program (SLSP) proposal, is that there will be no increase in the current amount of funding committed to the integrated support services for children with disabilities in mainstream classrooms.⁴²¹

6.90 Ms Cheryl McBride questioned the cost of making the program funding neutral:

At what cost makes it neutral? The reduction of or the loss of 1,300 current school learning assistants teachers, 43 classes for the most language-disabled children in New

⁴¹⁸ Ms McBride, Evidence, 22 March 2010, p 15 and p 19; Ms Melissa Harding, Teacher, Sarah Redfern Public School, Evidence, 22 March 2010, p 5; Submission 468, Name suppressed, p 1; Submission 119, Name suppressed, p 2

⁴¹⁹ Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

⁴²⁰ Submission 259, Public Schools Principals Forum, p 15

⁴²¹ Submission 669, p 6

South Wales, 65 of the early school support program teachers, the outreach program for children with challenging behaviours and those with autism, the funding for children with disabilities who attract less than \$6,000 ... and the closure of the intensive reading classes that have such an incredible high-level of success.⁴²²

- 6.91** According to teachers at Sarah Redfern Public School, the impact of the program on their school will be devastating. They reported that the DET admitted that their school would lose \$25,000 in funding and two language classes which would effectively move students with severe and complex language disorders out of classes of 8 and into classes of 30.⁴²³ Ms Melissa Harding, a teacher at Sarah Redfern, commented on the trade-off and the significant loss for the gain of an extra day and a half of teacher support time:

We have major concerns about the proposed School Learning Support Program and what it will mean for schools, teachers and, of course, the children ... You have seen how little funding these children get now, yet another \$25,000 will be taken away ... With the proposed School Learning Support Program we will receive an additional day and a half of support teacher time per week ... So, from a gain of an extra day and a half support teacher time we lose two language classes, the Early School Support Program and over 25,000 worth of funding—and we think we are in a tough situation now.⁴²⁴

- 6.92** However, Mr Coutts-Trotter argued that the program is ‘funding positive’ and attributed the loss in resources by some schools to falling enrolments. He maintained that many schools participating in the Illawarra and South East Region trial were better off because of the program:

Actually it [SLSP] is funding positive. We are putting a little bit of extra money into the trial in the Illawarra South East. There are 221 schools—197 schools get more resources, I think 18 or so schools get the same amount of resources, and 6 schools get fewer resources, but under the learning assistance program they would have got fewer resources because of enrolments falling. Also 46 of those schools get guaranteed support where they had none before.⁴²⁵

- 6.93** Nevertheless, the loss of language support classes was a particular concern for some inquiry participants. For example, one language support class teacher expressed ‘utter disbelief that this precious resource is under threat of cancellation’ and felt that it would be a ‘total disaster for language disabled children who would be forced back into the mainstream as well as to the already over-stretched classroom teacher’.⁴²⁶
- 6.94** According to the NSW Government, while the SLSP proposes to merge existing programs, principals, together with their school learning support team, will have the flexibility to use their allocated resources for the operation of a local language or reading class if the need exists.⁴²⁷ Furthermore, as discussed in Chapter 5, the Committee was advised that language

⁴²² Ms McBride, Evidence, 22 March 2010, p 15

⁴²³ Ms McBride, Evidence, 22 March 2010, p 19; Ms Harding, Evidence, 22 March 2010, p 5

⁴²⁴ Ms Harding, Evidence, 22 March 2010, p 5

⁴²⁵ Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

⁴²⁶ Submission 468, p 1

⁴²⁷ Answers to questions on taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 19

classes would not be dissolved during the trial of the SLSP in the Illawarra and South East Region.

The impact of merging specialist and support teacher positions

6.95 Some inquiry participants such as Ms Carol Berry, Executive Director, NSW Council for Intellectual Disability, commented that the Department's move to establish a source of expertise in schools through the School Learning Support Teacher (SLST) was a 'positive development'.⁴²⁸

6.96 However, many participants expressed major doubt as to whether one positions would be able to meet the needs of individual students with a range of disabilities. For example, one teacher stated that:

No one-for-all specialist teacher would have any hope of helping these needy students in mainstream because there would simply be not enough hours in any day to cope with the sheer enormity of [the] new job description!⁴²⁹

6.97 For Ms Michelle Ralston, School Learning Support Coordinator, the position was akin to 'a jack of all trades, a master of none'.⁴³⁰ While Ms Ralston was in favour of the SLSC program, from which the SLST position was drawn, she argued that the role statement was 'far too broad. One person cannot have EXPERTISE in all of these areas'.⁴³¹ She insisted that as a result the SLSP is 'self defeating'.⁴³²

6.98 Associate Professor Stephenson of the Australian Association of Special Education, commented that while the basic concept was a good one, the problem lay in whether the SLST actually has the capacity without any relevant qualifications to provide the support needed:

So the basic concept I think is a good one to provide that support at a school level, someone who will be familiar with the school, know the teachers and students and be able to provide that support. The problem, of course, is whether that support person actually has the capacity to provide the level of support that is needed ... if teachers do not have additional qualifications they may not have the capacity to provide the level of support that is needed.⁴³³

6.99 The absorption of the Support Teacher Learning Assistance (STLA) position into the SLST position was of particular concern to Mr Brian Chudleigh, Vice Chair, Public Schools Principals Forum:

⁴²⁸ Ms Carol Berry, Executive Director, NSW Council for Intellectual Disability, Evidence, 10 May 2010, p 26

⁴²⁹ Submission 468, p 1

⁴³⁰ Submission 37, p 6

⁴³¹ Submission 37, p 6

⁴³² Submission 37, p 6

⁴³³ Associate Professor Stephenson, Evidence, 23 March 2010, p 19

I would mention too that the loss of the STLA program, in particular, would be a massive blow...There are approximately 1,200 to 1,300 of [STLAs] statewide. That would be one of the most highly valued intervention-type programs we have in schools. If that expertise is lost, gobbled up into this generalist walk-on-water position, that would be a great loss.⁴³⁴

- 6.100** The Department maintained, however, that the STLA positions would not be lost. They explicitly stated that ‘no positions are being abolished’⁴³⁵ and explained that 1,378 STLA positions would be absorbed and merged with other support teacher positions (see paragraph 6.80) to create 1,910 SLST positions.⁴³⁶ As a result, expertise and experience would remain in the pool of support teachers available to schools as part of the program.⁴³⁷

Online training course

- 6.101** The online training course is another feature of the SLSP that has drawn significant debate. On the one hand, it is suggested that 110 hours of training may not provide the level of expertise required for teachers to meet the complex and varying needs of students. As one teacher stated: ‘100 hours of training will not an expert make!’⁴³⁸
- 6.102** Another teacher stated that ‘the new proposed model for one hundred hours of online training to develop an ‘expert teacher’ in multiple disabilities is inappropriate’.⁴³⁹
- 6.103** One teacher indicated that the course may be useful for those with no prior knowledge of teaching students with disabilities or special needs, but does not adequately cater for those already in special education positions:

The recent online packages are focussed towards teachers who have no or limited knowledge. Where is the training for experienced and disability qualified staff?⁴⁴⁰

- 6.104** As Associate Professor Arthur-Kelly commented, a lot more is known now about specialised strategies and how to support engagement with children with disabilities or special needs. The risk in providing a generic course to teachers which taps into this knowledge is that it may be too generic for any meaningful understanding and application to any one focus area of disability.⁴⁴¹ Associate Professor Arthur-Kelly, therefore, suggested that as a complement to

⁴³⁴ Mr Chudleigh, Evidence, 22 March 2010, p 18

⁴³⁵ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

⁴³⁶ Department of Education and Training, School Learning Support Program – Consultation proposal on the model, accessed on 28 April 2010, <www.schools.nsw.edu.au/studentsupport/programs/disability.php>

⁴³⁷ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 19

⁴³⁸ Submission 608, Name suppressed, p 2

⁴³⁹ Submission 617, Name suppressed, p 2

⁴⁴⁰ Submission 377, Name suppressed, p 6

⁴⁴¹ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 55

the generic course, an additional specialised module in each of the key areas should be available.⁴⁴²

- 6.105** Some inquiry participants questioned whether the online training course was sufficiently evidence-based. For example, Associate Professor Stephenson informed the Committee that she had examined the content of the training program and was severely concerned.⁴⁴³ She provided examples of the motor coordination and behaviour modules which presented information that did not have a firm research base or provide the range of effective strategies currently available:

The motor coordination one in particular appears to endorse the use of perceptual motor programs for children with special education needs... The bottom line is that research has shown consistently that perceptual motor programs do not improve academic skills and they do not even improve perceptual motor skills. I have real concerns that those kinds of programs appear to be being endorsed.

The one on dealing with kids with problem behaviour has probably got a bit more useful information in it but it is also mixed in with a lot of information that I would regard as not having a firm research base.... If one read this particular on-line course one would certainly not be aware of that range of effective strategies. Some of the things that are recommended are quite bizarre...just ideas that I personally have not been able to find any research support for. With both courses, although they have some reasonable content, I certainly have concerns about some of the other content that is in them.⁴⁴⁴

- 6.106** Moreover, Associate Professor Stephenson suggested that the DET had not received independent feedback on the content of the online training modules.⁴⁴⁵ The Department has maintained, however, that the training program was developed in the United Kingdom from 'a very strong base of academic evidence'.⁴⁴⁶ In addition, the Department reported that the content of the speech/language and motor coordinator courses was reviewed by relevant allied health professionals in NSW before their use by the Department, and that the course content in general was included in the independent review of the SLSC program in 2009.⁴⁴⁷

- 6.107** While the Department did not explain with whom and how the consultation took place, they confirmed that local experts and academics informed the content of the online training package.⁴⁴⁸ However, various witnesses who are considered to be experts and leaders in their field, including academics and peak body representatives for disability organisations, informed

⁴⁴² Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 56

⁴⁴³ Associate Professor Stephenson, Evidence, 23 March 2010, p 19

⁴⁴⁴ Associate Professor Stephenson, Evidence, 23 March 2010, p 19

⁴⁴⁵ Associate Professor Stephenson, Evidence, 23 March 2010, p 20

⁴⁴⁶ Mr Coutts-Trotter, Evidence, 23 March 2010, p 41

⁴⁴⁷ Answers to additional questions on notice, 25 May 2010, Mr Coutts-Trotter, Question 2 (a)

⁴⁴⁸ Answers to additional questions on notice, 25 May 2010, Mr Coutts-Trotter, Question 2 (b)

the Committee that they had not been consulted or given any opportunity by DET to provide input to the course.⁴⁴⁹

- 6.108** Despite the criticisms, there are others who support the training course and maintain its application to real-life teaching situations has been productive and beneficial. For example, Ms Michelle Ralston, SLSC, stated:

As far as the on-line training is concerned, I have done, I have participated in, the autism spectrum disorder training, the motor coordination program and the behaviour program and I am currently tutoring in the autism spectrum on-line course. They are all useful ... It is very good basic classroom practice.⁴⁵⁰

- 6.109** Ms Liliana Mularczyk, Deputy President, NSW Secondary Principals' Council, stated that she had heard from a lot of people undertaking the course saying 'this is the best I've done for a long time'.⁴⁵¹

- 6.110** According to Ms Janet Marshall, Chair, Disability Programs Reference Group, NSW Primary Principals' Association, there was difference in opinion about the online training course, and suggested this was a simple reflection of those who had engaged in the course and those who hadn't:

I have heard some of the criticisms of online courses in all of my roles, and anecdotally I would say that people who are engaged in the course are finding it useful and relevant. Other people who may not have engaged in the course have different opinions.⁴⁵²

- 6.111** Ms Mularczyk supported this view and argued further that finding time to engage in the course is a significant factor in shaping people's views of the course:

I have to say I think it is a big indication if a principal chooses to do the online training because we certainly do not need to look for more work. So I think that says it all.⁴⁵³

- 6.112** Reference to the online training course can also be found in Chapter 9.

Will the SLSP be successful?

- 6.113** The Department acknowledged specific strengths of the SLSP program which they believe will support its success. In particular, Mr Coutts-Trotter drew the Committee's attention to

⁴⁴⁹ Conjoint Professor Greg Leigh, Chair, Renwick Centre, Royal Institute for Deaf and Blind Children, Evidence, 10 May 2010, p 9; Dr Trevor Clark, Executive Director, Aspect Education and Research, Autism Spectrum, Evidence, 10 May 2010, p 15

⁴⁵⁰ Ms Michelle Ralston, School Learning Support Coordinator, Evidence, 23 March 2010, p 55

⁴⁵¹ Ms Liliana Mularczyk, Deputy President, NSW Secondary Principals' Council, Evidence, 22 March 2010, p 35

⁴⁵² Ms Janet Marshall, Chair, Disability Programs Reference Group, NSW Primary Principals' Association, Evidence, 22 March 2010, p 35

⁴⁵³ Ms Mularczyk, Evidence, 22 March 2010, p 35

feedback the Department received following the introduction of the SLSC program, which has directly informed the SLSP:

The results to date of this approach [the SLSC initiative] in those 267 schools has been reviewed for us and the highlights are that in those 267 schools, of the parents surveyed 86 per cent believe that that initiative has been beneficial to their school and 78 per cent of teachers also thought the initiative had been beneficial to their school. All the groups reported that there was an improved capacity of classroom teachers to provide support to all students with additional learning needs—87 per cent of parents thought that, 72 per cent of teachers thought that, and 85 per cent of primary principals and 90 per cent of secondary principals thought that. Importantly, 78 per cent of parents and 64 per cent of teachers reported that support was now more immediately available to students. There is something quite positive to work on there.⁴⁵⁴

- 6.114** Mr Coutts-Trotter noted that while these initial assessments were positive, some features of the initiative could be further refined to better inform the SLSP.⁴⁵⁵ He maintained that ‘we do have to keep an open mind’⁴⁵⁶ but that the approach of the Department to the proposed SLSP is ultimately about ‘trying to use the talents, time and resources of a collection of our staff in a better way within and between schools’.⁴⁵⁷

Illawarra and South East Region Trial

- 6.115** For some inquiry participants and key stakeholders, only results from the Illawarra trial will indicate the program’s efficacy.⁴⁵⁸ For example, Ms Berry commented that more definitive conclusions about how effectively mainstream teachers would benefit from the expertise provided by the SLST located in their school could not be drawn until after the trial.⁴⁵⁹
- 6.116** Similarly, the NSW Primary Principals’ Association and NSW Secondary Principals’ Council regard the program as a good concept and are willing to support it, but acknowledged only time could tell if the program offers solutions to help inform their principals how best to address the needs of students with disabilities.⁴⁶⁰
- 6.117** Significantly, however, inquiry participants such as Mrs Diane Giblin, President, Federation of Parents and Citizens’ Associations of NSW, noted that information on the Illawarra trial has not been made public.⁴⁶¹

⁴⁵⁴ Mr Coutts-Trotter, Evidence, 23 March 2010, p 41

⁴⁵⁵ Mr Coutts-Trotter, Evidence, 23 March 2010, p 41

⁴⁵⁶ Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

⁴⁵⁷ Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

⁴⁵⁸ Mrs Diane Giblin, President, Federation of Parents and Citizens’ Associations of NSW, Evidence, 23 March 2010, p 53

⁴⁵⁹ Ms Berry, Evidence, 10 May 2010, p 26

⁴⁶⁰ Ms Marshall, Evidence, 22 March 2010, p 35 and Ms Mularczyk, Evidence, 22 March 2010, p 35

⁴⁶¹ Mrs Giblin, Evidence, 22 March 2010, p 53

6.118 In evidence, Mr Coutts-Trotter commented that the trial was developed openly and transparently, and refuted claims that the Department was ‘trying to present the best face to the world on this at all’.⁴⁶² The NSW Government submission maintained that the trial outcomes would be communicated to stakeholders as part of its continued consultation.⁴⁶³ However, whether the outcomes would be communicated more broadly was not made clear. Furthermore, details on when the trial would be completed were not made certain.⁴⁶⁴

Committee comment

6.119 The Committee believes that the proposed SLSP represents a positive step towards addressing the needs of students with disabilities or special needs in mainstream classes. The Committee recognises, however, the significant concerns of inquiry participants about the potential impact this program may have on delivering the best support to students with disabilities or special needs.

6.120 The Committee is concerned about the perceived loss of existing programs and resources that will stem from the expectation that this new program will be cost-neutral.

6.121 Furthermore, the Committee is uncertain that the proposed SLST position will have the necessary expertise to meet the diverse needs of students with disabilities or special needs and deliver appropriate support to classroom teachers. The Committee has, therefore, made a recommendation in Chapter 9 for this teachers appointed to this position to hold, or be working towards, a special education qualification.

6.122 The Committee believes that greater public consultation is needed to thoroughly examine all aspects of the program, and therefore recommends that the School Learning Support Program be open to greater sector-wide consultation prior to any further rollout of the program.

6.123 The outcome of the Illawarra and South East Region trial of the SLSP is of significant value to the future direction of this program. According to Mr Michael Coutts-Trotter the trial will take place for at least a year but that an end date for the trial has not been set. Furthermore, the Committee notes that it is unclear if the outcome of this trial will be communicated publicly.

6.124 Therefore, the Committee recommends that DET conduct a formal independent evaluation of the trial of the School Learning Support Program in the Illawarra and South East Region one year after the commencement of its operation, including further public consultation with key stakeholders before any further implementation of the program.

6.125 Furthermore, the Committee recommends that DET publish the results of this evaluation.

⁴⁶² Mr Coutts-Trotter, Evidence, 23 March 2010, p 40

⁴⁶³ Submission 715, p 45

⁴⁶⁴ Mr Coutts-Trotter, Evidence, 23 March 2010, p 46

Recommendation 18

That the Department of Education and Training conduct:

- a formal independent evaluation of the trial of the School Learning Support Program in the Illawarra and South East Region one year after the commencement of its operation and publish the results of this evaluation
 - further consultation with key stakeholders before any decision is made to further implement this program.
-

6.126 While some participants of the online training course have found it a useful tool in supporting students with disabilities or special needs, the Committee notes the concerns of academics and experts in disability and special education that the content is not founded on evidence-based research.

6.127 Therefore, the Committee recommends that DET commission an independent review of the School Learning Support Program online training course, and in doing so, consult more widely with local academics and experts on the content of the course.

Recommendation 19

That the Department of Education and Training commission an independent review of the School Learning Support Program online training course, and in doing so, consult more widely with local academics and experts on the content of the course.

Integrated support services offered in NSW non-government schools

6.128 The Committee received little evidence regarding the provision of integrated support services to students with disabilities or special needs in mainstream classes in non-government schools. This information was primarily focused on the inadequacy of funding to address the needs of students with disabilities or special needs in this sector and is discussed in greater detail in Chapter 3.

Special education consultants

6.129 Special education consultants are educators with post-graduate qualifications in special education and experience in managing and teaching students with disabilities, who provide 'best practice' advice to schools.⁴⁶⁵

6.130 According to the Association of Independent Schools of NSW, it is the role of special education consultants to collaborate with principals, staff, students and parents to develop individual education plans for students with disabilities, support schools to determine

⁴⁶⁵ Submission 670, p 23

adjustments to school facilities, equipment and resources to meet the needs of students, and assist in completing applications for government funding.⁴⁶⁶

Personnel specialising in sensory impairment

- 6.131** In addition to the services provided by special education consultants, students with sensory disabilities in mainstream classes also have access to technical support personnel, specialists in communication modes such as Braille and ASLAN (Australian Sign Language), and itinerant teachers specialising in particular sensory impairments.⁴⁶⁷
- 6.132** These services are provided to independent schools through the Royal Institute for Deaf and Blind Children.⁴⁶⁸

Dalwood Assessment Centre and Palm Avenue School

- 6.133** Students with severe reading difficulties in rural or remote non-government schools can also access the services of the Dalwood Assessment Centre and Palm Avenue School, which provides targeted assessment, individualised planning and, if required, intensive instruction and follow up with schools.⁴⁶⁹ It should be noted that these services will continue to be available to students, however, the residential programs offered at these sites will cease at the end of 2010.⁴⁷⁰
- 6.134** The Catholic Education Commission NSW also identified the services of these organisations as an integrated support for students with disabilities in Catholic mainstream classes, and advised of the Commission's continued support through grants to the Palm Avenue School.

The impact of class size on integration

- 6.135** Some inquiry participants have suggested the consideration of specific factors that may contribute to more successful integration of students with disabilities or special needs into a mainstream educational setting.
- 6.136** For example, Northcott Disability Services identified factors such as class size, staff attitudes and values, and attitudes of student's peers as factors that impact on successful integration. These were recognised in addition to issues already considered such as the student's needs, the

⁴⁶⁶ Submission 670, p 23

⁴⁶⁷ Submission 670, p 23

⁴⁶⁸ Submission 670, p 23

⁴⁶⁹ Submission 670, p 23; Hon Verity Firth MP, Minister for Education and Training, 'Statement about Dalwood Assessment Centre and Palm Avenue School', *Media Release*, 5 February 2010; Palm Avenue School, accessed 2 June 2010, <www.palmave-s.schools.nsw.edu.au>

⁴⁷⁰ Hon Verity Firth MP, Minister for Education and Training, 'Statement about Dalwood Assessment Centre and Palm Avenue School', *Media Release*, 5 February 2010; Palm Avenue School, accessed 2 June 2010, <www.palmave-s.schools.nsw.edu.au> and Hall, L, 'Special needs school wins brief reprieve', *Sydney Morning Herald*, 16 June 2010

level of support available to the student through teacher's aides and therapists, training and education available to staff (to be considered further in Chapter 7), and family support and advocacy.⁴⁷¹

- 6.137** Class size was identified as a particularly significant issue because of the demands placed on mainstream teachers to not only adequately and appropriately cater to the needs of the students with disabilities but also the needs of every other student in the classroom.⁴⁷² As Northcott Disability Services indicated:

These teachers are already under enough stress and pressure catering for the large class sizes that exist in mainstream schools, and while they do the best they can to adapt the curriculum and lessons for children with disabilities, they need more support and resources... to do this more effectively.⁴⁷³

- 6.138** Likewise, the NSW Teachers Federation asserted in their submission that the current class size formulae are 'outdated' and that there are benefits to reducing class sizes, particularly in kindergarten classes that had students with Down Syndrome.⁴⁷⁴

- 6.139** Ms Jill O'Connor, Information Officer, Down Syndrome Association of NSW, suggested, however, that reducing class sizes was not as critical to supporting students with disabilities or special needs as the actual teaching practices that take place within the classroom and the support given to teachers to meet the needs of all students:

I do not think there is any evidence that class size beyond the limits that apply now is an enormous issue, it is more the practices that occur within the classroom rather than the number of children who are there, although that is sometimes used as a criterion. A teacher will be very frustrated perhaps by having to meet the needs of a number of different children and they will say, "I have 30 children's needs to meet. I can't give all my time to this child" and nobody is demanding that they should but they should be supported so that they do not feel that they are being asked to give all their time to that child. That could be offered that support in a number of different ways.⁴⁷⁵

Committee comment

- 6.140** The Committee acknowledges the concerns of inquiry participants that students with disabilities or special needs in mainstream classes, particularly in NSW Government schools, are not being provided with adequate support to ensure that their educational outcomes are achieved.

⁴⁷¹ Submission 261, Northcott Disability Services, p 5

⁴⁷² Submission 538, Name suppressed, p 2

⁴⁷³ Submission 261, p 6

⁴⁷⁴ Submission 632, NSW Teachers Federation, p 11

⁴⁷⁵ Ms Jill O'Connor, Information Officer, Down Syndrome Association of NSW, Evidence, 10 May 2010, p 3

Recommendation 20

That the Department of Education and Training increase resources for students with identified disabilities in mainstream classes.

- 6.141** In particular, the Committee notes the concerns of teachers who carry an immense responsibility to educate and meet the learning needs of all students, including those with disabilities or special needs, in mainstream classes today. The Committee recognises many teachers are placed under considerable pressure due to a lack of support in the mainstream setting. The Committee expects that the School Learning Support Teacher, as part of the school learning support team, will make a significant contribution to supporting classroom teachers.
- 6.142** As the Committee has previously acknowledged, better support can be provided to students with disabilities or special needs not only by addressing funding issues but by taking a more global approach to maximising and effectively using the resources available. The Committee believes that this can be achieved by strengthening the role of the school learning support team, and has made recommendations on this throughout the report.

Chapter 7 Professional support services

This chapter considers the adequacy of support services provided by professionals and allied health workers to students with disabilities or special needs in NSW Government and non-government schools. Students' access to school counsellors will also be examined as will the role of assistive technology in supporting students with disabilities or special needs.

Supporting educational outcomes through therapy

- 7.1** Therapy aims to improve and maintain the wellbeing of individuals by providing interventions that minimise the impact of disability and contribute to a better quality of life.⁴⁷⁶
- 7.2** For students, this means promoting growth and development, and facilitating access to learning so that long term social, education, vocational economic outcomes can be achieved.⁴⁷⁷ As reflected by the Association for Children with a Disability NSW, therapy is the 'precursor for any further education'.⁴⁷⁸
- 7.3** An integral part of supporting students with disabilities or special needs is, therefore, ensuring timely access to necessary and appropriate therapies as provided by professional support and allied health services such as speech therapists, occupational therapists, physiotherapists, paediatricians and community nurses.⁴⁷⁹

The provision of professional support services to students in NSW

- 7.4** In its submission, the NSW Government acknowledged that 'the therapy and support service system in NSW is complex'.⁴⁸⁰
- 7.5** Professional support services are currently provided to students in NSW Government and non-government schools by a range of government and non-government organisations and private providers.

Government providers

- 7.6** Students in NSW receive professional support from various government departments, including the Ageing, Disability and Home Care (ADHC) agency of the NSW Department of Human Services, and NSW Health.

⁴⁷⁶ Submission 715, NSW Government, p 62

⁴⁷⁷ Submission 715, p 62

⁴⁷⁸ Submission 266, Association for Children with a Disability NSW, p 4

⁴⁷⁹ Ms Catherine Pinnington, Director of Professional Services, Association for Independent Schools NSW, Evidence, p 42.

⁴⁸⁰ Submission 715, p 62

- 7.7 While the Department of Education and Training (DET) provide counselling and psychological assessment services to NSW Government schools through the school counselling service, it is ‘not a direct provider of therapy and support services’.⁴⁸¹ The school counselling service will be considered in further detail later in this chapter.

Ageing, Disability and Home Care (ADHC)

- 7.8 The Ageing, Disability and Home Care (ADHC) agency of the NSW Department of Human Services provides a range of therapeutic and family support services for all students with disabilities and their families, regardless of the sector (government or non-government) or setting (mainstream class, support class or SSP) in which they are being educated.⁴⁸²
- 7.9 Ageing, Disability and Home Care provides access to therapists who work with teachers and schools to tailor and incorporate therapeutic supports in individual educational plans and adapt lessons to suit individual needs.⁴⁸³
- 7.10 Other more general services to school aged children and young people include access to Community Support Teams that provide a multidisciplinary service such as skills development, specialist behaviour support and service coordination. They also provide funding and support to non-government organisations to provide direct therapy services.⁴⁸⁴

NSW Health

- 7.11 NSW Health also provides support services relevant to students with disabilities or special needs, however, according to the NSW Government submission, these services are primarily delivered in collaboration with other government and non-government agencies.
- 7.12 These include the *NSW School Link* initiative, a partnership between NSW Health and DET to promote mental health and improve prevention and treatment for young people with mental health issues. Students also have access to *Coordinated Access to Services and Support (CASS)*, a case management and brokerage service involving NSW Health, DET and Autism Spectrum Australia.⁴⁸⁵
- 7.13 According to the Association of Doctors in Developmental Disability (ADIDD), NSW Health also funds school therapy teams for students with a physical disability.⁴⁸⁶ School therapy teams are multidisciplinary teams that include occupational therapists, physiotherapists and speech pathologists who work with schools to determine functional difficulties and barriers to accessing the curriculum. They work towards improving the students’ ability to carry out their roles safely and as independently as possible.⁴⁸⁷

481 Submission 715, p 62

482 Submission 715, p 64

483 Submission 715, p 64

484 Submission 715, p 64

485 Submission 715, pp 66 and 68

486 Submission 423, Association of Doctors in Developmental Disability, p 1

487 Submission 423, p 1

- 7.14** While the NSW Government submission did not identify school therapy teams as a specific service provided by NSW Health, the Committee understands these teams currently operate via area health services such as the South Eastern Sydney Area Health Service which services children in the St George and Sutherland areas.⁴⁸⁸

Non-government and private providers

- 7.15** Non-government organisations and private providers also provide professional support services to students with disabilities or special needs.
- 7.16** For example, Northcott Disability Services deliver the Paediatric Spinal Outreach Service and coordinate the Western Sydney Therapy Team.⁴⁸⁹ The Spastic Centre also provides therapy services to children with motor and communication disabilities.⁴⁹⁰ Specialist support can also be accessed by students with disabilities or special needs through Autism Spectrum Australia, who deliver assessment and therapy services through their Diagnostic Assessment Service and support services for children and adolescents with challenging behaviours through their Behaviour Intervention Service.⁴⁹¹
- 7.17** Private therapists also provide professional support to students on a fee for service basis.⁴⁹²

Impacts of the current multiple service delivery approach

- 7.18** The NSW Government suggests that its collaborative interagency approach to providing professional support services to students with disabilities and special needs addresses the challenges of multiple service delivery and enhances outcomes for these students.⁴⁹³ This was supported by DET who stated that:
- ...the Department strongly supports effective collaborative arrangements with health providers where this facilitates or enhances access to relevant allied health services for students.⁴⁹⁴
- 7.19** The NSW Government also acknowledged that students currently receive professional support from a range of providers, most external to the DET, who all have:

⁴⁸⁸ South Eastern Sydney Area Health Service, accessed 25 May 2010, <http://www.sesahs.nsw.gov.au/cspoint/therapy/directory/SEH/sthsch_team.asp>

⁴⁸⁹ Submission 261, Northcott Disability Services, p 1

⁴⁹⁰ Submission 316, The Spastic Centre, p 1

⁴⁹¹ Autism Spectrum Australia, accessed 27 May 2010, <<http://www.autismspectrum.org.au/a2i2i3l244l118/school-years.htm>>

⁴⁹² Submission 261, p 9

⁴⁹³ Submission 715, p 65

⁴⁹⁴ Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 6

...different purposes, operating contexts and areas of focus. As a result, they provide different services, use different eligibility criteria and have difference assessment requirement and processes.⁴⁹⁵

- 7.20** Inquiry participants voiced concerns that the provision of professional support services by multiple agencies is inefficient and inequitable.⁴⁹⁶
- 7.21** Inquiry participants also identified a paucity of support services, despite the myriad agencies from which students with disabilities or special needs can seek support.⁴⁹⁷
- 7.22** As expressed by Northcott Disability Services, current professional support services for students with disabilities or special needs are ‘extremely limited, fragmented and poorly coordinated’.⁴⁹⁸
- 7.23** The Committee heard that the current system for delivering professional support services to students with disabilities or special needs is characterised by long waiting lists in the public system, limited access for students and their families in rural or remote areas and low socio-economic communities, expensive private services, and inadequate professional support for students with disabilities in Schools for Specific Purposes (SSPs).
- 7.24** While the NSW Government has maintained that the challenges posed by professional services being delivered by multiple agencies can be addressed by better interagency collaboration, others have suggested that professional support services should be delivered by school or region based multi-disciplinary teams and that these teams could potentially be facilitated by the DET to ensure greater and more timely access to specialist support.

Long waiting lists for public services

- 7.25** A number of inquiry participants stated that waiting lists for public services were excessively long, resulting in significant delays in students being seen by specialists.⁴⁹⁹
- 7.26** The impact of delays in receiving therapy services was explained by Northcott Disability Services:

Waiting lists are lengthy, to the point where children who are referred for a service when they are under six years of age frequently wait for up to two or three years to receive a therapy service. If referred when 4 years old, by the time they receive a service, they have already started school. Many of the issues where help was needed

⁴⁹⁵ Submission 715, p 62

⁴⁹⁶ Ms Carol Berry, Executive Director, NSW Council for Intellectual Disability, Evidence, 10 May 2010, p 26; Ms Candice Brady, Portfolio Leader and Speech Pathologist, Speech Pathology Australia, Evidence, 10 May 2010, p 74

⁴⁹⁷ Submission 104, Name suppressed, p 1; Submission 92, Name suppressed, p 2; Submission 375, Name suppressed, p 2

⁴⁹⁸ Submission 261, p 9

⁴⁹⁹ Submission 261, p 9; Submission 544, NSW Council for Intellectual Disability, p 16; Submission 672, NSW Secondary Principals’ Council, p 7

will not have been addressed, meaning that the child's ability to access their school curriculum will have been significantly impacted.⁵⁰⁰

- 7.27** Waiting lists may extend from months to years depending on the service being sought. For example, ADIDD stated that in some cases students with intellectual disabilities waited for up to two years to access therapy services.⁵⁰¹ The NSW Primary Principals' Association observed that 'the waiting list has blown out to years via Area Health and 6 months for paediatricians. Occupational therapy (OT) is a 4 month wait and speech therapy years.⁵⁰²
- 7.28** Speech therapy services were of particular concern to many inquiry participants, who identified this as an area of support many families had difficulty accessing despite the significant bearing it had on long-term learning and achievement, especially for younger children.⁵⁰³ While some submissions identified waiting periods of up to 18 months to 2 years for speech therapy,⁵⁰⁴ others noted that even waiting up to 8 months to see a speech pathologist was, in a child's first year of development at school, a significant opportunity lost for progress and growth.⁵⁰⁵
- 7.29** The Public Schools Principals Forum suggested that DET was not meeting its legal and moral obligations to students with disabilities because of its failure to, amongst other things, provide timely access to specialist therapy services that would enable disabled students to work alongside their peers.⁵⁰⁶

Rural or remote areas and low socio-economic communities

- 7.30** A number of submissions have suggested that while there is a general lack of access to professional support services for students with disabilities or special needs, this is a particularly significant issue for isolated rural areas and low socio-economic communities where the range and availability of therapy services is limited.⁵⁰⁷
- 7.31** According to some inquiry participants, students in rural and remote areas have very little access to professional support services, reflecting what Mr Ian Baker, Director, Policy and Programs, Catholic Education Commission NSW (CEC NSW), has identified as a general 'equity divide' in services to schools located in the metropolitan areas and schools located in rural areas.⁵⁰⁸

⁵⁰⁰ Submission 261, p 9

⁵⁰¹ Submission 423, p 1

⁵⁰² Submission 669, NSW Primary Principals' Association, p 8

⁵⁰³ Submission 319, Speech Pathology Australia, p 5; Submission 672, p 7; Submission 122, Name suppressed, p 2

⁵⁰⁴ Submission 669, p 8; Submission 122, p 2

⁵⁰⁵ Ms Aine Healy, Project Officer, NSW Council for Intellectual Disability, Evidence, 10 May 2010, p 24; Submission 413, Name suppressed, p 2

⁵⁰⁶ Ms Cheryl McBride, Chairperson, Public Schools Principals Forum, Evidence, 22 March 2010, p 19

⁵⁰⁷ Submission 632, NSW Teachers Federation, p 12; Submission 669, p 9

⁵⁰⁸ Mr Ian Baker, Director, Policy and Programs, Catholic Education Commission NSW, Evidence, 22 March 2010, p 73

7.32 Likewise, the NSW Secondary Principals' Council stated:

Access to professional support and services, particularly in the country, is far too limited in terms of availability and range of services and expertise.⁵⁰⁹

7.33 Inquiry participants described the difficulties in recruiting and retaining professionals in rural and remote areas. According to Ms Julie Ashby, 'there are often vacancies for therapy positions for long periods of time in this rural area'.⁵¹⁰ This view was also reflected by a comment in the NSW Primary Principals' Association submission:

In our setting, Western NSW, it is a 'revolving door' for support services. Staff seem to move on at an alarming rate and we struggle with consistency of support, so vital for these children.⁵¹¹

7.34 The lack of available therapists means that many people have to travel long distances or even relocate in order to access specialist services. One primary school principal commented that, unless parents were willing to travel 'at least 50 km if not 160 km' for professional services, support would be minimal.⁵¹² Ms Geraldine Gray, State Coordinator, Special Learning Needs, CEC NSW, cited the example of one family who moved from Griffith to Albury to access better services, at the cost of losing the support mechanisms they had available in their original community, such as family and friends.⁵¹³

7.35 A number of inquiry participants highlighted the particular challenges faced by families of students living in lower socio-economic communities in accessing professional support services.

7.36 For example, the NSW Secondary Principals' Council stated that 'providers are often located in areas which are difficult for parents [from low SES backgrounds] to access'.⁵¹⁴ One submission author asserted that this was a real problem for many families in their school community:

Many families do not have private transport. Bus service are irregular, and the limited train service is 20 minutes walk away. Physical access to professional support and services is difficult.⁵¹⁵

7.37 The NSW Secondary Principals' Council suggested that schools ultimately bear the brunt for supporting students with disabilities or special needs in rural or remote areas and low socio-economic communities. They asserted that limited access to specialist services has required school personnel to provide 'additional, necessary and costly support... in order to have

⁵⁰⁹ Submission 672, p 7

⁵¹⁰ Submission 62, Ms Julie Ashby, p 6

⁵¹¹ Submission 669, p 8

⁵¹² Submission 669, p 8

⁵¹³ Ms Geraldine Gray, State Coordinator, Special Learning Needs, Catholic Education Commission NSW, Evidence, 22 March 2010, p 73

⁵¹⁴ Submission 672, p 7

⁵¹⁵ Submission 497, Name suppressed, p 3

students assessed' and increased the need for 'extra school counsellor and learning support team intervention to support applications for funding support'.⁵¹⁶

Costly access to private services

- 7.38** As an alternative to accessing therapy services through the public system, parents can pay for the services of private therapists to treat their children.
- 7.39** This option may be available to parents with the financial means to engage private therapy and allied health services and, as a result, gain better outcomes for their children.⁵¹⁷ Many parents made significant financial sacrifices in order to access these services for their children.⁵¹⁸
- 7.40** For the most part, however, inquiry participants observed that many families are not able to pay for private therapy services.⁵¹⁹ According to the NSW Council for Intellectual Disability, 'this is simply not equitable'.⁵²⁰
- 7.41** Some inquiry participants suggested that cost of private therapy not only prevent parents from accessing appropriate support for their children but accessing it at a time when they can take advantage of the benefits of early intervention, especially for language development delays.⁵²¹ For example, school counsellor Mr Peter Johnson explained:

Typically many parents from disadvantaged areas of NSW may not have medical insurance, the time available or the financial capacity to pay for such services and take advantage of the benefits that early intervention brings. One of the most common learning related problems relate to language development delays... Clinical psychologists while generally available and more thorough in their diagnosis of such conditions as well as in their management are too expensive and beyond the costs available to many parents. Many parents do not therefore seek early diagnosis and obtain early intervention services.⁵²²

Schools for Specific Purposes

- 7.42** Some inquiry participants drew the Committee's attention to the fact that students in SSPs have a crucial need for access to professional and allied health services that is not currently being met. For example, Ms Julie Ashby, Principal of a SSP, highlighted that students at her school have limited access to nurses and personal care staff to manage their health needs.⁵²³
- 7.43** Ms Jill Dean, President, NSW SSP Principals' Network, explained that the level of health needs some students have in SSPs require assistance beyond what current staff can or are

⁵¹⁶ Submission 672, p 7

⁵¹⁷ Submission 669, p 8; Submission 213, Mr Peter Johnson, p 3; Submission 544, p 16

⁵¹⁸ Ms Heike Fabig, President, Association for Children with a Disability, Evidence 10 May 2010, p 28

⁵¹⁹ Submission 261, p 9; Submission 672, p 7

⁵²⁰ Submission 544, p 16

⁵²¹ Submission 669, p 8; Submission 672, p 7; Submission 213, p 3

⁵²² Submission 213, p 3

⁵²³ Submission 62, p 4

qualified to give, and suggested that these needs can be better met by nurses or other allied health staff:

There is a need for access to meaningful professional support for students, such as community nurses and therapists, to assist teaching and learning in schools. Currently, special schools rely on the goodwill and professional dedication of staff.⁵²⁴

- 7.44** Ms Kerrie Nelson, Deputy Chair, National Independent Special Schools Association, expressed a similar view and explained some of the tasks teachers are expected to undertake, often without the support of specialist services:

There are kids in some of our schools that are dealing with feeding and eating issues and mobility issues and teachers cannot handle that by themselves and need the constant support of therapists to move that forward.⁵²⁵

Improving professional support service delivery

- 7.45** While the NSW Government has maintained that a collaborative interagency approach to delivering professional support services can and does overcome the challenges of multiple service delivery, a number of inquiry participants suggested alternatives to the way services are currently being provided to students in need.

- 7.46** For example, some have suggested that professional support services should be provided by a multidisciplinary team of professionals and allied health staff at a school or regional level to allow for a more coordinated and holistic approach to addressing the needs of students with disabilities or special needs. Other inquiry participants argued that DET should employ professionals and allied health workers to deliver support services to students, as a means to addressing the complexities associated with having multiple service providers.

School or region based teams

- 7.47** Some submissions authors suggested that support services for students with disabilities or special needs should be delivered by a multi-disciplinary team of professionals and allied health workers based within a school or region.⁵²⁶

- 7.48** It was suggested that professionals and allied health staff such as occupational therapists, speech pathologists and nurses should contribute to the make up of these teams, therefore, enabling more equitable and timely access to therapy and providing an invaluable source of specialist information.⁵²⁷

⁵²⁴ Ms Jill Dean, President, NSW SSP Principals' Network, Evidence, 22 March 2010, p 58

⁵²⁵ Ms Kerrie Nelson, Deputy Chair, National Independent Special Schools Association, Evidence, 23 March 2010, p 49

⁵²⁶ Submission 390, p 3; Submission 672, p 5; Submission 544, p 16; Ms Liz Forsyth, Manager, Service Development and Government Relations, Northcott Disability Services, Evidence, 10 May 2010, p 51

⁵²⁷ Submission 390, p 3; Submission 542, Name suppressed, p 3

- 7.49** According to the NSW Council for Intellectual Disability, such a team would ‘ease the burden on parents, families, school counsellors and teachers’ and would be a ‘positive approach to ensuring students had the correct support locally, quickly and that interventions can be proactive rather than reactive’.⁵²⁸
- 7.50** The Council also suggested that this model would give teachers the support they needed to ‘actually spend their time teaching rather than negotiating with numerous external agencies’⁵²⁹ to find services for students, adding that it would facilitate planning by creating a ‘more coordinated approach in scenarios where therapy or specific programs are designed’.⁵³⁰
- 7.51** The Council also reported that a significant proportion of parents and professionals felt that having a ‘one-stop shop’ of professional support services in schools would produce a more ‘cohesive, accessible and streamlined service’:
- Parents said the benefits would be multiple – less transport time, “not having to explain oneself over and over”, completing less paperwork and documentation and an increase in the communication between relevant professionals and families.⁵³¹
- 7.52** Ms Harriet Korner, Area Manager, Northcott Disability Services, stated that access to therapy through this model ‘would provide a lot of added value for all students’, irrespective of which educational setting they were in.⁵³²
- 7.53** Ms Liz Forsyth, Manager, Service Development and Government Relations, Northcott Disability Services, acknowledged, however, that the therapy needs of students will change over time thus a more flexible rather than a fixed school-based team would be required.⁵³³
- 7.54** Ms Candice Brady, Portfolio Leader and Speech Pathologist, Speech Pathology Australia, pointed out the team approach will only work if it provides consistent, long term support. Ms Brady suggested that having an allied health team attached to school could be viewed as a ‘step forward, in that at the moment we have nothing’, but if they came into a school for a ‘one-off identification... [then] it still does not solve that end of the issue, and that would not improve our learning outcomes for these kids’.⁵³⁴
- 7.55** The NSW Government has recognised the need for better access to professional support services in and by schools and stated in its submission that:

The NSW Government is committed to developing greater capacity to embed the provision of therapeutic support within the natural settings of the school routine and

⁵²⁸ Submission 544, p 16

⁵²⁹ Submission 544, p 16

⁵³⁰ Submission 544, p 16

⁵³¹ Submission 544, p 16

⁵³² Ms Harriet Korner, Area Manager, Northcott Disability Services, Evidence, 10 May 2010, p 52

⁵³³ Ms Forsyth, Evidence, 10 May 2010, p 51

⁵³⁴ Ms Brady, Evidence, 10 May 2010, p 76

curriculum through the development and trial of new models for delivering and support therapy outcomes.⁵³⁵

- 7.56** Similarly, Mr Michael Coutts-Trotter, Director General, DET, acknowledged that ‘the task of getting a child between a range of therapy services outside school is just heartbreakingly difficult for a lot of parents’⁵³⁶ and advised that moves have been made by the Commonwealth to provide professional and allied health services in and around schools:

...what you are seeing under the national partnership arrangements and, to a degree, under the child wellbeing system changes, is an attempt to develop a range of health services, allied health services and paraprofessional support in and around schools—everything from youth workers through to psychologists, social workers, speech pathologists, occupational therapists—and to try and make those services more readily available in and around schools... So the extent to which we can bring those services into or close to the school makes things a lot easier for parents and families.⁵³⁷

- 7.57** Neither the NSW Government or DET, however, provided detail about how this commitment to providing professional support services within or around schools would be realised.

Employment of professionals and allied health staff by the Department of Education and Training

- 7.58** Some inquiry participants suggested that professional support services to students with disabilities or special needs should be provided by therapists and allied health staff who are employed by DET.⁵³⁸ It should be noted that this suggestion was made without consideration of whether these positions should be part of a school-based team. The key issue for these inquiry participants was that the Department employ these professionals to ensure more timely and coordinated access services.

- 7.59** A number of inquiry participants pointed out that the Department of Education and Training does not employ its own therapists but, as suggested by the NSW Secondary Principals’ Council, ‘ideally’ it should.⁵³⁹

- 7.60** Ms Forsyth asserted that there is a need for people who can navigate the education system to provide therapy services to students:

It is about having people in the education system who are able to navigate the education system in light of the therapy needs of the students – someone inside to use the inside knowledge of the system to help navigate. Our experience is that as an

⁵³⁵ Submission 715, p 69

⁵³⁶ Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Evidence, 23 March 2010, p 36

⁵³⁷ Mr Coutts-Trotter, Evidence, 23 March 2010, p 36

⁵³⁸ Submission 62, p 6; Submission 672, p 8; Ms Brady, Evidence, 10 May 2010, p 74

⁵³⁹ Submission 672, p 8

external therapy service sometimes having to negotiate the system is a barrier to getting good outcomes.⁵⁴⁰

7.61 The fact that the Department does not currently employ speech pathologists was of particular concern to Speech Pathology Australia, which informed the Committee that NSW was one of only two states and territories in Australia that did not provide speech pathology services through their education department.⁵⁴¹ According to Ms Brady, this indicated an inequity in service.⁵⁴²

7.62 The Federation of Parents and Citizens' Associations of NSW noted that some other state education systems in Australia directly employ their own therapists:

It is interesting to note the way in which some states have recognised the value of professional supports such as school nurses and speech/occupational therapists by employing these personnel to work directly with, and sometimes in, the school.⁵⁴³

7.63 Indeed, Ms Felicity Burke, Speech Pathology Australia advised that Queensland was implementing this kind of model well, with speech pathology representation in all schools.⁵⁴⁴

7.64 Despite appeals for DET to employ specialists to provide professional support services, the Department insisted that it was beyond their responsibility and capability to employ health professionals:

The Department of Education and Training does not have legislative responsibility for providing health services nor the necessary structures to provide appropriate clinical supervision or career development opportunities for health professionals.⁵⁴⁵

7.65 According to Northcott Disability Services, however, the reality is that therapists in NSW are being asked to consult on issues that are in fact the responsibility of the Department of Education and Training, and called for the Department to provide these services rather than depending on other agencies to do it:

Some of the issues which therapists are asked to consult to the NSW Department of Education on are really the responsibility of the Department of Education. For instance, where physical modifications are required to enable a child with a physical disability to access a school, DET should provide the expertise for this, rather than relying on therapists from non-government organisations to provide the information.⁵⁴⁶

⁵⁴⁰ Ms Forsyth, Evidence, 10 May 2010, p 51

⁵⁴¹ Ms Brady, Evidence, 10 May 2010, p 74

⁵⁴² Ms Brady, Evidence, 10 May 2010, p 74

⁵⁴³ Submission 668, Federation of Parents and Citizens' Associations of NSW, p 6

⁵⁴⁴ Ms Felicity Burke, Speech Pathology Australia, Evidence, 10 May 2010 p 74

⁵⁴⁵ Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 6

⁵⁴⁶ Submission 261, p 9

Committee comment

- 7.66** The Committee recognises that the current interagency approach and lack of professional and allied health workers to deliver professional support services in NSW has fallen short of adequately meeting the needs of all students with disabilities or special needs. This is demonstrated by the concerns of inquiry participants from both government and non-government sectors, including DET, who acknowledged the need for improved and timelier access to professional support.
- 7.67** The importance of more equitable and widespread access to these services early on in a student's development was highlighted to the Committee. The Committee believes these issues could be addressed by DET coordinating multi-disciplinary teams, comprised of professionals and allied health workers, to service all government schools and in particular, SSPs, in NSW.
- 7.68** While the weight of evidence suggested that these teams should be school-based, the Committee recognises the need for flexibility given that the needs of students within a school population will change over time. The Committee, therefore, recommends that these multi-disciplinary teams be coordinated on a regional level to ensure that a range of professional support services is accessible to schools.
- 7.69** It is noted that DET indicated that it does not have legislative responsibility for providing health services. However, the Committee believes that providing this type of support is crucial to ensuring students have the appropriate support to access educational opportunities.
- 7.70** Therefore, the Committee recommends that DET coordinate multi-disciplinary teams on a regional level to deliver professional and allied health support services to students with disabilities or special needs in NSW Government schools.

Recommendation 21

That the Department of Education and Training coordinate multi-disciplinary teams on a regional level to deliver professional and allied health support services to students with disabilities or special needs in NSW Government schools.

Access to school counsellors

- 7.71** In NSW, access to school counselling services varies depending on the sector and school in which a student is enrolled. Students attending NSW Government schools have access to the school counselling service provided by DET,⁵⁴⁷ whereas students in independent and Catholic schools access counselling services through school counsellors who have either been employed directly by the school or by an agency contracted by the school.⁵⁴⁸

⁵⁴⁷ Submission 715, p 63

⁵⁴⁸ Answers to questions on notice taken during evidence, 22 March 2010, Mr Baker, Director, Policy and Programs, Catholic Education Commission NSW; Ms Robyn Yates, Director of Government Education Policy, Association of Independent Schools of NSW, Evidence, 22 March 2010, p 49

School counsellors in NSW Government schools

- 7.72** The Department's school counselling service plays a pivotal role in the disability confirmation assessment process for students with disabilities. School counsellors also have responsibility for student welfare.⁵⁴⁹
- 7.73** There are currently over 790 school counsellor positions allocated to government schools across the State. This represents an average allocation of one school counsellor to approximately 1,030 students.⁵⁵⁰ The school counselling service is comprised of school counsellors who are trained and experienced teachers with a degree in psychology and post-graduate qualifications in school counselling.⁵⁵¹
- 7.74** School counsellor time is allocated to individual schools on a needs basis and takes into account current student enrolments, the number of students with a disability who are accessing specialised support services, socio-economic disadvantage indicators and the number of schools serviced by an individual school counsellor.⁵⁵² Allocation is determined by a regional panel, which includes principal, regional and school counselling staff representation.⁵⁵³
- 7.75** Students can access school counsellors through a school based referral process, either with the endorsement of a parent, teacher, carer or friend, or by self-referral.⁵⁵⁴
- 7.76** Several inquiry participants commented on the excessive demands placed on school counsellors who are responsible for assessing and identifying disabilities in addition to providing welfare support to students in NSW Government schools.
- 7.77** According to Ms Melissa Harding, teacher at Sarah Redfern Public School, the limited time school counsellors have in a school is often taken up by completing paperwork as part of the assessment process:

Most of our school counsellor's time is taken up with paperwork and that sort of thing, because she is not there five days a week. If a child has a breakdown or something happens on a day when the counsellor is not there, they just have to wait. We sometimes have to wait a long period of time to get the student assessed by the school counsellor because there is such a big call for it.⁵⁵⁵

⁵⁴⁹ Answers to questions taken on notice, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 2; Submission 715, p 63

⁵⁵⁰ Submission 715, p 63

⁵⁵¹ Submission 715, p 63

⁵⁵² Submission 715, p 63

⁵⁵³ Answers to questions taken on notice, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 2

⁵⁵⁴ Department of Education and Training, accessed 25 May 2010, <<http://www.schools.nsw.edu.au/gotoschool/a-z/counselservice.php>>; Submission 715, p 63

⁵⁵⁵ Ms Melissa Harding, Teacher, Sarah Redfern Public School, Evidence, 22 March 2010, p 9

- 7.78** This view was also reflected by Ms Dean, NSW SSP Principals' Network, who noted that the current system places so much emphasis on assessment that counsellors are not being used for other core functions, such as counselling and program development:

Because our current system is so labour intensive our school counsellors spend most of their time assessing to get the next piece of paperwork done. I have always wanted a school counsellor that could counsel and not just do the paperwork and that is the problem. The current system is so over-intense where we get a special consideration of 12 months and then we have to reassess or put the paperwork in again and have to go back over it every time. It is a paper warfare out there and this happens over and over and over again so that our counsellors are not being used...⁵⁵⁶

- 7.79** Subsequently, students are left with limited access to the counselling and welfare aspects of the service, despite the fact that, according to Ms McBride, these would 'make such a difference', particularly for families who have been proactively engaged.⁵⁵⁷ Indeed, as Ms Dean has asserted, when school counsellors are used in this capacity the results have been positive:

...the moment you do get them to actually work with you to help us with programs for our students with challenging behaviours welfare issues that may occur in the school, it is wonderful.⁵⁵⁸

- 7.80** According to school counsellor, Mr Peter Johnson, trying to balance competing and often unpredictable priorities is the everyday reality for most school counsellors:

...apart from the excesses of paperwork that are required by the department and normal documentation purposes, it is the lack of control over caseloads. I can be in the middle of doing one thing and I can have two other people dropped in at my door. I get a phone call from one deputy, then another deputy, both not talking to each other, saying, "I have got a kid crying" and "I have got this kid whose father is just about to jump off a bridge. Can you come and talk to this kid?". You have these conflicting interests quite often.⁵⁵⁹

- 7.81** Northcott Disability Services also described the impact of an overwhelming case load for part-time counsellors:

Our experience is that very few schools employ a full time school counsellor, and the workload for part time counsellors is overwhelming. This means they are unable to provide the support required to foster a preventative approach to conduct issues. This also reduces their ability to engage effectively with families to support them at time when additional support would assist families to implement changes required to support their children's learning and emotional needs.⁵⁶⁰

⁵⁵⁶ Ms Dean, Evidence, 22 March 2010, p 59

⁵⁵⁷ Ms McBride, Evidence, 22 March 2010, p 16

⁵⁵⁸ Ms Dean, Evidence, 22 March 2010, p 60

⁵⁵⁹ Mr Peter Johnson, School Counsellor, Evidence, 23 March 2010, p 63

⁵⁶⁰ Submission 261, p 10

- 7.82** Inquiry participants also noted that, given that the current average age of a school counsellor is 54 years old, there is likely to be a major shortage of counsellors in the future.⁵⁶¹ According to Mr Brian Chudleigh, Vice Chair, Public Schools Principals Forum, ‘we are going to have an absolute chronic shortage of counsellors on the ground... unless something is done radically differently in the next 5 to 10 years’.⁵⁶²
- 7.83** It is noted that the issue of limited access to school counsellors has been raised in earlier inquiries. For example, in this Committee’s 2009 report on *Bullying of Children and Young People*, the Committee argued that more school counsellors were needed in NSW Government schools to improve students’ access to this support service. The Committee recommended ‘that the Minister for Education and Training take immediate action to support the recruitment of additional school counsellors’.⁵⁶³
- 7.84** In its response to this recommendation the NSW Government said it had introduced a number of strategies to increase the pool of counsellors, including sponsorship to complete psychology qualifications and retraining teachers. A similar response was provided by DET in an answer to a question on notice in this inquiry into disability education.⁵⁶⁴
- 7.85** The response also indicated that DET ‘will review the counselling services available to schools. This review will include a consideration of the range of possible models for such service delivery’.⁵⁶⁵ The Committee has not received any further information about this review and is curious to know the timeframe and terms of reference for this review.
- 7.86** It should also be noted that a recent recommendation of the coronial inquest into the suicide of a young victim of bullying suggested that the ratio of school counsellors to students be raised to 1:500 instead of the current 1:1030.⁵⁶⁶

School counsellors in non-government schools

- 7.87** Independent schools are independently responsible for their own staffing and resource allocation, including the employment of school counsellors.⁵⁶⁷

⁵⁶¹ Mr Brian Chudleigh, Deputy Chair, Public Schools Principals Forum, Evidence, 22 March 2010, p 17 and Ms McBride, Evidence, 22 March 2010, p 14

⁵⁶² Mr Chudleigh, Evidence, 22 March 2010, p 17

⁵⁶³ General Purpose Standing Committee No 2, Report 31, *Bullying of children and young people*, November 2009, pp 98-99

⁵⁶⁴ Answers to questions taken on notice, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 47 and NSW Government response to General Purpose Standing Committee No 2, Report 31, *Bullying of children and young people*, May 2010, p 22

⁵⁶⁵ NSW Government response to General Purpose Standing Committee No 2, Report 31, *Bullying of children and young people*, May 2010, p 22

⁵⁶⁶ Coronial Inquest into the death of Alex Wildman, File no 1258/2008, Date of decision 17 June 2010, p 4

⁵⁶⁷ Answers to questions on notice taken during evidence, 22 March 2010, Dr Geoff Newcombe, Executive Director, Association of Independent Schools of NSW, Question 2

- 7.88** As a result, the AIS NSW advised that it does not have access to definitive data on the number of school counsellors in all independent schools but it estimated that 137 full-time equivalent school counsellors are servicing approximately 146,000 students from Kindergarten to Year 12 in independent schools across the state.⁵⁶⁸
- 7.89** While school counsellors in government schools are responsible for assessing, identifying and confirming disabilities, Ms Pinnington of the AIS NSW suggested that school counsellors had a more limited role in independent schools with respect to disability diagnosis. She informed the Committee that counsellors would only be consulted during the process of identifying a student's specific needs and establishing how to address these needs, 'if that was the area that was warranted'.⁵⁶⁹
- 7.90** In terms of the adequacy of school counsellor numbers in independent schools the AIS NSW commented 'ideally, you could use a counsellor in every school', however, limited funds have prevented this from taking effect within independent schools, particularly smaller schools.⁵⁷⁰
- 7.91** Like independent schools, Catholic schools have the capacity to employ school counsellors directly, however, how this takes place varies across NSW Catholic diocesan education systems.⁵⁷¹
- 7.92** Some diocesan systems employ educational psychologists in a consultative role. In three of these systems, a psychologist provides the full range of services, including consultation, assessment, intervention and counselling. In four of these systems, their role is limited to psychometric assessment. Where psychologists are not employed in this capacity, psychometric assessment is completed by other providers, such as CatholicCare/Centacare, with the financial support of parents or diocesan offices.⁵⁷²
- 7.93** For example, in the Broken Bay diocese all secondary schools are allocated 2-3 days per week of counsellor time, while primary schools are allocated half a day for every 150-200 students. These counsellors are employed to deliver counselling and student welfare services, such as addressing mental health concerns. Subsequently, psychometric testing for assessment processes is contracted out to a private practice and paid for externally.⁵⁷³
- 7.94** Mr Danny Rankin, Senior Education Officer, Dioceses of Broken Bay Catholic Schools Office, acknowledged that current school counsellor to student ratios in his diocese were 'certainly not up to best practice levels'.⁵⁷⁴

⁵⁶⁸ Answers to questions on notice taken during evidence, 22 March 2010, Dr Newcombe, Question 2

⁵⁶⁹ Ms Pinnington, Evidence, 22 March 2010, p 49

⁵⁷⁰ Dr Geoff Newcombe, Executive Director, Association of Independent Schools of NSW, Evidence, 22 March 2010, p 49

⁵⁷¹ Answers to questions on notice taken during evidence, 22 March 2010, Mr Ian Baker, Director Policy and Programs, Catholic Education Commission of NSW, Question 1

⁵⁷² Answers to questions on notice taken during evidence, 22 March 2010, Mr Baker, Question 1

⁵⁷³ Mr Danny Rankin, Senior Education Officer, Dioceses of Broken Bay Catholic Schools Office, Evidence, 22 March 2010, p 73

⁵⁷⁴ Mr Rankin, Evidence, 22 March 2010, p 73

Alternatives for the provision of counselling services in NSW Government schools

- 7.95** Various suggestions were put forward during the inquiry to improve student access to counsellors in NSW Government schools. These suggestions include limiting the role of school counsellors to assessment, or alternatively, outsourcing the assessment and psychometric testing aspect of the role.
- 7.96** Mr Chudleigh, Public Schools Principals Forum, described an option, which he acknowledged was controversial, for a school counsellor's role to be limited to assessing and identifying students with a confirmed disability. He pointed out that the counselling and welfare aspect of the role could then be undertaken by people, such as a social worker or welfare coordinator.⁵⁷⁵
- 7.97** The Department of Education and Training stated that this move would 'significantly underutilise the expertise, experience and skills of the school counsellor'.⁵⁷⁶ DET insisted that the school counsellor's role is to deliver the full range of assessment, counselling and collaborative planning services, and that the time allocated to these activities was ultimately determined by the school principal.⁵⁷⁷
- 7.98** The Department further added that moving away from counselling to pure assessment would impact significantly on the current support provided to students with mental health problems.⁵⁷⁸
- 7.99** Another option was to outsource the assessment and testing aspect of the school counsellor role, as is currently the practice in some Catholic dioceses such as Broken Bay.
- 7.100** When questioned about the cost of contracting out services to private providers, Mr Rankin advised the Committee that for his diocese 'it is cheaper than an in-house service'. He explained further that 'we are able to do more and our waiting list is shorter'.⁵⁷⁹
- 7.101** The Department did not support outsourcing disability assessments. DET believed that this would 'break the essential link' between assessment and knowledge of systems and resources available to meet a student's needs, including those provided by the school, parents and teachers.⁵⁸⁰
- 7.102** Furthermore, the Department argued that in other jurisdictions where disability assessment is outsourced, informal feedback suggests that a lack of home and school contextual information has resulted in inefficient support being provided to students. The Department advised that it had previously employed 'Mental Survey Testers' to carry out cognitive testing to determine access to special classes, and found that students were being inappropriately placed or their needs not being identified. As a result, the practice was discontinued.⁵⁸¹

⁵⁷⁵ Mr Chudleigh, Evidence, 22 March 2010, p 16

⁵⁷⁶ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 5

⁵⁷⁷ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 5

⁵⁷⁸ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 5

⁵⁷⁹ Mr Rankin, Evidence, 22 March 2010, p 73

⁵⁸⁰ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 5

⁵⁸¹ Answers to questions taken on notice, 23 March 2010, Mr Coutts-Trotter, Question 5

Committee comment

- 7.103** The Committee acknowledges inquiry participants' concerns that access to schools counsellors in NSW Government schools is highly inadequate.
- 7.104** As with earlier inquiries, the Committee recognises that more school counsellors are needed to meet the demand for assessment of disabilities and special needs as well as welfare support. While it is noted that DET has 'strategies' in place that aim to increase the numbers of counsellors, it is likely to be years before there is any significant impact from these strategies. The Committee again recommends that DET do more to achieve this in the short term.
- 7.105** The Committee also notes the recent recommendation of the coronial inquest into the death of a victim of bullying and agrees that the ratio of school counsellors to students should be increased to 1:500.
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Recommendation 22

That the Department of Education and Training take immediate action to increase the number of school counsellors in NSW Government schools with the objective of increasing the ratio to 1:500.

- 7.106** The Committee notes that in the NSW Government response to the Committee's 2009 report *Bullying of children and young people*, the Department indicated that it will review the counselling services available to schools and that this will include a consideration of the range of possible models for service delivery.
- 7.107** The Committee recommends that DET publish the terms of reference and timeline for its review of counselling services in NSW Government schools and complete the review by June 2011. The Committee also believes that this review should give consideration to the suggestions by participants in this inquiry, including that the school counsellor primarily focus on conducting assessments or that the assessment process be contracted out.
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Recommendation 23

That the Department of Education and Training:

- publish the terms of reference and timeline for its review of counselling services in NSW Government schools
 - consider alternative models for delivering counselling services in schools as part of this review
 - complete the review by June 2011.
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Assistive technology

- 7.108** Inquiry participants highlighted the extremely positive impact assistive technology can have in supporting students with disabilities or special needs, regardless of their educational setting. Such technology includes the interactive white board, or ‘smart board’, on which images are projected from a laptop and data projector, and contains software which allows users to move, hide and reveal images by touch and generate a visual or aural response.⁵⁸²
- 7.109** Ms Dean advised that with the introduction of interactive whiteboards into most of her classrooms, the change in engagement for their children has been amazing:
- We have children who are non-verbal, they cannot hold a pencil, but they can go up and touch their own name. It can pop up and do funny little things. The amount of the engagement our children are now doing with these interactive whiteboards is amazing. I am talking about children with very, very high support needs into severe intellectual, autistic and everything on top, and they are engaging.⁵⁸³
- 7.110** Likewise, Ms Carol Berry, Executive Director, NSW Council for Intellectual Disability, reported that the ‘introduction of smart boards has been highly useful for students with intellectual disabilities in classrooms’.⁵⁸⁴
- 7.111** Technology providers working in the area of assistive technology for students with disabilities and special needs also highlighted the benefits of this technology for students.⁵⁸⁵
- 7.112** While much technology exists to assist students with a disability, Ms Berry called for better and greater use of the types of communication devices available.⁵⁸⁶ Similarly, other submissions encouraged greater use of technology to improve participation by students and provide a greater functional capacity for them to access the world.⁵⁸⁷
- 7.113** Some inquiry participants observed that a major barrier to widespread use of this technology is the significant financial costs associated with equipment. Ms Gray, CEC NSW, commented that while there were efforts to understand and improve the use of technology in the Catholic school system, ‘there is a difficulty because of how much it costs. The equipment we can access now is expensive’.⁵⁸⁸
- 7.114** Likewise, the NSW SSP Principals’ Network explained that because a proportion of funding is based on student numbers, schools such as their’s, with only 6 children in a class as opposed to 30, do not attract a lot money – ‘it does not buy very much, especially in terms of new

⁵⁸² Schuck S and Kearney M, *Exploring Pedagogy with Interactive Whiteboards*, University of Technology Sydney, April 2007, p 8

⁵⁸³ Ms Dean, Evidence, 22 March 2010, p 63

⁵⁸⁴ Ms Berry, Evidence, 10 May 2010, p 24

⁵⁸⁵ Submission 153, Access Innovation Media, p 5 and Submission 219, Media Access Australia, pp 1-2

⁵⁸⁶ Ms Berry, Evidence, 10 May 2010, p 24

⁵⁸⁷ Submission 208, Name suppressed, p 5; Submission 423, p 2; Submission 496, Name Suppressed, p 1

⁵⁸⁸ Ms Gray, Evidence, 22 March 2010, p 72

technology and the costs associated with it'.⁵⁸⁹ According to Ms Dean, SSPs consequently have to 'beg, borrow, steal' and rely on the work of parents and citizens associations or clubs in order fund assistive technology in their schools.⁵⁹⁰

- 7.115** The Independent Education Union of Australia also suggested that constraints on time to set up, maintain and train people on the use of technology prevented many from using it.⁵⁹¹ This was also expressed by the NSW SSP Principal's Network who commented that the human costs of developing modules and programs to run this technology are high.⁵⁹²
- 7.116** According to Professor Max Coltheart, Macquarie University, some assistive technology may not be appropriate for children at all, despite its successful use by adults. For example, Professor Coltheart maintained that reading and writing replacement aids are important 'but as a last resort, even with the severely disabled'.⁵⁹³ He insisted that students need human mentoring and support in the first instance, particularly since they are more able to learn than adults.
- 7.117** Ms Berry also pointed out that the use and effectiveness of such technology varies between teachers and teacher's aides, so 'ensuring that ... educators are able to make the best of those technologies that are available is important'.⁵⁹⁴

Committee comment

- 7.118** The Committee acknowledges the importance of assistive technology in both government and non-government schools and recognises its potential to assist students with more complex disabilities or higher support needs to reach their learning goals.
- 7.119** The Committee notes that cost may be a significant barrier to the greater use of technology, however, we also recognise that technology needs to be appropriate to a student's needs and that teachers may need guidance to ensure the effective use of such technology.
- 7.120** As stated in the previous chapter, a well functioning school learning support team is a valuable source of school level advice and guidance on the needs of students with disabilities and special needs. The Committee encourages teachers and schools to maximise the use of this important resource in decisions about the use of assistive technology for students with disabilities and special needs.

⁵⁸⁹ Ms Dean, Evidence, 22 March 2010, p 63

⁵⁹⁰ Ms Dean, Evidence, 22 March 2010, p 63

⁵⁹¹ Ms Patricia Murnane, Independent Education Union of Australia, Evidence, 23 March 2010, p 14

⁵⁹² Ms Dean, Evidence, 22 March 2010, p 63

⁵⁹³ Professor Max Coltheart, Macquarie University, Evidence, 23 March 2010, p 28

⁵⁹⁴ Ms Berry, Evidence, 10 May 2010, p 24

Chapter 8 Curriculum

This chapter examines curriculum issues for students with disabilities and special needs. It includes a discussion of inquiry participants' concerns about the relevance of the 'universal' curriculum for students with disabilities and special needs, and the barriers to the effective adjustment and implementation of modified curriculum for such students.

Universal curriculum for all students in NSW

- 8.1** The Commonwealth *Disability Discrimination Act 1992* and the Disability Standards of Education 2005 developed under the Act require education providers to take reasonable steps to provide students with a disability access to the curriculum on the same basis as students without a disability.⁵⁹⁵
- 8.2** The Board of Studies NSW is responsible for the development of curriculum and curriculum support materials for all students from Kindergarten to Year 12. This includes curricula taught in public, Catholic and independent schools for all students.⁵⁹⁶
- 8.3** All primary school-aged children in NSW work to the content and outcomes in the Board's K-6 syllabuses. There is no separate or specialised curriculum for students with disabilities or special learning needs. Teachers are responsible for selecting curriculum content and outcomes and designing teaching strategies most appropriate to the students, including those with disabilities and special needs, in their class.⁵⁹⁷
- 8.4** Students in Years 7 to 10 are required to meet mandatory curriculum requirements in eight key learning areas (KLAs). There is no separate curriculum for students with disabilities, although Life Skills courses, which are part of the curriculum, are intended primarily for students with intellectual disabilities. Students with special education needs may access the syllabus:
- under regular arrangements
 - with the support and/or adjustments required to enable them to participate in learning experiences and assessment opportunities;
 - based on content from a different stage of schooling to their chronological age or
 - based on Life Skills outcomes and content.⁵⁹⁸
- 8.5** Since 1991 the Board of Studies has adopted a non-categorical approach to curriculum provision for students with special needs. In other words:

⁵⁹⁵ *Disability Discrimination Act 1992* (Cth) and Attorney General's Department and Department of Education, Science and Training, *Disability Standards for Education 2005*, p iii, (hereafter referred to as the *Disability Standards for Education 2005*)

⁵⁹⁶ Board of Studies NSW, accessed 24 June 2010, <www.boardofstudies.nsw.edu.au/contacts/>

⁵⁹⁷ Submission 715, NSW Government, p 54

⁵⁹⁸ Submission 715, p 55

... decisions related to curriculum options, adjustments of provisions and teaching and learning are made based on an appraisal of each students current level of functioning rather than the perceived learning characteristics of a particular 'category' of disability.⁵⁹⁹

8.6 According to the Department of Education and Training (DET), the advantages of maintaining a universal curriculum for all students include:

- the potential for a parent to change their choice of placement from a special to a mainstream school;
- varied curriculum content with an array of subjects that meet the needs of the 'whole student' and that is stimulating for students and teachers; and
- increased expectations for learning by students with significant cognitive disabilities which can lead to increased achievement.⁶⁰⁰

8.7 Family Advocacy emphasised that the universal curriculum does not imply a one size fits all curriculum because there is a flexibility in the content to allow adaptation to student needs:

[T]he principle of universal design does not imply 'a one size fits all' approach, nor does it mean 'watering down' the curriculum whereby the curriculum activity must be narrowed to reach the broadest number of students...Universal design implies that flexibility and responsiveness are built into the content, instruction and materials in the planning stage.⁶⁰¹

8.8 The concept of a universal curriculum for all students, including those with special needs, is supported and followed in a number of other Australian jurisdictions, including Western Australia, South Australia and Queensland. These jurisdictions also indicated that adjustments are made to their curriculum for students with disabilities, usually at the school or classroom level.⁶⁰²

Universal curriculum for students with disabilities

8.9 Many inquiry participants expressed concern about the suitability of, and access to, the universal curriculum for students with disabilities.

⁵⁹⁹ Submission 715, p 52

⁶⁰⁰ Browder et al, 2006 in Submission 715, p 57

⁶⁰¹ Shaddock A, Smyth King B and Giorcelli L, *Project to improve learning outcomes of students with disabilities in the early, middle and post compulsory years of schooling*, Canberra, Commonwealth of Australia, 2007, quoted in Submission 127, Family Advocacy, p 23

⁶⁰² Submission 717, Department of Education, Government of Western Australia, p 8; Submission 409, Department of Education and Children's Services, South Australian Government, p 3; Submission 51, Department of Education, Training and Arts, Queensland Government, p 3. Please note that other Australian jurisdictions either did not comment on this issue or provide a submission to the Inquiry.

8.10 Participants' concerns include that:

- the curricula is not sufficiently adjusted to meet students' individual learning needs
- the universal curriculum is inappropriate for students with specific or severe disabilities
- access to the universal curriculum is particularly difficult for conduct disorder students in behaviour schools.

Adapting the universal curricula

8.11 As discussed above, a non-categorical approach to curriculum provision for students with disabilities and special needs implies that decisions related to curriculum options and adjustments are based on an appraisal of each student's level of functioning. (Teachers are supposed to make adjustments to the curriculum via an Individual Education Plan. These are discussed later in this chapter).

8.12 According to DET:

Teachers select and use syllabus outcomes and content that best suits the learning needs of each student. Teachers use their professional judgement in providing learning opportunities for students. These judgments are based on knowledge of the curriculum, student learning needs and assessment of student learning at both a school and systemic level.⁶⁰³

8.13 However, the inquiry heard that these adjustments to the curricula did not routinely occur, with the result that the work undertaken by students with disabilities or additional learning needs is often too difficult or not sufficiently challenging.

8.14 Ms Heike Fabig, President, Association for Children with a Disability NSW, and a mother of two children with disabilities told the Committee that 'at the moment, children have to adapt to the curriculum; but really the curriculum should adapt to the child'.⁶⁰⁴

8.15 As one parent noted:

There have been times when we have had concerns about the level of work [our son] has been given, either much too difficult or too simple. The latest example: he was given Spanish words and phrases to learn when he has difficulty with articulation and is barely understood by anyone outside the family.⁶⁰⁵

8.16 A similar example was provided by another parent of a student with an intellectual disability:

⁶⁰³ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director-General, Department of Education and Training, Question 43

⁶⁰⁴ Ms Heike Fabig, President, Association for Children with a Disability NSW, Evidence 10 May, 2010 p 28

⁶⁰⁵ Submission 120, Ms Phyllis Setchell, p 1

Italian [is] being taught to our daughter who has sign language as her first language. Maybe there is a greater need to reinforce the written and spoken English language. We question the type of curriculum that is currently being run.⁶⁰⁶

8.17 Northcott Disability Services has found that the curriculum in Schools for Specific Purposes (SSPs) is often unchallenging:

Our experience has been that children with intellectual disabilities in special schools often appear to be engaged in inappropriate, meaningless activities for the majority of the day, for example, access to activities is often limited to ‘baby’ toys. Some children’s education program is functionally “child-minding”, rather than an effective educational program.⁶⁰⁷

8.18 Similarly, Family Advocacy stated that ‘[i]n support classes and SSPs, many families decry the low expectations placed on their sons and daughters and the limited curriculum provided to them’.⁶⁰⁸ Mrs Karyn Ingram, the mother of a student attending a SSP, expressed her experience of the curriculum offered to her son:

Alexander being taught about farm animals four times over by the time he had turned eight (soft and fluffy things seem to be the order of the day with students with disability).

Being told by a teacher “so long as they’re comfortable and happy, that’s all that really matters.

Witnessing hostility toward a new teacher (from other teachers) who insisted on meaningful teaching and challenged the lack of a curriculum

Currently facing a life skills program that includes grooming e.g. how to comb hair and brush teeth. Alexander’s fine motor skills are limited and this component of the curriculum is simply a time waster.⁶⁰⁹

8.19 Conversely, some inquiry participants felt that the curriculum was too difficult for certain students, particularly those with severe intellectual disabilities. Ms Anne Flint, Vice President, NSW SSP Principals’ Network said:

If we have a look at the kindergarten to year 6 curriculum and take mathematics as an example, the earliest outcome in early stage one [the first level of primary school curriculum] under the strand of number is orders and counts numbers to 30. If some of my year 12 students could reach that level of attainment we would be doing cartwheels around our school.⁶¹⁰

⁶⁰⁶ Submission 293, Name suppressed, p 1

⁶⁰⁷ Submission 261, Northcott Disability Services, p 8

⁶⁰⁸ Submission 127, p 26

⁶⁰⁹ Submission 284, Ms Karyn Ingram, pp 5-6

⁶¹⁰ Ms Anne Flint, Vice President, Management Committee, NSW SSP Principals’ Network, Evidence, 22 March 2010, p 59

- 8.20** In some cases the curricula was thought to be inappropriate to meet the needs of students with particular conditions. For example, in its submission to the Inquiry, Down Syndrome NSW stated that:

There are many resources that specify ways to modify the curriculum and teaching materials for people with Down Syndrome. Currently it is up to individual teachers to make modifications but not all feel confident or trained to do this. Many simply reduce the amount of work required or use lower year textbooks rather than addressing the need to make it visually accessible amongst other recommended accommodations.⁶¹¹

- 8.21** Vision Australia expressed concerns about the physical education curriculum for children with low vision, as these children were unable to participate in some class activities at all:

Vision Australia is aware of examples where during physical education, blind or low vision students have been excluded from activities, which could (particularly in primary school), be made inclusive with some modification to rules, or modification to the students' activity, and enabled the child to benefit from the socialization, sense of personal achievement and other benefits of physical education.⁶¹²

Inappropriate for students with multiple and severe disabilities

- 8.22** A number of submission authors expressed the view that curriculum should be flexible enough to include participation in activities which are not currently included in the universal curriculum but provide significant benefits to students with multiple and severe disabilities, such as speech therapy and hydrotherapy.

- 8.23** This was a particular concern for parents of students with multiple and severe disabilities, who saw the current curriculum as too difficult for their children. For instance, in one submission a parent of a student at a SSP for students with severe physical and multiple disabilities commented:

I think there should be more time spent on the individual child and their needs and less on the school curriculum which is way beyond our children's capabilities. Extra therapy classes in swimming, music and general stretching is something which benefits our children now and long term.⁶¹³

- 8.24** Similarly, another parent of a student with multiple and severe disabilities suggested that alternative goals should be set where academic goals are not achievable:

Where academic education is not going to be a successful outcome than surely looking at realistic goals such as extending usage of limbs by prevention of contractures should be prioritisation of general quality of life a holistic goal.⁶¹⁴

⁶¹¹ Submission 289, Down Syndrome NSW, p 11

⁶¹² Submission 555, Vision Australia, pp 9-10

⁶¹³ Submission 487, name suppressed, p 3

⁶¹⁴ Submission 263, Mrs Justine Acar, p 2

- 8.25** This view was also supported by some teachers of students with multiple and/or severe disabilities, as the following comment indicates:

The curriculum needs to be adjusted to allow for the achievement of All students at a level they are capable of including content that is relevant and meaningful – real life skills! It also needs to take into account the importance of non-curriculum programs such as therapy, hydrotherapy etc that are crucial to many students and are for many parents a priority.⁶¹⁵

Access to universal curriculum for conduct disorder students

- 8.26** The Department of Education and Training noted the importance of providing students with conduct or emotional disorders access the curriculum:

Given the growing numbers of students with a mental health disorder...DET is constantly monitoring their access to curriculum. The Department's Distance Education unit is currently exploring ways to improve curriculum access for these students.⁶¹⁶

- 8.27** Some inquiry participants suggested that access to the curriculum by such students in SSPs, such as those attending behaviour schools, is particularly constrained by the absence of subject specialist teachers and relevant facilities such as science laboratories.⁶¹⁷

- 8.28** The Department noted that it attempts to provide access to subject-specialist teachers by either limiting the duration of placements in behaviour schools, or through distance education.⁶¹⁸

- 8.29** However, it is noted that the draft report by DET, *Behaviour Schools/Learning Centres Appraisal 2009*, indicated that the duration of enrolments at behaviour schools is usually longer than expected, with many students completing their schooling in these environments.⁶¹⁹

Individual Education Plans (IEPs)

- 8.30** An Individual Education Plan (IEP) is a learning program specific to a student's needs that differs to the general learning program of others students in a class.⁶²⁰ According to DET, an IEP may be developed where:

- a student is at risk of not progressing to their next stage of learning; and/or

⁶¹⁵ Submission 491, Name suppressed, p 2

⁶¹⁶ Submission 715, p 59

⁶¹⁷ Submission 387, Macarthur Disability Network, p 5; Mr Brian Chudleigh, Deputy Chair, Public Schools Principals Forum, Evidence, 22 March 2010, p 15

⁶¹⁸ Submission 715, pp 58-59

⁶¹⁹ Department of Education and Training, draft report *Behaviour Schools/Learning Centres Appraisal 2009*, p 20. This draft report is also discussed in Chapter 5.

⁶²⁰ Submission 404, Name suppressed, p 1

- a student has learning needs that require access to content and competencies that are at a different level from their age peer group.⁶²¹

8.31 The development of an IEP should be a collaborative process:

... which involves parents or carers, the student (where appropriate), class teacher/year advisor and other people who have significant knowledge of the student for example specialist teachers, parents, learning support personnel and regional personnel as appropriate.

This team meets to discuss and make decisions about curriculum options and adjustments to enable a student to access the curriculum and associated learning experiences.⁶²²

8.32 The Department advised that it does not aggregate data on the number of students for whom an IEP has been prepared.⁶²³

The benefits of IEPs

8.33 Many inquiry participants supported the development of IEPs. National Disability Services NSW commented that IEPs can be used to identify the strengths of a particular student as well as the need for additional supports and that IEPs ‘assist students to perform to the best of their ability and ensure a smoother progression through primary and secondary schools’.⁶²⁴

8.34 Ms Fabig said that the individual education plan developed for her son allowed him to participate in whole class activities, but still identified for the teacher what to do differently for certain areas of learning.⁶²⁵

8.35 Associate Professor Michael Arthur-Kelly, School of Education, University of Newcastle, indicated that individualised instruction based on identified priorities learning goals, such as IEPs, was especially important for students with complex needs.⁶²⁶ He further explained that learning support plans enable schools to observe and engage students’ functional abilities and needs and then embed them into a plan.⁶²⁷

⁶²¹ Answers to additional questions on notice, 25 May 2010, Mr Michael Coutts-Trotter, Director-General, Department of Education and Training, Question 8

⁶²² Answers to additional questions on notice, 25 May 2010, Mr Coutts-Trotter, Question 8

⁶²³ Answers to additional questions on notice, 25 May 2010, Mr Coutts-Trotter, Question 8

⁶²⁴ Submission 549, National Disability Services NSW, p 6

⁶²⁵ Ms Fabig, Evidence, 10 May 2010, p 31

⁶²⁶ Submission 27, Associate Professor Michael Arthur-Kelly, p 1

⁶²⁷ Associate Professor Michael Arthur-Kelly, School of Education, University of Newcastle, Evidence, 10 May 2010, p 56

- 8.36** Further support for IEPs was expressed by Northcott Disability Services, which recommended that all students with an intellectual disability should have an IEP that translates the standard curriculum into individual goals.⁶²⁸

Concerns regarding IEPs

- 8.37** Notwithstanding the acknowledged benefits of IEPs, inquiry participants raised several concerns regarding these plans, including that they are not developed routinely and that their quality is variable. In addition, teachers felt they had inadequate time or training to develop IEPs and that it was difficult to implement a modified curriculum without additional support. These issues are discussed below.

IEPs not routinely developed and variable quality

- 8.38** Some submissions from parents indicated that IEPs were not routinely undertaken for students with additional learning needs. For example, one parent wrote:

When I read the Department of Education Guidelines it appears that there is a requirement for an IEP but in practice it does not appear to be enforced. In Kindergarten the teacher took an interest in children with special needs, in 1st class the teacher did not appear to have an interest and did not prepare a plan.⁶²⁹

- 8.39** Northcott Disability Services expressed a similar concern:

We have experienced on several occasions teachers and schools who have not translated the standard curriculum into targeted Individual Education Plan (IEP) goals for the student.⁶³⁰

- 8.40** According to Northcott Disability Services, even when they are undertaken, the quality of these plans appears to be variable:

The provision of IEP plans themselves vary greatly from student to student and school to school, with some students having comprehensive IEP plans whilst others may have no IEP goals set at all.⁶³¹

- 8.41** Efforts to involve parents in the development of IEPs were seen as inadequate by some participants. In its submission Vision Australia stated:

Parents report that Individual Education Planning (IEPs) meetings are often scheduled at short notice, without the presence of interpreters or advocacy support, resulting in minimal participation from the student or parents.⁶³²

⁶²⁸ Submission 261, p 9

⁶²⁹ Submission 113, Name suppressed, pp 2-3

⁶³⁰ Submission 261, p 8

⁶³¹ Submission 261, p 8

⁶³² Submission 555, p 3

- 8.42** One parent commented that she was confronted by five educational professionals in an IEP meeting and felt that she ‘was not heard or respected but intimidated instead’.⁶³³

Limited time to adjust curriculum and implement modified curriculum

- 8.43** The lack of time to make appropriate curriculum adjustments for individual students was a significant theme in submissions from teachers, as the following excerpts from several submissions attest:

As a classroom teacher I am expected to modify and/or adjust the current syllabus material to meet the needs of those students in my class who are not performing at grade level. This is done in the form of Individual Education programs (IEPs), which means that each student needing extra support requires a learning program specific to their needs that differs to the general learning program of the other students in that class. No extra preparation or programming time is given to write these IEPs. It must be done in the class teacher’s own time.⁶³⁴

Students with intellectual disabilities or behaviour disorders require an individualised curriculum to cater for their special needs. Most teachers do the best they can, but are limited in their ability to provide an individual curriculum because their time is taken up with other students.⁶³⁵

The problem with the curriculum is that we are expected to adapt the syllabus documents to meet the individual needs of each student. In an IM [mild intellectual disability] class there are students working across three stages, therefore preparing lessons that can meet the needs of all those students is impossible.⁶³⁶

- 8.44** Several submissions expressed a need for more release time from classroom teaching to allow them to prepare appropriate curricula for students with additional learning needs.⁶³⁷ One teacher from a SSP noted:

Students within many settings can succeed when time to develop adequate resources is available. A majority of resources in quality educational environments in the Special School sphere need to be tailored to the specific IEP of the student...all staff in support environments need to be more adequately resourced in time, to develop those specifically tailored resources and programs they need to develop term by term...my school has made considerable headway in this area, largely through the unfunded dedication of staff working extra hours’.⁶³⁸

- 8.45** Some teachers noted that additional support was not only needed to adjust the curricula but to assist with the effective implementation of adjusted curricula. As one teacher wrote:

⁶³³ Submission 147, Name suppressed, p 1

⁶³⁴ Submission 404, p 1

⁶³⁵ Submission 551, Name suppressed, pp 1-2

⁶³⁶ Submission 566, Name suppressed, p 2

⁶³⁷ Submission 632, NSW Teachers Federation, p 7, Submission 127, p 27, Submission 212, Catholic Education Office, Sydney, p 23

⁶³⁸ Submission 686, Name suppressed, p 2

... each child must have their own particular adjustments and accommodations made to the classroom curriculum. ... However, if there is not a pair of hands to assist in the delivery of said adjustments then the students are not having their needs adequately met.⁶³⁹

- 8.46** Parents acknowledged the pressure placed on teachers to individualise curriculum for students, many of whom find it is ‘too hard to cater for one child with special needs versus the whole class’.⁶⁴⁰ Another parent commented that ‘my son’s teacher spends hours trying to reconfigure the mainstream curriculum to match the learning needs of the seven very different children in her class’.⁶⁴¹

Inadequate training and resources

- 8.47** Some participants noted that the training currently available to teachers to equip them to develop and implement modified curricula is inadequate. As one teacher commented: ‘Having a different curriculum is not the answer ... training teachers on how to adjust and accommodate it is’.⁶⁴² The issue of teacher training will be discussed in Chapter 9.

- 8.48** According to Family Advocacy:

Most teachers struggle in providing stimulating curricula that meets the real learning needs of students with disability. This seems equally the case for students in the regular class, support classes and SSPs.⁶⁴³

- 8.49** The Board of Studies NSW provides a range of support documents to assist teachers in adapting curricula for students with additional learning needs.⁶⁴⁴ However, a number of submissions suggested that the support available to teachers in this regard is inadequate:

Provision of curriculum resources is not universal ... Teachers rely on own professionalism and support at school level to develop appropriate curriculum. Guidance beyond school is minimal. Little guidance/support from DET to help students, especially as IO/IM students are expected to sit for the NAPLAN tests. Little curriculum support for mainstream teachers with students with special needs.⁶⁴⁵

- 8.50** Ms Carol Berry of the NSW Council for Intellectual Disability argued that there is a need for additional curriculum resources to help teachers support students with disabilities. Ms Berry commented:

[T]here is a clear need for additional resources within the curriculum in order to support special educators and, indeed, teachers within mainstream settings who are

⁶³⁹ Submission 413, Name suppressed, p 2

⁶⁴⁰ Submission 147, p 2

⁶⁴¹ Submission 457, Name suppressed, p2

⁶⁴² Submission 467, Name suppressed, p 2

⁶⁴³ Submission 127, p 26

⁶⁴⁴ See Submission 715, Appendix 12, p 117

⁶⁴⁵ Submission 160, Name suppressed, p 2

educating children with special needs to ensure that learning content is not something that they need to, kind of, make up on the hop.⁶⁴⁶

- 8.51** Northcott Disability Services noted that the Centre for Inclusive Schooling in Western Australia assists in delivering curriculum support resources for teachers:

The development of broad curriculum supports which adapts curriculum for children with disability types would not preclude the need for teachers and aides to make individual adaptations to the curriculum in order to support a specific student's learning needs; however, it would provide a base of resources from which DET staff can use, reducing the time spent by individual teachers developing resources.⁶⁴⁷

- 8.52** It is also noted that Holroyd School for Specific Purposes, in conjunction with other SSPs, has developed curriculum resources for students below the K-6 curriculum in SSPs.⁶⁴⁸

Life Skills courses

- 8.53** Life Skills courses are provided to students with disabilities and special needs, particularly those with an intellectual disability who cannot access the regular outcomes and content of the universal curriculum, even with adjustments.⁶⁴⁹

- 8.54** Despite its name, Life Skills courses are not about domestic skills, as Ms Catherine Hogan, Director, Family Advocacy, explained:

One issue we have taken up with the department and the Board of Studies is the name "Life Skills". It is a bit of a misnomer. Having had my son in a special school in a school class, life skills are about going to the shop, doing the washing and whatever whereas the curriculum as it currently stands from the Board of Studies is nothing like that. It is much more about an outcome in maths or science, which is relevant to that child's level of understanding and capacity. It becomes very confusing for parents who, perhaps having had some experience with the special education environment, then come into the regular school environment and hear about life skills and think "Right, well that's going to be about cooking and shopping and those sorts of things." It is quite confusing.⁶⁵⁰

- 8.55** According to DET, 2.2% of students in NSW (approximately 1,880 students) completed Life Skills courses in English, Mathematics, Science, Australian Geography and Australian History, and 1.4% completed Personal Development Health and Physical Education for the School Certificate in 2009.⁶⁵¹ and 1,377 students completed the Life Skills Stage 6 English course.⁶⁵²

⁶⁴⁶ Ms Carol Berry, Executive Director, NSW Council for Intellectual Disability, Evidence, 10 May 2010, p 22

⁶⁴⁷ Submission 261, p 6

⁶⁴⁸ Ms Flint, Evidence, 22 March 2010, p 59

⁶⁴⁹ Submission 715, p55

⁶⁵⁰ Ms Catherine Hogan, Director, Family Advocacy, Evidence, 10 May 2010, p 71

⁶⁵¹ Submission 715, p 115

⁶⁵² Submission 715, p 55 and p 116

- 8.56** The inclusion of Life Skills courses as part of the curriculum at secondary level was widely supported by inquiry participants. The NSW Chapter of the Australian Association for Special Education states that it is ‘has strongly supported the approach taken by the NSW Board of Studies to the development of curriculum documents for students in Stages 4 and 5 [Years 7 – 10] which incorporates Life Skills outcomes and content [courses] into each syllabus document’.⁶⁵³
- 8.57** The non-government school sector also supported the development of Life Skills courses, as Ms Catherine Pinnington of the Association of Independent Schools NSW said:

We see that the current K-10 curriculum in New South Wales is fully inclusive of all students...with the 7-10 curriculum there are now Life Skills outcomes and content that fit under the key objectives in each syllabus area. We see the introduction of that as a great step forward in New South Wales.⁶⁵⁴

Life Skills courses and students with conduct disorder

- 8.58** Life Skills courses are often offered to students with conduct disorders but as several participants noted, including the NSW SSP Principals’ Network, they are not necessarily appropriate as such students do not usually have an intellectual disability and therefore these courses are insufficiently challenging.⁶⁵⁵

Life Skills courses for K-6

- 8.59** At present, Life Skills courses have only been developed for the Year 7-10 syllabus. There was widespread support from inquiry participants for the extension of the Life Skills to primary schools. As one primary school teacher stated:

While I understand that secondary school teachers have a curriculum for special needs students, primary school children have nothing unless their teacher has created an Individual Education Program. Why is the responsibility falling upon already overworked and overloaded teacher’s shoulders? Surely this should also be a priority!⁶⁵⁶

- 8.60** Another teacher commented that:

The design and modification of curriculum to meet the needs of students with a mild intellectual disability should not be left to individual teachers. A relevant Primary School curriculum that leads onto the High School Life Skills curriculum should be developed at the state level.⁶⁵⁷

⁶⁵³ Submission 301, NSW Chapter of the Australian Association for Special Education, p 11

⁶⁵⁴ Ms Catherine Pinnington, Director, Professional Services, Association of Independent Schools NSW, Evidence, 22 March 2010, p 44

⁶⁵⁵ Submission 383, NSW SSP Principals’ Network, p 10

⁶⁵⁶ Submission 411, Name suppressed, p 2

⁶⁵⁷ Submission 525, Name suppressed, p 2

- 8.61** Associate Professor Arthur-Kelly also advocated the extension of the Life Skills curriculum to K-6:

You would be aware that we have life skills curriculum through the Board of Studies for stages four, five and six. If you were to ask me one recommendation out of my visit today, it would be that we consider life skills curriculum right through the system.⁶⁵⁸

Committee comment

- 8.62** The Committee acknowledges the importance of ensuring students with special needs and disabilities have access to the universal curriculum. For this access to be genuine, teachers will often be required to adjust the curriculum to ensure it meets the learning needs of their students. The development of a comprehensive IEP is the most effective way to ensure students with disabilities and special needs are able to access the universal curriculum in a meaningful way.
- 8.63** The Committee shares the concerns expressed by parents and others regarding the variability in conduct and quality of IEPs. The Committee believes that some of these concerns may be addressed by publishing guidelines on the development of IEPs for students with disabilities and special needs. These guidelines should include information on when an IEP is required, who should be involved and what it should contain. We are particularly concerned to ensure that the proposed guidelines are distributed to the school community, including parents of students with disabilities or special needs.

Recommendation 24

That the Department of Education and Training publish guidelines on the development of Individual Education Plans for students with disabilities and special needs. These guidelines should:

- include information on when an Individual Education Plan is required, who should be involved and what it should contain
 - be distributed to the school community, including parents of students with disabilities or special needs.
-

- 8.64** The Committee acknowledges that the requirement to tailor and deliver curricula for individual students with different needs places significant demands on teachers in both mainstream and SSP settings. Teachers need adequate support and training to undertake this critical role.
- 8.65** It is hoped that, in addition to the school learning support team, some of the new initiatives being trialled by the Department, such as the School Learning Support Coordinator and

⁶⁵⁸ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 56

School Learning Support Teacher will provide a valuable resource to assist teachers to adjust and deliver an appropriately modified curricula.

Recommendation 25

That the Department of Education and Training provide additional resources, including relief time for teachers to develop Individual Education Plans.

- 8.66** The Committee acknowledges the positive comments made by inquiry participants regarding the Life Skills courses for the Years 7-10 syllabus and recognises that a large number of inquiry participants believe that Life Skills outcomes and content should be available for students with an intellectual disability who are undertaking the K-6 syllabuses.
- 8.67** The Committee is concerned about the lack of access to the curriculum for high school students with conduct disorder in behaviour schools. While the Committee understands that the Department's Distance Education Unit is looking at ways to improve these students' access to the Year 7-10 curriculum, we have received very little information on what this involves. This issue should be considered as part of the proposed evaluation of behaviour schools advocated by the Committee in Chapter 5.

Impact of National Curriculum

- 8.68** The Committee is aware that the Australian Curriculum Assessment and Reporting Authority (ACARA) is currently developing a national curriculum for all students from Kindergarten to Year 12 and that this is likely to have an impact on the Committee recommendations.
- 8.69** The draft K-10 Australian Curriculum in the learning areas of English, mathematics, history and science was released for consultation on 1 March 2010 and ACARA anticipates that these will be available for implementation from 2011.⁶⁵⁹
- 8.70** The Catholic Education Commission NSW expressed concerns about whether the proposed national curriculum will maintain the level of accessibility students with disabilities have through the current NSW Life Skills curricula.⁶⁶⁰ The Catholic Education Commission NSW recommended that:

The Australian Curriculum Assessment and Reporting Authority (ACARA) should be strongly advised to adopt the Board of Studies approach to Life Skills courses and special provisions.⁶⁶¹

- 8.71** The process for development of the national curriculum involves various mechanisms for consultation, including establishment of subject advisory panels, consultation with

⁶⁵⁹ Australian Curriculum Assessment and Reporting Authority, accessed 24 June 2010, <www.acara.edu.au/consultation.html> and <www.acara.edu.au/acara_update_30032010.html>

⁶⁶⁰ Submission 671, Catholic Education Commission NSW, p 21

⁶⁶¹ Submission 671, p 22

stakeholders, trialling of curricula for key learning areas, evaluation and review.⁶⁶² In its submission, the Commonwealth Department of Education, Employment and Workplace Relations stated that inclusivity is a key consideration in the drafting of the national curriculum, and that ACARA also working with principals of SSPs and their associations to ‘investigate the feasibility to develop appropriate assessment tools for students with special needs’.⁶⁶³

Committee comment

- 8.72** The Committee acknowledges concerns about the impact of the new national curriculum on students with disabilities or special needs and encourages the NSW Government to ensure the issue of an appropriate curriculum for students with disabilities is included in its input to the consultation process on the national curriculum.

Recommendation 26

That the Minister for Education immediately pursue with the Federal Minister for Education the inclusion of Life Skills as an essential component of the new national curriculum.

⁶⁶² Australian Curriculum Assessment and Reporting Authority, *Curriculum Development Process*, <www.acara.edu.au/verve/_resources/ACARA_Curriculum_Development_process_v3.0.pdf>

⁶⁶³ Submission 675, Department of Education, Employment and Workplace Relations, p 5

Chapter 9 Teacher training

This chapter considers the provision of training to teachers in NSW to equip them to teach students with disabilities or special needs. This includes pre-service training as well as professional development for all teachers, including those wishing to pursue a career in special education.

The importance of quality teachers

- 9.1** According to the Department of Education and Training (DET), ‘the supply of quality teachers is the most significant foundation of an effective system of school education’.⁶⁶⁴
- 9.2** This view was acknowledged by a number of inquiry participants, such as Ms Harriet Korner, Area Manager, Northcott Disability Services, who stated that ‘good teaching is the basis of everything’⁶⁶⁵, and Associate Professor Michael Arthur-Kelly, School of Education, University of Newcastle, who suggested that ‘good teaching is at the heart of it [supporting students with disabilities]. If we can get good teaching in place ... then we make great progress for our children’.⁶⁶⁶
- 9.3** Dr Francesca MacLaurin, Immediate Past President, Australian Association of Special Education, argued that teachers have a significant, if not definitive, impact on the educational outcomes of students that ‘the quality of the teacher, no matter what the needs of the students, will always determine the outcome’.⁶⁶⁷
- 9.4** In recognising the importance of quality teaching, the Commonwealth Government has sought to attract and retain quality teachers and leaders in schools by committing to national reforms to train, place and develop quality teachers. These are delivered through the *Smarter Schools – Improving Teacher Quality National Partnership* agreement between the Commonwealth Government and all states and territories. The program will implement reforms such as the development of national teaching standards and stronger participation with universities to improve teacher training programs.⁶⁶⁸
- 9.5** In a report suggesting new directions in schools funding, Ms Lyndsay Connor and Mr Jim McMorro argued that investing in the quality of teaching in schools ‘is the most significant way in which governments can improve schools’ participation, achievement and outcomes’. Further to this, Ms Connor and Mr McMorro asserted that even greater emphasis should be

⁶⁶⁴ Submission 715, NSW Government, p 71

⁶⁶⁵ Ms Harriet Korner, Area Manager, Northcott Disability Services, Evidence, 10 May 2010, p 53

⁶⁶⁶ Associate Professor Michael Arthur-Kelly, University of Newcastle, Evidence, 10 May 2010, p 56

⁶⁶⁷ Dr Francesca MacLaurin, Immediate Past President, Australian Association of Special Education, Evidence 23 March 2010, p 18

⁶⁶⁸ McMorro J, *The Rudd Government’s Budget priorities for government and non-government schools: the latest evidence*, Australian Education Union, January 2010, p 11

placed on the entitlement of all students to high quality teaching standards by making it the ‘centrepiece of schools funding’.⁶⁶⁹

Pre-service training

9.6 Pre-service training is training undertaken by students before they become qualified teachers. Pre-service training may also be referred to as initial teacher education.

9.7 Since 1994, all teaching students in NSW have been required to complete a mandatory semester unit of study in special education as part of their initial teacher education course. NSW is reported to be the only state in Australia that requires initial teacher education to include a dedicated unit on educating students with disabilities or special needs.⁶⁷⁰

Mandatory unit in special education

9.8 The mandatory unit in special education contained within all pre-service training is aimed at equipping trainee teachers with the skills to ‘meet the diverse learning needs of all their students, including those with disabilities, behaviour disorders and difficulties in learning’.⁶⁷¹

9.9 The content of this unit must meet Professional Teacher Standards at the Graduate Level and reflect required subject content knowledge and mandatory areas of study, as prescribed by the NSW Institute of Teachers.⁶⁷² However, the delivery of this mandatory unit varies across educational institutions.

9.10 The NSW Institute of Teachers assesses the content of all initial teacher education courses and programs, including the mandatory unit of study in special education. It took over the responsibility for accreditation of pre-service training from DET in 2006.⁶⁷³

Professional Teacher Standards

9.11 All teacher education courses are endorsed against a framework of Professional Teaching Standards. The NSW Government describes these standards as ‘what teachers know, understand and are able to do’ across four key stages⁶⁷⁴:

- Graduate Teacher – the basis for assessment of teacher education qualifications

⁶⁶⁹ Connors, L and McMorow J, *New Directions in Schools Funding – Executive Summary*, Faculty of Education and Social Work, University of Sydney, March 2010, accessed 3 May 2010, <www.sydney.edu.au/education_social_work/professional_learning/resources/papers/ConnorsL_&_McMorowJ_10_Executive_Summary.pdf>, p 4

⁶⁷⁰ Submission 715, p 71

⁶⁷¹ Submission 715, p 71

⁶⁷² Submission 715, p 72

⁶⁷³ Submission 715, p 71

⁶⁷⁴ Submission 715, p 71

- Professional Competence – the basis of a state-wide mandatory system of accreditation of all new teachers (defined as *new scheme teachers*)
- Professional Accomplishment – voluntary accreditation
- Professional Leadership – voluntary accreditation

9.12 The Graduate Teacher Standards are used in initial teacher education, while the other three Standards concern the professional practice of employed teachers.⁶⁷⁵

9.13 Standards at the Graduate Teacher level include a range of specific requirements that graduate teachers must meet. Some of these requirements relate specifically to students with disabilities while others are more general requirements but are still applicable to the teaching of students with disabilities or special needs, such as delivering tailored lessons and classroom management.⁶⁷⁶

Subject content knowledge and mandatory areas of study

9.14 In addition to the Graduate Teacher Standards, pre-service training content must meet the requirements for subject content knowledge and the mandatory areas of study, as prescribed by the NSW Institute of Teachers.⁶⁷⁷

9.15 The mandatory areas of study are: literacy, Aboriginal education, non-English speaking background, classroom management, information and communication technology, and special education. Each area provides specific advice regarding the required content of initial teacher education programs.⁶⁷⁸

9.16 The mandatory area in special education requires that pre-service training programs deliver graduate teachers who possess a range of skills, knowledge and abilities specific to meeting the learning needs of students with disabilities or special needs. These include:

- understanding the likely impact that a disability, behaviour disorder or difficulties in learning might have on a student's access to and participation in learning
- possessing demonstrated knowledge of disability legislation and educational policies in relation to disability
- applying skills to identify starting points and reasonable adjustments to the curriculum to enable students to meet syllabus outcomes
- demonstrating how to meet the specific learning needs of students through inclusive education practices.⁶⁷⁹

⁶⁷⁵ Submission 715, p 71

⁶⁷⁶ Submission 715, p 72

⁶⁷⁷ Submission 715, p 72

⁶⁷⁸ Submission 715, p 72

⁶⁷⁹ Submission 715, p 73

- 9.17** In addition to the mandatory area in special education, other mandatory areas require pre-service teachers to design and implement lessons or engage in classroom management techniques to cater for students with disabilities or special needs.⁶⁸⁰

Pursuing further training in special education

- 9.18** Teachers may choose to pursue further formal training in special education to become a special education teacher in a School for Specific Purposes (SSP) or support class.
- 9.19** This may be achieved by undertaking a post-graduate course in special education offered by a range of universities. For example, the University of Newcastle offer an optional fourth year program in special education (an additional year to the three-year degree in teaching),⁶⁸¹ while the University of Sydney offers a master's program in special education.
- 9.20** The Teacher Education Scholarship program is also available for people of Aboriginal or Torres Strait Islander descent wishing to teach specific teaching areas and geographic locations. In 2010, the scholarship was extended to include primary and secondary special education, and guarantees scholarship holders employment in a special education position upon completion of their studies and agreement to teach with the Department for three years. It was reported that 16 scholarships for special education were offered and accepted for the 2010 program.⁶⁸²
- 9.21** As an alternative to undertaking further training in special education immediately after completing an initial teacher education course, experienced teachers already employed in the workforce may pursue further studies through retraining programs facilitated by DET, which also lead to post-graduate qualifications in special education. This will be outlined later in the chapter.
- 9.22** The Committee understands that special education teachers in a SSP or support class are not necessarily required to have post-graduate qualifications, and therefore, teachers with a general teaching qualification can be and are appointed to special education positions.⁶⁸³
- 9.23** According to the NSW Government submission, DET employs approximately 49,000 permanent school teachers. Of these, approximately 4,400 are permanent teachers of special education.⁶⁸⁴ The NSW Government submission does not identify how many of these special education teachers have special education qualifications.

⁶⁸⁰ Submission 715, p 74

⁶⁸¹ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 55

⁶⁸² Submission 715, pp 79-80

⁶⁸³ Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Question 49

⁶⁸⁴ Submission 715, p 76

Adequacy of current pre-service training

9.24 A number of inquiry participants emphasized the importance of pre-service training in supporting students with disabilities or special needs. As Ms Elizabeth Gadek, Chair, National Independent Special Schools Association, pointed out:

... every teacher, whether they are going into special education or not, will meet children with special needs so they need some level of understanding.⁶⁸⁵

9.25 According to the NSW Government, new graduate teachers have “advanced preparation” for meeting the learning needs of students with disabilities or special needs. They maintained that the application of the Graduate Teacher Standards and the various requirements for course content assessed rigorously by the NSW Teachers Institute ensures that teachers are well equipped to teach students with disabilities or special needs.⁶⁸⁶

9.26 However, some inquiry participants argued that pre-service training inadequately prepared teachers to cater to the needs of students with disabilities or special needs.⁶⁸⁷ For example, Ms Catherine Hogan, Director, Family Advocacy, argued that teachers are ill-equipped to manage the range of student needs in classrooms today:

At the moment there is not nearly enough done to support new teachers, their pre-service training. It certainly needs to be looked at. Teachers are coming into our schools ill prepared for the mixed ability classrooms that they are facing.⁶⁸⁸

9.27 Many participants suggested that the mandatory unit in special education delivered over one semester is simply “not enough”.⁶⁸⁹ For example, Associate Professor Jennifer Stephenson, Director, Macquarie University Special Education Centre and President, Australian Association of Special Education, explained that the mandatory unit in special education is required to cover a lot of content but not everything necessary to manage students with disabilities or special needs, particularly those with challenging behaviours:

That unit has to touch base on a lot of content area—the legal position, effective teaching strategies, as well as behaviour management. So they probably get enough to be able to understand what programs might be put in place by a special educator, probably enough to put in place programs for students who have less high support needs, but I certainly do not think they are equipped to manage children with challenging behaviour.⁶⁹⁰

⁶⁸⁵ Ms Elizabeth Gadek, Chair, National Independent Special Schools Association, Evidence, 23 March 2010, p 50

⁶⁸⁶ Submission 715, p 74

⁶⁸⁷ Submission 240, Name Suppressed, p 2

⁶⁸⁸ Ms Catherine Hogan, Director, Family Advocacy, Evidence, 10 May 2010, p 70

⁶⁸⁹ Ms Michelle Ralston, School Learning Support Coordinator, Evidence, 23 March 2010, p 64 and Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 56

⁶⁹⁰ Associate Professor Jennifer Stephenson, Director, Macquarie University Special Education Centre and President, Australian Association of Special Education, Evidence, 23 March 2010, p 17

9.28 This view was reflected by Ms Kerrie Nelson, Deputy Chair, National Independent Special Schools Association, who observed that teachers complete their pre-service training with a generic understanding of special education but not the skills needed to put that understanding into practice:

In the beginning teachers come out with a very generic understanding of special education and not terribly many skills, although they might have a good theoretical basis about inclusion and the like. They come with very few skills about how to observe behaviour and develop a behaviour support plan. None of those key skills is up and running.⁶⁹¹

9.29 Indeed, one submission author confirmed that in his experience as a tutor for the mandatory special education unit, covering the course content left 'little time dedicated to direct teaching strategies'.⁶⁹²

9.30 Teachers themselves have raised similar concerns:

Pre-service training is not adequate in terms of reality management. Yes, the curriculum is important, but it is totally useless if the teacher is unable to implement it due to poor student/class management skills.⁶⁹³

9.31 Likewise, a teaching principal observed that 'generalist special education training is too broad and does not adequately equip new teachers to meet the needs of their students as most will present with an array of learning needs'.⁶⁹⁴

9.32 According to one new high school teacher appointed to an isolated rural school, pre-service training for teachers is not adequate to address the learning needs of students with disabilities or special needs:

... I would learn more after a couple of years on the job, than I would have learnt about during a pre-service course ... I personally feel, today as a new teacher that I cannot provide special needs students a satisfactory education which will help them.⁶⁹⁵

9.33 Ms Geraldine Gray, State Coordinator, Special Learning Needs, Catholic Education Commission NSW, stated that there has been general improvement in the area of pre-service training and the teaching standards which include specific reference to students with disabilities or special needs.⁶⁹⁶ She acknowledged, however, that 'there is a way to go'.⁶⁹⁷

⁶⁹¹ Ms Kerrie Nelson, Deputy Chair, National Independent Special Schools Association, Evidence, 23 March 2010, p 50

⁶⁹² Submission 240, Name suppressed, p 2

⁶⁹³ Submission 264, Name suppressed, p 2

⁶⁹⁴ Submission 218, Name suppressed, p 2

⁶⁹⁵ Submission 40, Name suppressed, pp 2-3

⁶⁹⁶ Ms Geraldine Gray, State Coordinator, Special Learning Needs, Catholic Education Commission NSW, Evidence, 22 March 2010, p 70

⁶⁹⁷ Ms Gray, Evidence, 22 March 2010, p 70

- 9.34** Likewise, Associate Professor Arthur-Kelly noted that at the time the mandatory unit in special education was introduced, it ‘was applauded, and it is still regarded as being quite a landmark move’.⁶⁹⁸ However, he also indicated that it was insufficient and that undergraduate training needed a much ‘heavier focus’ on, for example, curriculum adjustment and managing challenging behaviour.⁶⁹⁹

Ways to improve pre-service training

- 9.35** Ms Liliana Mularczyk, Deputy President, NSW Secondary Principals’ Council, suggested that special education need not be delivered in a single unit but rather ‘integrated throughout the education of the pre-service teacher’.⁷⁰⁰
- 9.36** Indeed, Associate Professor Arthur-Kelly argued that limiting trainee teachers to a single unit in special education in their pre-service training allows potential for the unit to become more ‘academic’ and does not equip graduates with practical teaching strategies.⁷⁰¹
- 9.37** Associate Professor Arthur-Kelly advised that he had ‘push[ed] for more time’ than what was currently being offered in the mandatory unit over one semester. Likewise, Conjoint Professor Greg Leigh, Chair, Renwick Centre, Royal Institute for Deaf and Blind Children, stated that he would like to see the mandatory unit ‘extended ... [beyond] the one compulsory course in initial teacher education’.⁷⁰²
- 9.38** However, both academics recognised and agreed that the initial teacher education course curriculum is ‘already jam-packed with so much’⁷⁰³ that Associate Professor Arthur-Kelly conceded ‘I do not think that will ever be won’.⁷⁰⁴ Associate Professor Arthur-Kelly suggested that as an educator to teachers in training, ‘all you can do ... is point those teachers towards evidence-based practices and good sources of information’.⁷⁰⁵

Qualifications in special education

- 9.39** Associate Professor Stephenson argued that ‘all students with special education needs or disabilities should have a teacher who is appropriately qualified’. She maintained that for

⁶⁹⁸ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 55.

⁶⁹⁹ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁷⁰⁰ Ms Liliana Mularczyk, Deputy President, NSW Secondary Principals’ Council, Evidence, 22 March 2010, p 34

⁷⁰¹ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 58

⁷⁰² Conjoint Professor Greg Leigh, Chair, Renwick Centre, Royal Institute for Deaf and Blind Children, Evidence, 10 May 2010, p 12

⁷⁰³ Conjoint Professor Leigh, Evidence, 10 May 2010, p 12 and Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁷⁰⁴ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁷⁰⁵ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 61

students in a segregated setting, such as a SSP or support class, this means having a teacher who has formal special education qualifications.⁷⁰⁶

- 9.40** However, according to Associate Professor Stephenson, currently only 60% of teachers in SSPs have a special education qualification, indicating that 40% do not. Associate Professor Stephenson therefore stated that ‘both Australian Association for Special Education and Macquarie University Special Education Centre would agree that the level of trained personnel is just not adequate’.⁷⁰⁷
- 9.41** According to Associate Professor Stephenson, the requirement for appropriate qualifications should also extend to the proposed School Learning Support Teacher (SLST) position (see Chapter 6 for further information on this position). The primary purpose of this position is to provide advice and guidance to classroom teachers about how best to address the learning needs of students with disabilities or special needs. Associate Professor Stephenson believes that SLSTs should have an undergraduate degree, a post-graduate diploma or a masters degree in special education to do this.⁷⁰⁸
- 9.42** Associate Professor Stephenson argued that these qualifications would ensure SLSTs had the appropriate skills to address the needs of students with disabilities or special needs, and guide and assist classroom teachers in their teaching practices. These skills include curriculum-based assessment, instruction on explicit teaching strategies and monitoring student learning.⁷⁰⁹
- 9.43** While it is noted that SLSTs will have access to a 110-hour online training course provided as part of the proposed School Learning Support Program (see Chapter 6 for more detail on the online training course), one submission author who has special education qualifications and has undertaken the online training course, suggested that the online training modules ‘are interesting for someone who has little knowledge in these areas but do not have the rigour of a university course’.⁷¹⁰

Committee comment

- 9.44** The Committee acknowledges that many teachers without special education qualifications have developed excellent teaching practices for students with disabilities and special needs. However, all teachers should be adequately equipped to teach and support students with disabilities or special needs, given the likelihood that they will encounter such students irrespective of the setting in which they teach.
- 9.45** While the Committee notes that NSW is the only state to mandate a special education unit as part of its initial teacher education courses, the Committee recognises the concerns of inquiry participants who feel this unit does not adequately or appropriately prepare teachers for educating students with disabilities or special needs.

⁷⁰⁶ Associate Professor Stephenson, Evidence, 23 March 2010, p 17

⁷⁰⁷ Associate Professor Stephenson, Evidence, 23 March 2010, p 17

⁷⁰⁸ Associate Professor Stephenson, Evidence, 23 March 2010, p 20

⁷⁰⁹ Associate Professor Stephenson, Evidence, 23 March 2010, p 20

⁷¹⁰ Submission 403, Name suppressed, p 2

- 9.46** In addition to the mandatory unit, the Committee believes that special education should be integrated throughout the pre-service teacher education course. In particular, pre-service teacher education courses should highlight the teaching strategies and practical skills necessary to support students with a range of disabilities or special needs.
- 9.47** The Committee therefore recommends that the NSW Institute of Teachers review the content of pre-service teacher education courses, including the mandatory unit in special education, with a view to incorporating additional content regarding teaching strategies and practical skills to assist teachers to cater for the learning needs of students with disabilities or special needs.

Recommendation 27

That the NSW Institute of Teachers review the content of pre-service teacher education courses, including:

- the mandatory unit in special education
 - incorporating additional content regarding teaching strategies and practical skills to cater for the learning needs of students with disabilities or special needs
 - embedding special education throughout pre-service training.
-

Recommendation 28

That the NSW Government promote through the national reform agenda that special education be embedded throughout pre-service teacher training.

- 9.48** The Committee also notes the importance of having appropriately qualified teachers supporting students with disabilities or special needs. In particular, the Committee recognises how critical the proposed School Learning Support Teacher (SLST) position will be to providing on-the-ground expertise and guidance to both classroom teachers and the school learning support team to address the individual learning needs of students.
- 9.49** The Committee therefore recommends that DET work towards requiring all School Learning Support Teachers obtain a special education qualification.

Recommendation 29

That the Department of Education and Training work towards assisting all School Learning Support Teachers to obtain a special education qualification.

On-going training and professional development

- 9.50** On-going training and professional development refers to opportunities for qualified teachers to engage in training and learning to further develop their knowledge, skills and abilities.
- 9.51** These opportunities include professional development courses provided by DET and endorsed by the NSW Institute of Teachers, as well as retraining programs facilitated by the Department and undertaken at universities which lead to formal qualifications in special education.
- 9.52** The online training course provided through the School Learning Support Coordinator program (and included in the proposed School Learning Support Program) will also be considered in this section. Further information on the School Learning Support Coordinator program and the proposed School Learning Support Program is in Chapter 6.

Opportunities for on-going training and professional development

- 9.53** The Department requires teaching staff to engage in on-going training throughout their career. Indeed, it is a requirement for accreditation and compliance with Professional Teaching Standards at the Professional Competence level (see paragraph 9.11) that teachers undertake professional learning.
- 9.54** Accordingly, the Department allocates \$36 million annually to schools and regions for teacher professional development. These funds are required to be used to develop the capacity of teachers to improve learning outcomes for all students. In addition, \$33.2 million over four years is allocated to provide additional release time and professional learning for new permanent teachers on probation.⁷¹¹
- 9.55** The Department offers a range of professional learning programs and resources. For example, the *Classroom Teacher Program* supports new teachers to achieve and maintain accreditation at the Professional Competence level. The program is a series of online modules that address content across all elements of the Professional Teaching Standards, including standards relating to the education of students with disabilities or special needs.⁷¹²
- 9.56** Teachers also have access to professional learning courses delivered by registered providers endorsed by the NSW Institute of Teachers. Since 2007, there have been 64 of these professional learning courses specifically designed to support teachers of students with disabilities or special needs, the majority of which provide training to support students in mainstream classrooms.⁷¹³

⁷¹¹ Submission 715, p 80

⁷¹² Submission 715, p 80

⁷¹³ Submission 715, p 75

Retraining programs in special education

- 9.57** In addition to the on-going training and professional development courses currently available to teachers, DET facilitates retraining programs for teachers seeking further formal training in special education. These programs are delivered by universities and lead to a post-graduate qualification in special education upon completion.⁷¹⁴
- 9.58** Two programs in special education are offered – Full-time Special Education Retraining Program and Part-time Special Education Retraining Program.

Full-time Special Education Retraining Program

- 9.59** The 12-month Full-time Special Education Retraining Program prepares teachers for appointment to a special education position in a variety of settings across a range of disabilities. The program is available in general special education, hearing impairment and vision impairment.⁷¹⁵
- 9.60** The program in general special education is delivered by the University of Sydney. Upon completion students are awarded *Master of Education (Special Education)*. The hearing impairment and vision impairment programs are delivered by the Royal Institute for Deaf and Blind Children Renwick Centre, in association with the University of Newcastle. Upon completion students are awarded *Master of Special Education (Specialising in Sensory Disability (Hearing))* or *Master of Special Education (Specialising in Sensory Disability (Vision))*.⁷¹⁶
- 9.61** From 2001 to 2009, 295 teachers appointed to NSW government schools have completed their studies through the Full-time Special Education Retraining Program. A further 44 teachers commenced their special education studies through this program in 2010.⁷¹⁷

Part-time Special Education Retraining Program

- 9.62** Teachers employed by DET may also undertake further studies in special education on a part-time basis. The program involves two years of part-time study by distance mode delivery. Teachers remain in their current positions whilst training.
- 9.63** The program is currently delivered by the Charles Sturt University. Upon completion students are awarded *Master of Education – Inclusive Education*.⁷¹⁸
- 9.64** According to the NSW Government submission, DET pays university course fees for this course in addition to a one-off \$300 general purpose allowance, reimbursement of approved travel and accommodation expenses and release to meet study requirements.⁷¹⁹

⁷¹⁴ Submission 715, p 77

⁷¹⁵ Submission 715, p 78

⁷¹⁶ Submission 715, pp 78-79

⁷¹⁷ Submission 715, p 78

⁷¹⁸ Submission 715, p 79

⁷¹⁹ Submission 715, p 79

- 9.65** From 2001 to 2009, 287 teachers in NSW Government schools completed their studies through this program. Fifteen teachers were undertaking this program in 2009 and an additional 20 teachers commenced their studies in 2010.⁷²⁰

Online training course: School Learning Support Coordinator program

- 9.66** As discussed in Chapter 6, the School Learning Support Coordinator (SLSC) program was introduced to provide specialist support to teachers of students with disabilities or special needs in mainstream schools through the presence of a School Learning Support Coordinator.⁷²¹ Given the generalist nature of the SLSC position, an online training course was made available to provide specialist knowledge to assist teachers to address the learning needs of students with disabilities or special needs.⁷²²
- 9.67** The course includes modules on autism, behaviour, motor coordination and language and communication needs, with a module on curriculum access and outcomes planning currently under development.⁷²³
- 9.68** The 110-hour online training course is being considered for use in the proposed School Learning Support Program (SLSP), which is currently being trialed in the Illawarra and South East Region.⁷²⁴
- 9.69** Issues with the online training course were examined in Chapter 6, together with a recommendation that the content of the course be reviewed.

Issues with current on-going training and professional development

- 9.70** A number of inquiry participants identified how important on-going training is to equip teachers to support all students, especially students with disabilities or special needs. For example, Mrs Helen Walton, Publicity Officer, Federation of Parents and Citizens' Associations of NSW, remarked:

... for special education and children with disabilities support needs within schools, we need professional training of staff, in their pre-service, but also through the time that they are working within the field. They need continually to have professional development opportunities ... The more development you have, the better chance you have of providing for the needs of those children in your care.⁷²⁵

⁷²⁰ Submission 715, p 79

⁷²¹ Submission 715, p 41

⁷²² Submission 715, p 41; Department of Education and Training, Information Sheet 1 - School Learning Support Coordinator Presence in 265 schools, accessed on 26 May 2010, <www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilityprograms/slscinfo.pdf>

⁷²³ Submission 715, pp 41-42

⁷²⁴ Submission 715, p 41

⁷²⁵ Mrs Helen Walton, Publicity Officer, Federation of Parents and Citizens' Associations of NSW, Evidence, 22 March 2010, p 57

- 9.71** Dr Trevor Clark, Executive Director, Aspect Education and Research, Autism Spectrum Australia, expressed a similar view and added that teacher training is critical ‘no matter what sector they are in, government or non-government’.⁷²⁶
- 9.72** Associate Professor Arthur Kelly referred to a recent study undertaken in the United States which demonstrated the importance of both pre-service and on-going training to classroom management. The study sampled mainstream and special education school teachers and their management of students with challenging behaviour. He explained that results of the study found ‘there was a [positive] relationship between level of preparation, postgraduate development and how they managed challenging behaviour’.⁷²⁷
- 9.73** Despite the recognised importance of on-going training and professional development, a number of inquiry participants raised concerns about access to training, the need for more specialised training, and incentives to take up further formal study in special education. The importance of information and skills sharing to improving teaching practices was also discussed as a supplement to on-going training.

Access to and cost of on-going training and professional development

- 9.74** A number of inquiry participants suggested there is limited access to on-going training and professional development. For example, Ms Pamela Smith, Organiser, Independent Education Union, advised of a teacher who struggled to get training to address the needs of one of her students:

One very practical example is a young woman teacher in her first year of teaching who told me that she has a severely autism spectrum child in her class. She struggled for months to get any training or support to help them meet that child’s needs. Professional development is a major issue for us.⁷²⁸

- 9.75** Another teacher argued that the provision of on-going teacher training is ‘currently sporadic, unstructured and regulated, and inappropriate’.⁷²⁹ This teacher further suggested that:

Often courses are a once off, one day course, which does little to provide the sustained learning required to truly make a difference. Mainstream educators in particular need access to regular, sustained and appropriate training and development, which is timely and easily accessible.⁷³⁰

- 9.76** For many inquiry participants, the limits to accessing appropriate training are related to the costs associated with teacher release time. One submission author advised ‘teacher training

⁷²⁶ Dr Trevor Clark, Executive Director, Aspect Education and Research, Autism Spectrum Australia, Evidence, 10 May, 2010, p 15

⁷²⁷ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁷²⁸ Ms Pamela Smith, Organiser, Independent Education Union, Evidence, 23 March 2010, p 10

⁷²⁹ Submission 633, Name suppressed, p 4

⁷³⁰ Submission 633, p 4

and development in this area is inadequate or too costly to effectively meet staff training need'.⁷³¹ They identified the costs involved with one teacher attending a two-day course:

... the cost of a 2 day, high quality special education related professional development conference I attended last year was \$400, plus over \$600 in casual relief costs so a teacher could cover my class. The professional learning allocation is \$600 per teacher, per year. This 2 day conference exhausted my entire allocation for the year, as well as over half of another person's allocation.⁷³²

9.77 Ms Anne Flint, Vice President, NSW SSP Principals' Network, also noted that the cost of release time is often more expensive than the actual training:

The cost of the training package is usually the smallest part. The cost to the school is in releasing staff and replacing them at school to be able to do that or to provide more and more training out of school hours.⁷³³

9.78 Ms Flint advised that in SSPs, funds for on-going training and professional development are even more limited because occupational health and safety costs exhaust a significant proportion of the professional learning budget.⁷³⁴

9.79 It is particularly difficult for teachers in regional or rural areas to access training due to the cost of travel and accommodation:

Especially in the country, provision of suitable training courses is difficult to achieve and it is very difficult to travel to courses because – in our case – it always involves air travel to Sydney and overnight accommodation. There goes your whole professional development budget to attend one course!⁷³⁵

9.80 One teacher suggested that there is an expectation on teachers who do access training to then educate the rest of the staff. According to one submission author, this expectation is 'unrealistic and unjustifiable'.⁷³⁶

9.81 As one teacher stated, providing opportunities through real investment in on-going training and professional development is needed to enable all teachers access to the learning required to support students with disabilities or special needs:

An enormous investment needs to be made in the area of teacher professional development in order to ensure quality teaching and learning for students with disabilities. Teachers are keen to learn, but are lacking in opportunities.⁷³⁷

⁷³¹ Submission 305, Name suppressed, p 3

⁷³² Submission 305, p 3

⁷³³ Ms Anne Flint, Vice President, NSW SSP Principals' Network, Evidence, 22 March 2010, p 62

⁷³⁴ Ms Flint, Evidence, 22 March 2010, p 61

⁷³⁵ Submission 398, Name suppressed, p 4

⁷³⁶ Submission 232, Name suppressed, p 3

⁷³⁷ Submission 305, p 3

9.82 The Committee heard from a number of non-government organisations regarding the role they play in providing on-going training to teachers in recognition of their need for professional development to support students with disabilities or special needs.

9.83 For example, Mrs Jill O'Connor, Information Officer, Down Syndrome NSW, informed the Committee that Down Syndrome NSW offers on-going training opportunities to many teachers to be educated in Down Syndrome, in the absence of similar opportunities being provided by DET:

We provide in-service opportunities for teachers of children with Down syndrome and we probably educate 300 to 400 teachers a year. That is not all the people who need it. I am not aware of anything that is done by the Department of Education and Training, but we have not had much dialogue with them. In the past, we have offered to be involved, and that offer has not been taken up by the department.⁷³⁸

9.84 Similarly, Professor Max Coltheart, Macquarie Centre for Cognitive Science, Macquarie University, advised that a group from his research centre conducts training with teachers without charge to help them recognise students with severe learning difficulties and give them strategies about how best to respond to their needs.

9.85 According to Ms Harriet Korner, Area Manager, Northcott Disability Services, the information to support and educate teachers is out there but the problem lies in the delivery and access to this information:

We actually have a lot of the knowledge about how to teach children with all sorts of different disabilities but sometimes the information is not getting through, so to speak. I think you have to look at how we provide training and support to schools in an effective and systematic way so that people have the skills they need to provide a good education for all students.⁷³⁹

Curriculum adjustment

9.86 As discussed in Chapter 8, there is an identified need not only for greater curriculum adjustment to tailor educational plans to the needs of individual students with disabilities or special needs, but for appropriate and adequate training to be made available to teachers to do so.

9.87 The need for more teacher education on adjusting curriculum was reflected by Associate Professor Arthur-Kelly, who suggested that, besides the mandatory unit in special education, 'we could probably do with a whole new course – on adapting curriculum, differentiating curriculum, how to address challenging behaviour'.⁷⁴⁰

9.88 As noted in the previous chapters, it is expected that the school learning support team and some of the new initiatives being trialled by the Department, such as the School Learning Support Coordinator and School Learning Support Teacher will provide a valuable resource to assist teachers to adjust and deliver an appropriately modified curricula.

⁷³⁸ Mrs Jill O'Connor, Information Officer, Down Syndrome NSW, Evidence, 10 May 2010, p 4

⁷³⁹ Ms Korner, Evidence, 10 May 2010, p 53

⁷⁴⁰ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

The need for specialised training

9.89 According to Conjoint Professor Leigh, the current education system ‘absolutely requires multiskilling of teachers’ – it is a ‘necessary condition’ to have teachers who are multiskilled and capable of supporting the needs of children with special learning needs in regular classes.⁷⁴¹ However, he argued that specialised skills were needed:

...we need teachers with highly specialised knowledge and skills who are able to provide additional support or, in the case of early intervention, to provide all of their support and to make sure that it is highly targeted, highly specialised.⁷⁴²

9.90 Conjoint Professor Leigh therefore suggested that a greater focus should be placed on targeted training to produce specialised teachers:

... we hold very strongly to the view that there is a continuing need for specialist skills that go above and beyond the skills required for classroom teachers to successfully accommodate children with broad-based special educational needs in regular environments...⁷⁴³

...there needs to be targeted training for teachers whose targeted responsibilities are to be supporting children with these particular disabilities.⁷⁴⁴

9.91 Conjoint Professor Leigh discussed the recent move away from ‘having a designated tag associated with employment in [certain] categories’,⁷⁴⁵ and explained that consequently, fewer universities are offering specialised training programs in specific areas of special education: over the past 15 years, the seven universities across Australia involved in the provision of special education in deafness and hearing impairment, blindness and vision impairment, has been reduced to two.⁷⁴⁶

9.92 Despite this, however, Conjoint Professor Leigh advised that in other states, significant investment is being made to provide specialised training for teachers of the deaf and associated personnel. He cited the \$30 million commitment made to specialised training for teachers of the deaf and associated personnel in Queensland and the \$9 million commitment over four years to teacher education and training for teachers of the deaf and hearing impaired made in Victoria.⁷⁴⁷

9.93 Conjoint Professor Leigh suggested that teachers should be given not only appropriate remuneration for their additional qualifications but, more significantly, recognition for and employment in a distinct professional category which acknowledges their specialised skills:

⁷⁴¹ Conjoint Professor Leigh, Evidence, 10 May 2010, p 12

⁷⁴² Conjoint Professor Leigh, Evidence, 10 May 2010, p 12

⁷⁴³ Conjoint Professor Leigh, Evidence, 10 May 2010, p 9

⁷⁴⁴ Conjoint Professor Leigh, Evidence, 10 May 2010, p 10

⁷⁴⁵ Conjoint Professor Leigh, Evidence, 10 May 2010, p 10

⁷⁴⁶ Conjoint Professor Leigh, Evidence, 10 May 2010, p 10

⁷⁴⁷ Conjoint Professor Leigh, Evidence, 10 May 2010, pp 9-10

... my particular interest is: how do we then get teachers to step up and come back to say, “We want to be highly specialised and work as teachers of potential hearing impairment or vision impairment.” There are two short answers to that. One is that we make career prospects more inviting for those people, which means that there is clearly a professional category to which they are employed, there are clearly expectations of what qualifications they hold to fill that category, and that there is some either remuneration or recognition—I do not think teachers are necessarily remuneration-driven as much as recognition-driven—for that category of very important role that they are going to fill. Both of those have been allowed to slip, both in this State and in other States, in recent years. We need to keep that specialised category recognised so that there are people wanting to put their hand up to train in vision impairment or hearing impairment.⁷⁴⁸

The importance of information and skill sharing

- 9.94** Several inquiry participants pointed out that attendance at a training course was not the only way teachers could improve their teaching practices to better address the needs of students with disabilities or special needs. For example, Associate Professor Arthur-Kelly promoted greater sharing of ideas and practices so teachers could learn from each other:

...we need to highlight some of the great examples. I see them all the time. I keep handing out copies of Australian Association of Special Education journals and encourage people to write about what they are doing so that others can learn. We have come a long way and we are doing some great stuff.⁷⁴⁹

- 9.95** Likewise, Dr Don Gillies, Executive Committee Member, Specific Learning Difficulties Association of NSW, argued that in addition to being required to attend on-going training and professional development courses, teachers should be encouraged to network and research to determine best-practice:

... I believe there should be encouragement given from the top of the department for teachers to engage in networking. There should be again a culture developed within the department of teachers wishing to assist other teachers, to share ideas and experiences so that the best practices, and we like to use the term, research-based practice comes to the fore. On that theme I believe that teachers should be encouraged to engage in active research. If there is a problem that they see within their school then teachers should be encouraged to engage in a research process to answer that problem, to solve that problem. This is all a part of the engagement and education of our teaching staff.⁷⁵⁰

- 9.96** Indeed, one teacher advised that a network for special educators had been established in their region and recognised that it ‘will begin to address an enormous area of need’.⁷⁵¹

⁷⁴⁸ Conjoint Professor Leigh, Evidence, 10 May 2010, p 12

⁷⁴⁹ Associate Professor Arthur-Kelly, Evidence, 10 May 2010, p 59

⁷⁵⁰ Dr Don Gillies, Executive Committee Member, Specific Learning Difficulties Association of NSW, Evidence, 10 May 2010, p 42

⁷⁵¹ Submission 305, p 3

Committee Comment

- 9.97** The Committee notes that on-going training and professional development is necessary to maintain adequate support for students with disabilities or special needs. Best practice involves implementing and enhancing the knowledge and skills acquired in pre-service training. The Committee recognises the barriers to accessing training presented by the costs associated with teacher release time.
- 9.98** The Committee also recognises the importance of having teachers with special education qualifications supporting students with disabilities or special needs, particularly in SSPs, support classes and the School Learning Support Teacher.
- 9.99** The Committee acknowledges that DET does provide some opportunities to facilitate teachers to engage in the retraining programs in special education, for example funding for release time, and in the case of the part-time special education retraining program, DET covers university course fees and travel costs. However, the Committee believes that, due to the small number of teachers who have undertaken the programs in recent years, more should be done to encourage greater participation in these courses.
- 9.100** The Committee therefore recommends that DET offer additional opportunities for teachers to undertake retraining programs in special education facilitated by the Department.
-

Recommendation 30

That the Department and Education and Training offer additional opportunities for teachers to undertake retraining programs in special education facilitated by the Department.

School Learning Support Officers

- 9.101** School Learning Support Officers (SLSOs, formerly known as teacher's aides), provide assistance to classroom teachers to support students with disabilities or special needs.
- 9.102** A number of submissions suggested that, while SLSOs are 'valuable members of staff... they are the least skilled'.⁷⁵² For example, Ms Heike Fabig, President, Association for Children with a Disability NSW, explained in evidence her personal experiences with an SLSO who, while 'a lovely lady... had no education as an aide, let alone as an aide to special needs children'.⁷⁵³ Ms Fabig stated that she bore the responsibility of educating the SLSO as they went along.
- 9.103** Likewise, one submission author stated that SLSOs required more training, particularly to support students in meeting educational outcomes:

⁷⁵² Submission 127, Family Advocacy, p 15; Submission 213, Name suppressed, p 1; Submission 495, Name suppressed, p 2; Submission 314, Name suppressed, p 2.

⁷⁵³ Ms Heike Fabig, President, Association for Children with a Disability NSW, Evidence, 10 May 2010, p 30

Teacher's aides who are in classrooms with these students also need far more professional learning, particularly to support the curriculum needs of these students – more often their focus is on the physical and emotional needs of these students.⁷⁵⁴

- 9.104** The Public Service Association of NSW highlighted the critical role SLSOs play in supporting students with disabilities or special needs, particularly in mainstream classes, but suggested there is currently inconsistent access to training for SLSOs:

SLSOs are unable to consistently access training across the board. Some SLSOs reported that they are regularly offered training by their principal (or Head Teacher), however, many other report they are never informed about training. The Department of Education and Training does not take any overall responsibility for, provision of or access to, ongoing training for SLSO. Training is left to local arrangements.⁷⁵⁵

- 9.105** As discussed in Chapter 6, the fact that many SLSOs are untrained is particularly problematic when teachers are not equally equipped to manage them and determine the most appropriate ways in which they can support the needs of students with disabilities.

- 9.106** Indeed, Ms Fabig gave an example of how SLSOs are sometimes employed in ways that are not always useful for the child:

I know of one case and the mother came to another inquiry here about a year or two ago. Her son is very bright; he has cerebral palsy and very little body control, but he could manage a computer just fine. His aide used to listen to him saying the answer to a question and then would write it down. This young man could write that down for himself if he was given access to a computer. That was not done.⁷⁵⁶

- 9.107** Ms Deonne Smith, General Manager Access and Equity, DET, acknowledged that the online training course provided by the Department would be particularly useful for support staff such as SLSOs,⁷⁵⁷ but no further comment as to their requirement to engage in the course or other training was provided.

Committee comment

- 9.108** The Committee notes that some inquiry participants believe that SLSOs require training to undertake their role and responsibilities. As the Committee did not receive a great deal of evidence on this matter, it recommends that the Department review whether there is a need for formal training for SLSOs.

Recommendation 31

That the Department of Education and Training review whether there is a need for formal training for School Learning Support Officers.

⁷⁵⁴ Submission 314, Name suppressed, p 2

⁷⁵⁵ Submission 177, Public Service Association of NSW, p 10

⁷⁵⁶ Ms Fabig, Evidence, 10 May 2010, p 30

⁷⁵⁷ Ms Deonne Smith, General Manager Access and Equity, Department of Education and Training, Evidence, 23 March 2010, p 45

Appendix 1 Submissions

No	Author
1	Name suppressed
2	Confidential
3	Confidential
4	Shane Smith
5	Maya Verma
6	Name suppressed
7	Margaret Musico
8	Name suppressed
9	Name suppressed
10	Disability Enterprises
11	Confidential
12	Frank Cridland
13	Kim Moran
14	Confidential
15	Sharon Ferguson
16	Michael Steer
17	Confidential
18	Carolyn Smith
19	Albion Park Rail Public School P&C Association
20	Marcelle Powell
21	Arthritis NSW
22	Doug Saxon
23	Lynn Marini
24	Dominic Witcom
25	Sarah Seddon
26	NSW Ombudsman
27	Michael Arthur-Kelly
28	Harry Terry
29	Confidential
30	Leann Hatfield
31	Name suppressed
32	Confidential

No	Author
33	Name suppressed
34	Socialist Women for Justice
35	Chris and Vicki Doughty
36	Confidential
37	Michelle Ralston
37a	Michelle Ralston
38	Trevor Urquhart
39	Vicki Happ
40	Name suppressed
41	Jeremy Bright
42	Jim Bond
42a	Jim Bond
42b	Confidential
43	National Independent Specials Schools Association
44	Confidential
45	Autism Spectrum Australia
46	Name suppressed
47	Covenant Christian School
48	Name suppressed
49	Trudy Schultz
50	Confidential
51	Department of Education, Training and the Arts, Queensland Government
52	Rebecca Wheeler
53	Name suppressed
54	Confidential
55	Racquel Peapell
56	Confidential
57	Confidential
58	Confidential
59	Scott Fullerton
60	Confidential
61	Name suppressed
62	Julie Ashby
63	Confidential
64	Belair Public School

No	Author
65	Eileen Lyons
66	Confidential
67	Chris Symes
68	Isabella Hawthorne
69	Name suppressed
70	Samantha Talbot
71	Australian Association of Developmental Disability Medicine Inc.
72	Name suppressed
73	Name suppressed
74	Professor Max Coltheart
75	Peter Hood
76	Confidential
77	Confidential
78	Robyn Christofides
79	Susan Woollams
80	Name suppressed
81	Susan Barton
82	Confidential
83	Confidential
84	Name suppressed
85	Name suppressed
86	Confidential
87	Augusta Monro
88	Name suppressed
89	Heather West
90	Name suppressed
91	Name suppressed
92	Name suppressed
93	Name suppressed
94	Name suppressed
95	Macquarie University Special Education Centre
96	Confidential
97	Confidential
98	Name suppressed
99	Name suppressed

No	Author
100	Kate Richardson
101	Confidential
102	Name suppressed
103	Name suppressed
104	Name suppressed
105	Name suppressed
106	Rene Buhler
107	Caroline Dooley
108	STRIVE
109	Name suppressed
110	Name suppressed
111	Name suppressed
112	Name suppressed
113	Name suppressed
114	Helen Swinton
115	Confidential
116	Michelle McKechine
117	Kim Holt
118	Confidential
119	Name suppressed
120	Phyllis Setchell
121	Confidential
122	Name suppressed
123	Confidential
124	Katrina and Adam Ginsburg
125	Marcia Spitzkowsky
125a	Marcia Spitzkowsky
126	Attendant Care Industry Association of NSW Inc
127	Family Advocacy
128	John Boland
129	Name suppressed
130	Name suppressed
131	Name suppressed
132	Amanda Giles
133	Name suppressed

No	Author
134	Susan Pullen and Brett Bowyer
135	Kerrie Mead
136	Name suppressed
137	Name suppressed
138	Name suppressed
139	Name suppressed
140	Primary Principals' Association Muswellbrook
141	Name suppressed
142	Keith Wray
143	Name suppressed
144	Name suppressed
145	Name suppressed
146	Name suppressed
147	Name suppressed
148	Bruce Donaldson
149	Macquarie University Special Education Centre School
150	Confidential
151	Name suppressed
152	Name suppressed
153	Access Innovation Media
154	Name suppressed
155	Name suppressed
156	Name suppressed
157	Learning Difficulties Coalition of NSW
158	Name suppressed
159	Ray Cox
160	Name suppressed
161	Name suppressed
162	Name suppressed
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177	Public Service Association of NSW
178	Name suppressed
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194	Condobolin Concerned Parents of Students with Special Needs
195	Karen and Craig Crawley
196	Deaf Australia NSW
197	Name suppressed
198	Name suppressed
199	Best Buddies Australia
200	Name suppressed
201	Name suppressed
202	Angela Begas
203	Name suppressed

No	Author
204	Confidential
205	NSW Parents' Council
206	Association of Catholic Special School Services
207	Name suppressed
208	Name suppressed
209	Early Education Inc
210	Name suppressed
211	Name suppressed
212	Sydney Catholic Education Office
213	Peter Johnson
214	Name suppressed
215	Museum of Contemporary Art
216	Disability Advocacy NSW
217	Kay Barker
218	Name suppressed
219	Media Access Australia
220	Name suppressed
221	Neurofibromatosis Association of Australia
222	The Deaf Society of NSW
223	Name suppressed
224	Name suppressed
225	Jacqui Wemyss
226	Michelle Franklin
227	Confidential
228	Confidential
229	Name suppressed
230	Corinna Lueg
230a	Corinna Lueg
231	Michelle Smith
232	Name suppressed
233	Name suppressed
234	The Families in Partnership Cooperative
235	Name suppressed
236	Confidential
237	Suzanne Snook

No	Author
238	Name suppressed
239	Confidential
240	Name suppressed
241	Name suppressed
242	Name suppressed
243	Name suppressed
244	Name suppressed
245	Include Pty Ltd
246	Ann Fenton
247	Name suppressed
248	Name suppressed
249	Confidential
250	Name suppressed
251	Name suppressed
252	Susan and Nigel Newman-Lever
253	Name suppressed
254	Name suppressed
255	Australian Sign Language Interpreters Association NSW Inc
256	Rae Jones and Helen Hughes
257	Name suppressed
258	Anglicare, Diocese of Sydney
259	Public Schools Principals Forum
259a	Public Schools Principals Forum
260	Suzanne Everett
261	Northcott Disability Services
262	Name suppressed
263	Justine Acar
264	Name suppressed
265	Name suppressed
266	The Association for Children with a Disability NSW
267	Mark and Cassie Gardner
268	Annette Gleeson
269	The Inclusive Education Team, School of Teacher Education, Charles Sturt University
270	Naomi Clarke

No	Author
271	Isolated Children's Parents' Association of Australia
272	Name suppressed
273	Name suppressed
274	Muscular Dystrophy Association NSW
275	Community and Ambulatory Paediatrics Directorate
276	Laurel O'Toole
277	Mr Murray Williams
278	Fragile X Association of Australia
279	Name suppressed
280	The Children's Hospital at Westmead
281	Country Women's Association of NSW
282	Name suppressed
283	Makaton Support Group
284	Karyn Ingram
285	Confidential
286	Professional Association for Learning Support (PALS)
287	Parent Council for Deaf Education
288	Confidential
289	Down Syndrome NSW
290	Confidential
291	Rozanna Lilley
292	Brian Injury Rehabilitation Directorate and NSW Brain Injury Rehabilitation Program
293	Name suppressed
294	Brooke Butt
295	Name suppressed
296	Name suppressed
297	Kinma School
298	Confidential
299	Name suppressed
300	Ronald McDonald House Charities
301	NSW Chapter of the Australian Association of Special Education
302	Name suppressed
303	Learning Difficulties Australia
304	Name suppressed

No	Author
305	Name suppressed
306	Name suppressed
307	Name suppressed
308	TAFE NSW South Western Sydney Institute – Social Inclusion Unit
309	Name suppressed
310	Warringah Council
311	Name suppressed
312	Name suppressed
313	Kristen and Andrew Hayes
314	Name suppressed
315	Name suppressed
316	The Spastic Centre of NSW
317	Confidential
318	Natalie Hood
319	Speech Pathology Australia
320	C.H.I.L.D. Association
321	Margaret Murnane
322	Name suppressed
323	Autism & Asperger's Support Group
324	Name suppressed
325	Name suppressed
326	Name suppressed
327	Name suppressed
328	Name suppressed
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337	Name suppressed
338	Dubbo District Parent Support Group for the Hearing Impaired Inc and Dubbo Itinerant Support Teachers

No	Author
339	Name suppressed
340	Name suppressed
341	Name suppressed
342	Name suppressed
343	Name suppressed
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345	People with Disability Australia
346	Confidential
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352	Mark Ellis
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370	Royal Institute for Deaf and Blind Children
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379	Autism Aspergers Advocacy Australia
380	Name suppressed
381	Name suppressed
382	Orange and District Early Education Program
383	NSW SSP Principals' Network
384	Disability Advocacy Network
385	Name suppressed
386	Confidential
387	Macarthur Disability Network
388	Physical Disability Council of NSW
389	Confidential
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391	Name suppressed
392	Department of Education and Training, NT Government
393	Name suppressed
394	Carers NSW
395	Independent Education Union of Australia NSW/ACT Branch
396	Name suppressed
397	Loretta and Robert Heffernan
398	Name suppressed
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405	Autism Advisory and Support Service
406	Name suppressed
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No	Author
409	Department of Education and Children's Services, SA Government
410	Tina Swan
411	Name suppressed
412	Name suppressed
413	Name suppressed
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423	Association of Doctors in Development Disability
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431	Epilepsy Action Australia
432	The Royal Australasian College of Physicians, Paediatrics & Child Health Division
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438	Rudolf Steiner Schools of Australia
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441	Belinda Bridle
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443	Helen Brown
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453	Kerrie and Steven Withers
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485	Penny Dunbier
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511	Michael Rowsell

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517	Ashlee Walsh
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529	Don Gillies
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544	NSW Council for Intellectual Disability

No	Author
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549	National Disability Services NSW
550	Name suppressed
551	Name suppressed
552	Blind Citizens Australia
553	Name suppressed
554	Name suppressed
555	Vision Australia
556	Naomi Clarke
557	Early Childhood Intervention Australia (NSW Chapter) Inc
558	Name suppressed
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565	Wendy Wilkinson
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567	Kaylene Bate
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578	Tom Oxman
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632	NSW Teachers Federation
633	Name suppressed
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635	Sutherland Shire Learning Difficulties Support Group
636	Confidential
637	Name suppressed
638	Council of Catholic School Parents NSW
639	Name suppressed
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646	Name suppressed
647	Primary Principals in Campbelltown and Macarthur
648	Name suppressed
649	Name suppressed

No	Author
650	Name suppressed
651	Name suppressed
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653	Name suppressed
654	Disability Council of NSW
655	Name suppressed
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661	Name suppressed
662	Bronwyn McKee
663	Name suppressed
664	Name suppressed
665	Name suppressed
666	Name suppressed
667	Name suppressed
668	Federation of Parents and Citizens' Association of NSW
669	NSW Primary Principals' Association
670	Association of Independent Schools of NSW
671	NSW Catholic Education Commission
672	NSW Secondary Principals' Council
673	Name suppressed
674	Name suppressed
675	Department of Education, Employment and Workplace Relations
676	Name suppressed
677	Name suppressed
678	Name suppressed
679	Name suppressed
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681	Name suppressed
682	Name suppressed
683	Name suppressed
684	Name suppressed

No	Author
685	Kate Thomas
686	Name suppressed
687	Name suppressed
688	Kathryn Armitage
689	Name suppressed
690	Name suppressed
691	Faye Galbraith
692	NSW Disability Discrimination Legal Centre Inc
693	Flocken Grob
694	Gillian Stuart
695	Name suppressed
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700	Name suppressed
701	Name suppressed
702	Learning Links
703	Name suppressed
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711	Name suppressed
712	Name suppressed
713	Name suppressed
714	Name suppressed
715	NSW Government
715a	Department of Education and Training, NSW Government
716	HeartKids Australia
717	Department of Education, WA Government
718	Name suppressed

The provision of education to students with a disability or special needs

No	Author
719	Name suppressed
720	Australian Guidance and Counselling Association (AGCA) NSW Chapter
721	Marcelle Buxton
722	Multicultural Disability Advocacy Association
723	Linda Graham
723a	Linda Graham
724	Save Our Schools
725	Merilyn Carney
726	Ms Belinda Neal MP

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 22 March 2010	Ms Rosie Farnham	Teacher, Sarah Redfern Public School
Jubilee Room	Ms Melissa Harding	Teacher, Sarah Redfern Public School
Parliament House, Sydney	Ms Jodi Neidermayer	Assistant Principal, Leumeah Public School
	Ms Cheryl McBride	Chairperson, Public School Principals' Forum
	Mr Brian Chudleigh	Deputy Chairperson, Public School Principals' Forum
	Ms Toni Brown	School Counsellor, Sarah Redfern Public School
	Ms Corinna Lueg	Parent
	Ms Karyn Ingram	Parent
	Mr Mark Gardiner	Parent
	Mrs Cassandra Gardiner	Parent
	Ms Sharon Ferguson	Parent
	Mr Geoff Scott	President, NSW Primary Principals' Association
	Ms Jan Marshall	Disability Programs Reference Group Chairperson, NSW Primary Principals' Association
	Ms Liliana Mularczyk	Deputy President, NSW Secondary Principals' Council
	Ms Christine Mason	Executive member, NSW Secondary Principals' Council
	Dr Geoff Newcombe	Executive Director, Association of Independent Schools of NSW
	Ms Catherine Pinnington	Director of Professional Services, Association of Independent Schools of NSW
	Ms Robyn Yates	Director of Government Education Policy, Association of Independent Schools of NSW
	Ms Diane Giblin	President, Federation of Parents and Citizens' Association of NSW
	Ms Helen Walton	Publicity Officer, Federation of Parents and Citizens' Association of NSW
	Ms Jill Dean	President, NSW SSP Principals' Network
	Mr Ian Gallan	Management Committee Member, NSW SSP Principals' Network

Date	Name	Position and Organisation
	Ms Diana Murphy	Management Committee Member, NSW SSP Principals' Network
	Ms Anne Flint	Vice President, Management Committee, NSW SSP Principals' Network
	Mr Ian Baker	Director, Education Policies and Programmes, Catholic Education Commission NSW
	Ms Geraldine Gray	State Coordinator, Special Learning Needs, Catholic Education Commission NSW
	Mr Daniel Rankin	Senior Executive Officer, Diocese of Broken Bay
	Mr Anthony Weir	Principal, St Brendan's Catholic Primary School
Tuesday 23 March 2010	Mr Gary Zadkovich	Deputy President, NSW Teachers Federation
Jubilee Room	Mr Edward Kenny	Organiser, Special Education, NSW Teachers Federation
Parliament House, Sydney	Me Henry Rajendra	Organiser, NSW Teachers Federation
	Ms Sue Simpson	Research Officer, NSW Teachers Federation
	Ms Pam Smith	Organiser, Independent Education Union of Australia
	Ms Patricia Murnane	Learning Support Leader, Emmaus College and Independent Education Union of Australia
	Associate Professor Jennifer Stephenson	President, Australian Association of Special Education and Director, Macquarie University Special Education Centre
	Dr Checka MacLaurin	Member, NSW Chapter Committee, Australian Association of Special Education
	Mr Jim Bond	Advocate
	Professor Max Coltheart	Macquarie Centre for Cognitive Science, Macquarie University
	Mr Michael Coutts-Trotter	Director General, Department of Education and Training
	Ms Deonne Smith	General Manager, Access and Equity, Department of Education and Training
	Mr Brian Smyth King	Director, Disability Programs, Department of Education and Training
	Ms Elizabeth Gadek	Chair, National Independent Special

Date	Name	Position and Organisation
	Ms Kerrie Nelson	Schools Association Deputy Chair, National Independent Special Schools Association
	Ms Michelle Ralston	Support Class Teacher
	Ms Julie Ashby	School Principal
	Ms Kay Barker	Learning Support Coordinator
	Mr Peter Johnson	School Counsellor
Monday 10 May 2010	Mr Stephen Clarke	Chief Executive Officer, Down Syndrome NSW
Jubilee Room	Ms Jill O'Connor	Consultant, Down Syndrome NSW
Parliament House, Sydney	Conjoint Professor Greg Leigh	Chair, Renwick Centre, Royal Institute for Deaf and Blind Children
	Ms Jan North	Director, Children's Services, Royal Institute for Deaf and Blind Children
	Dr Trevor Clark	Executive Director, Aspect Education and Research, Autism Spectrum (ASPECT)
	Ms Pam Lea	Acting Assistant Director, Aspect Schools, Autism Spectrum (ASPECT)
	Ms Carol Berry	Executive Director, NSW Council for Intellectual Disability
	Ms Aine Healy	Projects Officer, NSW Council for Intellectual Disability
	Ms Heike Fabig	President, Association for Children with a Disability NSW
	Mr Christopher Campbell	General Manager, Client Services, The Spastic Centre NSW
	Dr Paul Whiting	President, Specific Learning Difficulties Association of NSW (SPELD)
	Dr Don Gillies	Executive Committee Member, Specific Learning Difficulties Association of NSW (SPELD)
	Ms Anne Crabb	Executive Officer, NSW Parents' Council
	Ms Mary Lou Carter	Executive Member, NSW Parents' Council
	Ms Karen Hickmott	Executive Member, NSW Parents' Council
	Ms Liz Forsyth	Manager, Service Development and Government Relations, Northcott Disability Services
	Ms Harriet Korner	Area Manager, Metropolitan Wide Programs, Northcott Disability Services

Date	Name	Position and Organisation
	Associate Professor Michael Arthur-Kelly	School of Education, University of Newcastle
	Ms Catherine Hogan	Director, Family Advocacy
	Ms Kim Roots	Advocacy and Leadership Development Officer, Family Advocacy
	Ms Candice Brady	Speech Pathologist, Speech Pathology Australia
	Dr Natalie Munro	Speech Pathologist, Speech Pathology Australia
	Ms Felicity Burke	Speech Pathologist, Speech Pathology Australia
	Ms Joanna Shulman	Director, NSW Disability Discrimination Legal Centre
	Ms Sharon Young	Management Committee, NSW Disability Discrimination Legal Centre
	Ms Elizabeth Meyer	Solicitor, NSW Disability Discrimination Legal Centre

Appendix 3 Tabled documents

Monday 22 March 2010

Public Hearing, Parliament House, Sydney

- 1 Opening statement, tendered by Ms Corinna Lueg
- 2 List of articles relating to special education, tendered by Mr Mark and Mrs Cassie Gardiner.

Tuesday 23 March 2010

Public Hearing, Parliament House, Sydney

- 3 Australian Education Union, Facts Brief, November 2009, tendered by Mr Gary Zadkovich, NSW Teachers Federation
- 4 A brief profile and information on Learning Support 2010, Emmaus Catholic College, Kemps Creek, tendered by Ms Patricia Murnane, Independent Education Union of Australia.

Friday 21 May 2010

Visits to schools

- 5 Confidential document tendered by Ms Rosie Farnham, Sarah Redfern Public School
- 6 Various documents relating to Sarah Redfern High School, tendered by Ms Karen Endicott, Sarah Redfern High School.

Department of Education and Training presentation

- 7 Supported Online Learning Program, powerpoint presentation, tendered by Ms Melissa Clements, Department of Education and Training
- 8 Functional Assessment tool, powerpoint presentation (partially confidential), tendered by Mr Brian Smyth King, Department of Education and Training
- 9 Confidential document tendered by Mr Brian Smyth King, Department of Education and Training.

Appendix 4 Site visit report – Friday 21 May 2010

Committee Members undertook site visits to three schools on Friday 21 May 2010: Sarah Redfern Public School, Sarah Redfern High School and Holroyd School for Specific Purposes.

Sarah Redfern Public School

Sarah Redfern Public School is an educational facility that has a shared campus with Sarah Redfern High School, Passfield Park School and Minto Community Library. It has pre-school to year 6 class groupings and a special education unit catering for students with moderate and mild intellectual disabilities and students with identified language delays.

It has a current school population of 392 students of whom 50 students are enrolled in the Support Unit. The school has integration funding in 2010 for 13 students.

Ms Cheryl McBride, former long term principal of the school, and Ms Rosie Farnham, Relieving Assistant Principal, escorted the Committee around the school to view the following classes and interact with students:

- A mainstream kindergarten/year 1 class, which had 15 students, one teacher and one teacher's aide. This class had five students that were funded by the Department of Education and Training (DET) for a confirmed disability and others were awaiting funding.
- A language class, which had a total of eight students (one was absent) and one teacher. Students attending this class come from other schools in the region and stay for a maximum of two years for intensive language teaching (and also learn other subjects in this class) then return to their own school. A NSW Health speech pathologist also attends the class once a week. It was noted that children with autism are often placed in language classes.
- An IO class for ten moderate intellectually disabled students, covering years 1 – 5 most of whom had other disabilities. There was a teacher and teacher's aide present in the class.

Sarah Redfern High School

The current school population is 467 students of whom 62 students are in the Support Unit. Nine of the students in the Support Unit have a moderate intellectual disability. The school has received integration funding in 2010 for eleven students.

The Committee shared morning tea, prepared by the students, with staff and students of the High School. Ms Karen Endicott, Principal, and Mr Paul Gavin, Deputy Principal, along with the school captains, escorted the Committee around the school to view the Support Unit at the school (four classes, including three IM, mild intellectual disability classes, and one IO, moderate intellectual disability class).

The Committee was briefed on the role of the school's learning support team in using the resources available to meet the needs of students in the Support Unit and the online training for the School Learning Support Program was also discussed.

Holroyd School

Holroyd School is the largest School for Specific Purposes in NSW and Australia. It is a K-12 school with 30 classes providing education for 188 students with intellectual disabilities. A team of 75 supports the students. Seventy-five percent of students have a severe intellectual disability (144 students); 25% have a moderate intellectual disability (44 students). Many of these students have additional disabilities including autism (43%), physical disabilities, complex health conditions and sensory impairments. All students attending Holroyd School require high levels of staffing and specialised facilities and resources to support their learning, personal care and safety needs.

The Committee was briefed by the Principal, Ms Anne Flint, Mr Noel Gover, R/Deputy Principal (Middle/Senior School), Mr Peter Skinner, Assistant Principal (Junior School) and Mr Murat Dizdar, School Education Director, Granville.

The Committee visited the following classes/playgrounds:

- Playground for middle and senior students of the schools. The Committee met and observed students and talked with staff. The Committee then observed the end of lunch assembly and return to classrooms. The Committee was shown three demountable classrooms being used to accommodate three new classes from the beginning of the year due to an increase in numbers.
- Early stage 1 class: Kindergarten/year 1 class with moderate/severe intellectual disabilities. Total of seven students (two were absent). The Committee observed a class lesson using a “Smart board”. There was a teacher and teacher’s aide present.
- Early stage 1 class: Kindergarten class of students with severe intellectual disabilities, physical disabilities and health conditions. Six students were present with a teacher and teacher’s aide. Committee again observed the use of a “Smart board”.

The school staff raised a number of issues that were discussed with the Committee including access to curriculum by students, staffing levels and the special education teaching cadet program.

The Committee was also advised of *Trails Incorporated*, a charity supporting the school, which provides transport to assist the school to participate in community learning activities and significant funding for projects including capital works, staffing support, professional learning and other school related requests.

Appendix 5 NSW Department of Education and Training: Disability Criteria

Language

Students must have an assessed receptive or expressive language disorder which is documented within a current speech pathologist's report (in general, the report should be less than 12 months old). The report must include the results of at least one relevant standardised language test that allows for the reporting of both receptive and expressive language skills. At least one of the scales (either receptive or expressive) must indicate a standard score of 70 (second percentile) or less. The report must indicate that the disorder significantly affects communication and diminishes the capacity to achieve academically. There must also be documented evidence of the development and delivery of an intensive learning program assisted by a support teacher, or relevant specialist in the prior-to-school setting in the case of a student entering kindergarten. Difficulties in communication and academic achievement must be the direct result of the disorder.

Physical Disability

The student must have a current physical condition involving the motor system that significantly limits the student's level of functioning and independence in mobility, personal care, and/or ability to physically undertake essential learning tasks. A report is required from a specialist medical practitioner, which details the nature of the condition. The educational impact of the condition must not be due to absences from school.

To meet the criteria for severe physical disability there must also be evidence that the student is highly dependent on others for mobility and personal care and requires an augmentative or alternative communication system or constant supervision to avert harm.

Intellectual Disability

To meet criteria for mild intellectual disability, students must have a full-scale IQ score of approximately two to three standard deviations below the mean on an approved individual test of intelligence. There must be information on the assessment of adaptive skills and school performance (where applicable) consistent with, or below this range of scores.

To meet criteria for moderate intellectual disability, students must have a full-scale IQ score of approximately three to four standard deviations below the mean on an approved individual test of intelligence. There must be information on the assessment of adaptive skills and school performance (where applicable) consistent with, or below this range of scores.

To meet criteria for severe intellectual disability students must have a full-scale IQ score of approximately four standard deviations or more below the mean on an approved individual test of intelligence. There must be information on the assessment of adaptive skills and school performance (where applicable) consistent with, or below this range of scores.

Hearing Impairment

Students must have a current audiogram and report from *Australian Hearing* which indicates a sensori-neural or permanent conductive hearing loss of 30 decibels or more in both ears. A report is required from the AP/ET Hearing which outlines an assessment of the student's communication and auditory skills, and describes the educational impact of the student's hearing impairment.

Vision Impairment

Students must have a current diagnosed vision impairment, which details a permanent vision loss that is 6/24 or less in the better eye corrected, or less than 20 degrees field of vision. A report is required from the AP/ET Vision which indicates that the student requires additional support to access the curriculum in alternative formats or with significant modification of materials. There must also be information on the student's ability to access the physical environment and daily living, orientation, mobility and social skills.

Deaf/Blind

Students must have a vision and hearing impairment, both at levels that severely impact on their ability to learn, and which result in unique educational needs. In particular, these students will require an alternative means of communication (generally a tactile system) and/or highly specialised technology to facilitate their communication.

There must also be evidence that the combined impact of the dual sensory impairment requires an intensive educational provision beyond that provided for students solely with hearing or vision impairment, or severe intellectual disability.

Identification of a student as deaf/blind, for the purpose of specialist provision of educational services, will be undertaken by a team comprising a Co-ordinator Student Counselling and Welfare and a Co-ordinator Special Education, a senior officer from State office with expertise in the area of sensory impairment, and a staff member from Seven Hills School, for Sensory Education (nominated by the principal).

Mental Health Problems

Students must exhibit behaviour(s) that is characteristic of mental health problems at a level of frequency, duration and intensity that seriously affects their educational functioning and emotional well-being. The behaviour(s) must be evident in the home, school and community environments. Students must have a current report from a specialist medical practitioner or registered psychologist with appropriate clinical experience which details the nature of the behaviour(s). There must also be documented evidence of ongoing individual intervention by a mental health practitioner or school counsellor. The school must also provide documentation and evaluation of strategies used to address the student's needs within the school setting.

Autism

Students with autism must have a current report from a specialist medical practitioner or registered psychologist with appropriate clinical experience. The report must detail the nature of the student's disorder. Documented evidence must indicate a developmental disability affecting verbal and non-verbal communication and social interaction, that significantly affects the child's ability to learn. There must be information of a functional assessment consistent with the student's disorder.

General Notes

Where there is evidence that a student has a significant disorder or malfunction that is not adequately described by one or more of the above criteria and the condition is impacting greatly on educational outcomes, the Coordinator Student Counselling and Welfare together with the Coordinator Special Education will consider all available documentation and make a determination on a case by case basis.

When considering support class placement for students with more than one disability, it is important to ensure that the disability having the most significant impact on educational outcomes is addressed and any other disability supported in an appropriate manner.

* Department of Education and Training, *Disability Criteria (school sector)*, May 2003, accessed on 19 May 2010, <www.schools.nsw.edu.au/media/downloads/schoolsweb/studentsupport/programs/disabilityprgrms/disabcriteria.doc>

Appendix 6 Overview of the responsibilities of the school learning support team

The School Learning Support Team contributes to the provision of quality teaching and learning for all students:

<p>Addresses key areas:</p> <ul style="list-style-type: none"> • teaching and learning • school organisation • training and development • curriculum • student support and development • parent and community participation 	<p>Considers:</p> <ul style="list-style-type: none"> • implications for school wide planning • coordination of support resources within and outside the school • development of strategies for program planning, implementation, monitoring and evaluation • parent involvement • collaborative approaches to development of programs and support mechanisms for students who need additional support
<p>Coordinates planning for students who need additional support to implement the support cycle including:</p> <ul style="list-style-type: none"> • appraisal of achievements, goals and needs • access to services • program planning, implementation and evaluation • reappraisal of progress towards planned educational outcomes. 	<p>Addresses key focus areas:</p> <ul style="list-style-type: none"> • literacy • numeracy • aboriginal education • NESB • gender equity • student welfare • statewide initiatives and priorities

Source: NSW DET Liverpool/Ingleburn Schools STLA Training Package (2005)

* Submission 715, NSW Government, Appendix 8, p 113

Appendix 7 Proposed School Learning Support Program

According to the consultation presentation on the model, there are six key messages explaining the proposed School Learning Support Program:

Key message 1

More support teachers will be available in schools to help students with additional learning needs and their class teacher. These will be known as School Learning Support Teachers.

- There are currently 1,378 Support Teacher Learning Assistance (STLA) positions allocated to schools for a 3 year period as part of the LAP. These positions include:
 - Support Teacher Learning Assistance
 - Support Teacher Learning Assistance (Reading and Language)
 - Early School Support Teacher
 - Assistant Principal Learning Assistance and Behaviour
 - Support Teacher Behaviour
 - Support Teacher – Integrated Intellectual Mild
 - Itinerant Support Teacher Integration
 - Outreach Teacher (Autism, ED, Special Education)
 - School Learning Support Coordinator
- Under the SLSP proposal, these positions will be merged into a single support teacher role resulting in 1,910 School Learning Support Teacher (SLST) positions which will be allocated to schools for a 3 year period as part of the SLSP.
- The SLSP does not include the following positions and these will continue to provide support for schools under current guidelines:
 - Itinerant Support Teacher (Early Intervention)
 - Itinerant Support Teacher Hearing
 - Itinerant Support Teacher Vision
 - Support Teachers Transition
- There are currently 40 Assistant Principals Learning Assistance and 56 Assistant Principals Behaviour allocated to different regions.
- Under the SLSP proposal, the current allocation of executive to each region will be retained and the executive position will be aligned to the Assistant Principal classification, which will now have an emphasis on providing support to schools within the region.

Key message 2

The proposed new model will build upon the strengths of the LAP and SLSC initiative to provide more specialist support in schools.

Key message 3

Schools will not need to complete referrals or seek a disability confirmation for many students, so that class teachers can get the help they need.

- Schools are currently required to complete referrals and wait to receive assistance from itinerant programs. Under the SLSP proposal, SLSTs will be immediately available to assist students with additional learning needs and their class teachers.
- Schools are currently required to complete paperwork to receive funding for students with Autism and mental health disorders with lower level support need (that is, students who attract less than \$6,000 in funding under the IFSP). Under the SLSP proposal, funding will be available in schools to meet the additional learning needs of these students. School learning support teams will complete less paperwork for many students.

Key message 4

An equitable allocation process will be used across NSW to ensure that all regular schools have a SLST and funding to support students with additional learning needs. This process will provide a base allocation to all schools and a further allocation that takes account of the learning needs of students in each school.

- STLA positions are currently allocated to regions by state office and allocated to schools by a regional/local committee. Under the SLSP proposal, schools will have a notional allocation of positions and funds and increased flexibility on how these will be used to provide improved support within their school and across schools.
- Currently, the STLA allocation in primary schools is moderate so that school group does not lose or gain more than 10% of its past allocation. Under the SLSP proposal, there will be no moderation – each school will attract its actual allocation.
- Base allocation + Student Learning Need Index (SLNI) = Notional School Allocation
- 3 funding components for students with lower level support needs:
 - Component 1 – LAP (\$7.6 million will be allocated from the LAP using the SLNI)
 - Component 2 – Mental Health Disorders (\$14.7 million will be allocated from the IFSP using the SLNI)
 - Component 3 – Autism (\$12 million will be allocated from the IFSP using the prevalence of Autism across the population, ie. 1:100)
- Currently, \$26.7 million is allocated to schools following disability confirmation and paperwork for students with Autism and mental health disorders. These students receive less than \$6,000 under the IFSP. Under the SLSP proposal, this \$26.7 million will be allocated directly to schools to support students with Autism and mental health disorders without an application process or the need for a disability confirmation.
- The proposed SLSP will provide a total of \$34.3 million in funding to schools, comprised of the 3 above components.
- Under a separate funding arrangement through the IFSP, \$60 million will be retained to support students with more complex needs, such as sensory impairment, physical disabilities, significant intellectual disability and complex high support needs who currently received more than \$6,000 funding.

- There will be no change to a school's ability to use funding to purchase additional teacher time or to employ SLSOs (formerly teacher's aides).

Key message 5

Principals together with their School Learning Support Team teachers will have increased flexibility to make decisions about how positions and funding will be used to support the learning needs of students.

Key message 6

SLSTs will be supported by access to extensive and ongoing professional learning.

- Currently, many teachers appointed to support teacher positions do not have specialist qualifications. Under the SLSO proposal, extensive and ongoing professional learning will be available including 110 hours of online training to SLSTs to equip them to better support students with additional learning needs.

* Department of Education and Training, School Learning Support Program: Consultation proposal on the model, accessed on 28 April 2010, <<http://www.schools.nsw.edu.au/studentsupport/programs/disability.php>>

Appendix 8 Minutes

Minutes No. 60

Wednesday 25 November 2009

General Purpose Standing Committee No. 2

Members' Lounge, Parliament House, Sydney, at 1.05 pm

1. Members present

Ms Robyn Parker (*Chair*)

Ms Christine Robertson (*Deputy Chair*)

Mr Tony Catanzariti

Mr Greg Donnelly

Ms Marie Ficarra

Dr John Kaye (Rhiannon)

Revd Dr Gordon Moyes

2. Substitute members

The Chair noted that she had received written advice from Ms Rhiannon that Dr Kaye would be substituting for her for the duration of the proposed Inquiry into the provision of education to students with a disability or special needs.

3. Draft Minutes

Resolved, on the motion of Mr Catanzariti: That Draft Minutes No. 59 be confirmed.

4. Correspondence

The Committee noted the following item of correspondence received:

- 20 November 2009 – From Dr Moyes, Ms Parker and Ms Rhiannon, requesting a meeting of the Committee to consider establishing a new inquiry into the provision of education to students with a disability or special needs.

The Committee noted the following items of correspondence sent:

- ***
- ***

5. ***

6. Consideration of proposed self-reference – Provision of education to students with a disability or special needs

Ms Ficarra moved: That the Committee proceed with the proposed Inquiry into the provision of education to students with a disability or special needs.

The Committee divided.

Ayes: Ms Ficarra, Dr Kaye, Revd Dr Moyes, Ms Parker

Noes: Mr Catanzariti, Mr Donnelly, Ms Robertson.

Question resolved in the affirmative.

Resolved, on the motion of Ms Ficarra: That the proposed terms of reference be amended in the initial paragraph by inserting after 'with a disability or special needs' the words 'attending primary or secondary schools.'

Ms Ficarra moved: That the Committee adopt the following terms of reference, as amended:

That General Purpose Standing Committee No. 2 inquire into and report on the provision of education to students with a disability or special needs attending primary or secondary schools, with a particular focus on what can be learned from International and Federal approaches, and approaches in other States and Territories, including:

1. The nature, level and adequacy of funding for the education of children with a disability
2. Best practice approaches in determining the allocation of funding to children with a disability, particularly whether allocation should be focused on a student's functioning capacity rather than their disability
3. The level and adequacy of current special education places within the education system
4. The adequacy of integrated support services for children with a disability in mainstream settings, such as school classrooms
5. The provision of a suitable curriculum for intellectually disabled and conduct disordered students
6. Student and family access to professional support and services, such as speech therapy, occupational therapy, physiotherapy and school counsellors
7. The provision of adequate teaching training, both in terms of pre-service and ongoing professional training
8. Any other related matters.

The Committee divided.

Ayes: Ms Ficarra, Dr Kaye, Revd Dr Moyes, Ms Parker
 Noes: Mr Catanzariti, Mr Donnelly, Ms Robertson.

Question resolved in the affirmative.

Resolved, on the motion of Ms Ficarra: That the closing date for submissions be Friday 19 February 2010.

Resolved, on the motion of Ms Robertson: That the following actions be undertaken in relation to the establishment of the Inquiry:

- Advertisements calling for submissions to be placed in the *Sydney Morning Herald* and *Daily Telegraph* as soon as practicable.
- A list of stakeholders to be invited to make submissions to be prepared by the Committee Secretariat and circulated to the Committee. Suggestions for additional stakeholders should be submitted by 5pm Monday 30 November 2009, and the revised list will be circulated to the Committee for comment.
- Two hearings to be held, preferably in the week of 22-26 March 2010, with the dates to be determined in consultation with Committee members.
- Selection of witnesses to be left in the hands of the Chair, in consultation with Committee members.

7. Adjournment

The Committee adjourned at 1.20 pm *sine die*.

Madeleine Foley
Clerk to the Committee

Minutes No. 62

Thursday 11 February 2010
 General Purpose Standing Committee No. 2
 Room 814/815, Parliament House, Sydney, at 9.25 am

1. Members present

Ms Robyn Parker (*Chair*)
 Ms Christine Robertson (*Deputy Chair*)
 Mr Tony Catanzariti
 Mr Greg Donnelly
 Ms Marie Ficarra
 Revd Dr Gordon Moyes
 Ms Lee Rhiannon

2. Draft Minutes

Resolved, on the motion of Mr Donnelly: That Draft Minutes No. 61 be confirmed.

The provision of education to students with a disability or special needs

3. Correspondence

The Committee noted the following item of correspondence received:

- 4 February 2010 – Letter from Mr Michael Coutts-Trotter, Director General, Department of Education and Training, to the Chair requesting a further extension for the NSW Government submission to the inquiry into the provision of education to students with a disability or special needs.
- ***

The Committee noted the following items of correspondence sent:

- ***
- 8 February 2010 – Letter from Chair to Mr Michael Coutts-Trotter, Director General, Department of Education and Training, regarding request for further extension for the NSW Government submission to the inquiry into the provision of education to students with a disability or special needs and requesting the submission be provided to the Committee by the morning of 17 March 2010.

4. ***

5. Next meeting

Tuesday 23 February (Deliberative meeting to discuss the Disability Education inquiry)

6. Adjournment

The Committee adjourned at 3.40 pm.

Beverly Duffy
Clerk to the Committee

Minutes No. 63

Tuesday 23 February 2010

General Purpose Standing Committee No. 2

Members Lounge, Parliament House, Sydney, at 2.15 pm

1. Members present

Ms Robyn Parker (*Chair*)
Ms Christine Robertson (*Deputy Chair*)
Mr Greg Donnelly
Ms Marie Ficarra
Revd Dr Gordon Moyes
Dr John Kaye (Rhiannon)

2. Draft Minutes

Resolved, on the motion of Revd Moyes: That Draft Minutes No. 62 be confirmed.

3. ***

4. ***

5. Inquiry into the provision of education to students with a disability or special needs

5.1 Correspondence

The Committee noted the following item of correspondence received:

- 15 February 2010 – Email from Vision Australia, requesting extension of time to put in a submission and consideration of being a witness at the public hearings.

The Committee noted that the secretariat had received a significant number of requests for submission extensions.

Resolved, on the motion of Dr Kaye: That the submission closing date be extended to Friday 26 February and that the Committee's website be updated to reflect this change.

5.2 Publication of submissions

Resolved, on the motion of Dr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of submission no's 4, 5, 7, 10, 12, 13, 16, 18-24, 26, 27, 28, 30, 34 (with attachment 1 with school name omitted), 38, 39, 41, 42, 43, 45, 47, 49, 51, 52, 55, 59, 64, 65, 67, 68, 70, 71, 74, 75, 78, 81, 87, 89, 95, 100.

Resolved, on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the partial publication of submissions no's 1, 6, 8, 9, 15, 31, 33, 37 (including attachment with school name omitted), 40, 46, 48, 53, 62, 72, 73, 80, 88, 90, 91, 92, 94, 99, 102 at the request of the authors.

Resolved, on the motion of Revd Moyes: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee keep the following submissions fully confidential no's 2, 3, 11, 14, 17, 29, 32, 36, 44, 50, 54, 56, 57, 58, 60, 63, 66, 76, 77, 82, 83, 86, 96, 97, 101 at the request of the authors.

5.3 Proposed witness list

The Chair circulated the draft notices of hearings and an additional witness list.

Resolved, on the motion of Dr Kaye: That the Committee invite the following teachers to appear as witnesses and give an audio-visual presentation at the public hearing on 22 March 2010:

- Ms Rosie Farnham and Ms Melissa Harding from Sarah Redfern Public School and Ms Jodi Niedermayer, Assistant Principal at Leumeah Public School.

Resolved, on the motion of Dr Kaye: That an additional hearing day be organised with dates to be canvassed with members.

Resolved, on the motion of Ms Robertson: That the Committee invite the organisations and people identified in the draft notices of hearings and the additional witness list to provide evidence at the Committee's public hearings.

Resolved, on the motion of Mr Donnelly: That the notices of hearings, including the witnesses for the additional day, be circulated to members, and that members advise the secretariat of any additional witnesses as soon as practical.

6. Adjournment

The Committee adjourned at 2.30 pm.

Beverly Duffy

Clerk to the Committee

Minutes No. 64

Wednesday 10 March 2010

General Purpose Standing Committee No. 2

Members Lounge, Parliament House, Sydney, at 1.05 pm

1. Members present

Ms Robyn Parker (*Chair*)

Ms Christine Robertson (*Deputy Chair*)

Mr Tony Catanzariti

Mr Greg Donnelly

Ms Marie Ficarra

Revd Dr Gordon Moyes

Dr John Kaye (Rhiannon)

2. Draft Minutes

Resolved, on the motion of Revd Moyes: That Draft Minutes No. 63 be confirmed.

3. ***

4. ***

5. **Inquiry into the provision of education to students with a disability or special needs**

5.1 Publication of submissions

Resolved on the motion of Ms Ficarra: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of submission no's 25, 35, 79, 106, 107, 108, 114, 116, 117, 124, 125, 126, 127, 128, 134, 135, 140, 142, 148, 149, 153, 157, 159, 177, 194, 195, 196, 199, 202, 205, 206, 208, 209, 212, 215, 216, 219, 221, 222, 225, 226, 230, 234, 237, 245, 246, 255, 256, 258, 260, 261, 263, 266, 268, 269, 270, 271, 274, 275, 276, 277, 278, 280, 281, 283, 284, 286, 287, 289, 291, 292, 294, 297, 300, 301, 303, 308, 310, 313, 316, 318-320, 323, 338, 345, 352, 370, 379, 382-384, 387, 388, 392, 394, 395, 397, 405, 409, 410, 423, 431, 432, 441, 443, 453, 485, 511, 517, 527, 529, 544, 552, 555, 557, 632, 635, 638, 647, 654, 668, 669, 670, 671, 672.

Resolved on the motion of Dr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the partial publication of submissions no's 61, 84, 84a, 85, 93, 98, 104, 105, 112, 113, 119, 120, 122, 136, 137, 138, 139, 151, 152, 160, 162, 210, 231, 233, 240, 241, 248, 253, 257, 259, 265, 267, 273, 282, 293, 304, 305, 309, 315, 326, 356, 359, 361, 364, 371, 373, 374 (including attachment), 381, 393, 398, 408, 501, 518, 613.

Resolved on the motion of Mr Donnelly: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the partial publication of submissions no's 69, 103, 109, 110, 111, 129, 130, 131, 132, 133, 141, 143, 144, 145, 146, 147, 155, 156, 161, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 197, 198, 200, 201, 203, 207, 211, 213, 214, 217, 218, 223, 224, 229, 232, 235, 238, 244, 247, 251, 254, 262, 264, 272, 279, 295, 296, 299, 302, 306, 307, 311, 312, 314, 322, 324, 327-337, 339-344, 347-351, 353-355, 357, 358, 360, 362, 363, 365-369, 375-378, 380, 385, 390, 391, 396, 399, 400, 401-404, 406, 407, 411, 412, 413, 414-417, 422, 424-430, 433-438, 440, 442, 444-452, 454, 455, 456, 458-470, 470a, 471, 473, 474-477, 479, 480-484, 486-489, 491-493, 495-498, 502-510, 512-514, 520-524, 524a, 525, 528, 530, 531, 534-542, 545, 547, 550, 551, 553, 554, 558, 560-564, 566, 568-577, 579-590, 591-600, 602, 603, 605-612, 614-629, 631, 633, 634, 637, 639-646, 648-653, 655.

Resolved on the motion of Mr Catanzariti: That the Committee omit the name of the senior officer of the Department of Education and Training from submission 444.

Resolved on the motion of Dr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee keep the following submissions fully confidential no's 115, 118, 121, 123, 150, 204, 227, 228, 236, 239, 249, 285, 288, 290, 298, 317, 346, 386, 389, 420, 421, 439, 494, 519, 532, 533, 546, 548, 559, 601, 630, 636 at the request of the authors.

5.2 Use of Auslan interpreters for public hearings

Resolved, on the motion of Revd Moyes: That:

- an Auslan interpreter be provided by the Committee for sessions in the public hearing in which members of the deaf community are presenting
- members of the audience are welcome to bring their own interpreters and be advised that written transcripts of the hearing are available within 24 hours.

5.3 Site visits

Resolved, on the motion of Dr Kaye: That the Committee conduct a half day visit the following schools:

- Holroyd School for Specific Purposes
- Sarah Redfern Public and High School.

Further; That if the above schools are unable to accommodate the Committee visits that the secretariat and Chair ascertain other suitable schools to visit, in consultation with members.

6. Adjournment

The Committee adjourned at 1.36 pm.

Beverly Duffy
Clerk to the Committee

Minutes No. 65

Monday 22 March 2010
 General Purpose Standing Committee No. 2
 Jubilee Room, Parliament House, Sydney, at 9:15 am

1. **Members present**

Ms Robyn Parker (*Chair*)
 Ms Christine Robertson (*Deputy Chair*)
 Mr Tony Catanzariti
 Mr Shaoquett Moselmane
 Ms Marie Ficarra
 Revd Dr Gordon Moyes
 Dr John Kaye (Rhiannon)

2. **Draft Minutes**

Resolved, on the motion of Mr Kaye: That Draft Minutes No. 64 be confirmed.

3. **Welcome Mr Shaoquett Moselmane**

The Chair welcomed Mr Shaoquett to the Committee.

4. **Correspondence**

The Committee noted the following items of correspondence received:

- ***
- 13 March 2010 – Letter from Ms Belinda Epstein-Frisch, Family Advocacy, regarding the witnesses being invited to the Disability education hearings.
- 15 March 2010 – Email from Ms Carole Berry, Executive Director, NSW Council for Intellectual Disability regarding the witnesses being invited to the Disability education hearings.

The Committee noted the following item of correspondence sent:

- ***

5. **Inquiry into the provision of education to students with a disability or special needs**

5.1 **Publication of submissions**

Resolved on the motion of Revd Moyes: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of submission no's 252, 321, 499, 556, 565, 567, 578, 675, 685 (including attachment), 688, 691-693, 702, 715 (NSW Government submission).

Resolved on the motion of Ms Ficarra: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the partial publication of submissions no's. 250, 325, 372, 543, 699, 711.

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the partial publication of submissions no's 220, 242-243, 656-661, 663-667, 673-674, 676-684, 686-687, 689-690, 695-696, 698, 700-701, 703-707, 709-710, 712-714.

Resolved on the motion of Mr Catanzariti: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee keep submission 526 fully confidential at the request of the author.

The provision of education to students with a disability or special needs

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee keep the following submissions partially confidential no's 208 and 207 at the request of the authors.

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of submission no's 132 and 163.

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee keep the following submissions partially confidential but publish the authors' name on submission no's 15, 267, 62, 37, 217, 213.

5.2 Teachers appearing at public hearing on 23 March

Resolved on the motion of Mr Kaye: That, for the teachers appearing at the public hearing at 3.45pm on 23 March 2010, the Committee not identify the names of the schools from which they are based.

5.3 Filming of the hearing on 22 March

The Committee noted that Mr Greg Kelly will be recording the first half of the hearing on 22 March in order to generate footage for training purposes for LC staff and others.

5.4 Answers to questions on notice

Resolved on the motion of Ms Ficarra: That answers to questions taken on notice during the hearing, and questions on notice following the hearing, be provided within 14 days.

5.5 Public hearing: Inquiry into the provision of education to students with a disability or special needs

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and examined:

- Ms Rosie Farnham, Teacher, Sarah Redfern Public School
- Ms Melissa Harding, Teacher, Sarah Redfern Public School
- Ms Jodi Niedermayer, Assistant Principal, Leumeah Public School

The witnesses conducted a presentation before the Committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Cheryl McBride, Chairperson, Public Schools Principals Forum
- Mr Brian Chudleigh, Deputy Chairperson, Public Schools Principals Forum
- Ms Toni Brown, School Counsellor, Sarah Redfern Public School

Resolved, on the motion of Ms Robertson: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of a supplementary submission from the Public Schools Principals Forum.

The witnesses concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Corinna Lueg, Parent
- Ms Karyn Ingram, Parent
- Mr Mark Gardner, Parent
- Mrs Cassandra Gardner, Parent
- Ms Sharon Ferguson, Parent

Ms Corinna Lueg tendered the following document:

- Opening statement

Mr Mark and Mrs Cassandra Gardner tendered the following document:

- List of articles relating to special education.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Geoff Scott, President, NSW Primary Principals' Association
- Ms Jan Marshall, Disability Programs Reference Group Chairperson, NSW Primary Principals' Association
- Ms Lila Mularczyk, Deputy President, NSW Secondary Principals' Council
- Ms Christine Mason, Executive member, NSW Secondary Principals' Council

The witnesses concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Dr Geoff Newcombe, Executive Director, Association of Independent Schools of NSW
- Ms Catherine Pinnington, Director of Professional Services, Association of Independent Schools of NSW
- Ms Robyn Yates, Director of Government Education Policy, Association of Independent Schools of NSW

The witnesses concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Diane Giblin, President, Federation of Parents and Citizens' Association of NSW
- Ms Helen Walton, Publicity Officer, Federation of Parents and Citizens' Association of NSW

The witnesses concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Jill Dean, President, NSW SSP Principals' Network
- Ms Ian Gallan, Management Committee member, NSW SSP Principals' Network
- Ms Diana Murphy, Management Committee member, NSW SSP Principals' Network
- Ms Anne Flint, Principal, Holroyd School, NSW SSP Principals' Network

The witnesses concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Ian Baker, Director, Education Policies and Programmes, Catholic Education Commission NSW
- Ms Geraldine Gerry, State Coordinator, Special Learning Needs, Catholic Education Commission NSW
- Mr Daniel Rankin, Senior Education Officer, Catholic Education Commission NSW
- Mr Anthony Weir, Principal, Catholic Education Commission NSW

The witnesses concluded and the witnesses withdrew.

The public hearing concluded at 5.20 pm. The public and media withdrew.

Resolved, on the motion of Ms Robertson: That the surname of a student referred to in evidence be omitted from today's transcript of evidence.

Resolved, on the motion of Dr Kaye: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of the opening statement tendered by Ms Corinna Lueg.

6. Adjournment

The Committee adjourned at 5.25 pm until 9.15am, 23 March 2010.

Beverly Duffy
Clerk to the Committee

Minutes No. 66

Tuesday 23 March 2010
General Purpose Standing Committee No. 2
Jubilee Room, Parliament House, Sydney, at 9:15 am

1. Members present

Ms Robyn Parker (*Chair*)
Ms Christine Robertson (*Deputy Chair*)
Mr Tony Catanzariti
Mr Shaoquett Moselmane
Ms Marie Ficarra
Revd Dr Gordon Moyes
Dr John Kaye (Rhiannon)

2. Public hearing: Inquiry into the provision of education to students with a disability or special needs

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses from the NSW Teachers Federation were sworn and examined:

- Mr Gary Zadkovich, Deputy President
- Mr Ted Kenny, Organiser – Special Education
- Mr Henry Rajendra, Organiser
- Ms Sue Simpson, Research Officer.

Mr Gary Zadkovich tendered the following document:

- Australian Education Union, Facts Brief, November 2009.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Independent Education Union of Australia were sworn and examined:

- Ms Pam Smith, Organiser
- Ms Patricia Murnane, Learning Support Leader

Ms Patricia Murnane tabled the following document:

- A brief profile and information on Learning Support 2010, Emmaus Catholic College, Kemps Creek.

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

3. Deliberative meeting

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee partially publish submission 42a, subject to the omission of the name of parents in the first letter, and the letters of 13 and 19 July 2004.

4. Public hearing: Inquiry into the provision of education to students with a disability or special needs – continued

Witnesses, the public and the media were re-admitted.

The following witnesses were sworn and examined:

- Associate Professor Jennifer Stephenson, Director, Macquarie University Special Education Centre
- Dr Checka MacLaurin, NSW Chapter Committee, Australian Association of Special Education

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Jim Bond, Advocate
- Professor Max Coltheart, Macquarie Centre for Cognitive Science, Macquarie University

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

5. Deliberative meeting

5.1 Draft Minutes

Resolved, on the motion of Revd Moyes: That Draft Minutes No. 65 be confirmed.

5.2 ***

5.3 ***

6. Public Hearing: Inquiry into the provision of education to students with a disability or special needs - continued

Witnesses, the public and the media were re-admitted.

The following witnesses from the Department of Education and Training were sworn and examined:

- Mr Michael Coutts-Trotter, Director General
- Ms Deonne Smith, General Manager, Access and Equity,
- Mr Brian Smyth King, Director, Disability Programs.

Dr John Kaye tendered the following document:

- Correspondence from the Department of Education and Training to a parent of a child with a disability.

The evidence concluded and the witnesses withdrew.

The following witnesses from the National Independent Special Schools Association were sworn and examined:

- Ms Elizabeth Gadek, Chair,
- Ms Kerrie Nelson, Deputy Chair.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Michelle Ralston, Support Class Teacher
- Ms Julie Ashby, Principal
- Ms Kay Barker, Learning Support Coordinator
- Mr Peter Johnston, School Counsellor

The evidence concluded and the witnesses withdrew.

The public hearing concluded at 4:45 pm. The public and media withdrew.

The provision of education to students with a disability or special needs

7. Deliberative meeting

Resolved on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee publish submission 37a.

Resolved on the motion of Dr Kaye: That, Committee members provide additional questions on notice to the secretariat by 5pm, Thursday 25 March 2010.

Resolved on the motion of Dr Kaye:

- That the Committee accept an invitation from the Department of Education and Training to attend a presentation on the online training system for the School Learning Support Program and new disability assessment tool.
- That the presentation takes place in the afternoon following the site visits to schools.

8. Adjournment

The Committee adjourned at 4:50 pm, until 10 May 2010.

Beverly Duffy
Clerk to the Committee

Minutes No. 67

Friday 23 April 2010

General Purpose Standing Committee No. 2

Room 1102, Parliament House, Sydney, at 10:00 am

1. Members present

Ms Robyn Parker (*Chair*)
Ms Christine Robertson (*Deputy Chair*)
Ms Kayee Griffin (Catanzariti)
Mr Shaoquett Moselmane
Ms Marie Ficarra
Revd Dr Gordon Moyes
Ms Lee Rhiannon

2. Substitution

Ms Griffin for Mr Catanzariti.

3. Draft Minutes

Resolved, on the motion of Ms Robertson: That Draft Minutes No. 66 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence sent:

Disability Education Inquiry:

- 30 March 2010 – Letter from Chair to Dr John Kaye in response to his request for the Autism Advisory Support Service to be invited to appear at the public hearing on 10 May 2010.
- 30 March 2010 – Letter from Chair to the Minister for Education, the Hon Verity Firth MP, advising of the Committee's proposed site visits to three schools and the presentation by the Department of Education and Training on 21 May 2010.
- 1 April 2010 – Letter from Chair to Mr Michael Coutts-Trotter, Director-General, Department of Education and Training, in response to his request for an extension to provide answers to questions on notice.

The Committee noted the following items of correspondence received:

Inquiry into the provision of education to students with a disability or special needs:

- 24 March 2010 – Letter from Dr John Kaye to Chair requesting that the Autism Advisory Support Service be invited to appear at the public hearing on 10 May 2010.
- 30 March 2010 – Letter from Mr Michael Coutts-Trotter, Director-General, Department of Education and Training, to Chair requesting extension to provide answers to questions on notice.
- 31 March 2010 – Email from Ms Sue Simpson, NSW Teachers Federation, to Senior Council Officer, providing answers to written questions on notice.
- 6 April 2010 – Email from Ms Melissa Harding, Sarah Redfern Public School, to Senior Council Officer, providing answers to questions on notice taken during evidence 22 March 2010.
- 8 April 2010 – Email from Ms Rosalie Nott on behalf of Ms Geraldine Gray, Catholic Education Commission NSW, to Senior Council Officer, providing answers to questions on notice taken during evidence 22 March 2010.
- 13 April 2010 – Fax from Ms Karyn Ingram, to Principal Council Officer, providing answers to questions on notice.
- 16 April 2010 – Letter from the Hon Verity Firth MP, Minister for Education, providing a program for the Committee's visit to schools and the departmental presentation on the 21 May 2010
- 19 April 2010 – Letter from the NSW Schools for Specific Purposes providing answers to questions on notice.

5. Inquiry into the provision of education to students with a disability or special needs**5.1 Publication of submissions**

Resolved, on the motion of Ms Robertson: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee authorise the publication of submission no's 125a, 500, 549, 602, 662, 716, 717, 720, 721, 722.

Resolved, on the motion of Ms Robertson: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee authorise the partial publication of submissions no's 154, 158, 418, 419, 457, 472, 478, 490, 515, 516, 604, 613, 694, 697, 708, 718, 719.

Resolved, on the motion of Ms Ficarra: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee keep submission 42b fully confidential.

5.2 Publication of answers to questions on notice

Resolved, on the motion of Ms Ficarra: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and Standing Order 223(1), the Committee authorise the publication of the answers to questions on notice provided by the following witnesses/organisations:

- Sarah Redfern Public School
- Catholic Education Commission NSW
- NSW SSP Principals' Network.

6. *****7. Adjournment**

The Committee adjourned at 11.50 am until Monday 10 May 2010.

Beverly Duffy
Clerk to the Committee

Minutes No. 68

Monday 10 May 2010

General Purpose Standing Committee No. 2

Jubilee Room, Parliament House, Sydney, at 8:50 am

1. Members presentMs Robyn Parker (*Chair*)Ms Christine Robertson (*Deputy Chair*)

Mr Tony Catanzariti

Mr Shaoquett Moselmane

Ms Marie Ficarra

Revd Dr Gordon Moyes

Dr John Kaye

2. Draft Minutes

Resolved, on the motion of Ms Ficarra: That Draft Minutes No. 67 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence received:

Disability Education Inquiry:

- 27 April 2010 – Letter from Mr Michael Couotts-Trotter, Director General, Department of Education and Training, providing answers to questions on notice.

4. *****5. Inquiry into the provision of education to students with a disability or special needs****5.1 Publication of questions on notice**Resolved, on the motion of Mr Moselmane: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of the answers to questions on notice provided by the Department of Education and Training dated 27 April 2010.**5.2 Answers to questions on notice**

Resolved, on the motion of Ms Robertson: That answers to questions taken on notice during the hearing and additional questions on notice following the hearing, be provided within 14 days.

5.3 Further conduct of the Inquiry

Ms Robertson moved: That the Committee hold another public hearing to hear from the Department of Education and Training.

Question put.

The Committee divided.

Ayes: Mr Catanzaritti, Mr Moselmane, Ms Robertson.

Noes: Ms Ficarra, Dr Kaye, Revd Moyes, Ms Parker.

The question was resolved in the negative.

Resolved on the motion of Ms Robertson: That:

- The Committee write to the Department of Education and Training and request answers to additional questions on notice
- Members provide additional questions for the Department of Education and Training to the secretariat by 5pm 11 May 2010.

- The Department of Education and Training have two weeks to provide a response to the questions from the date of the letter sent.

Resolved on the motion of Ms Ficarra: That the Committee write to the Department of Education and Training to request that the former principal of Sarah Redfern Public School, Ms Cheryl McBride attend the Committee's site visit to Sarah Redfern Public School.

Ms Ficarra moved: That the timing for questioning at today's hearing be divided evenly between the Opposition, Crossbench and Government Members.

Question put.

The Committee divided.

Ayes: Ms Ficarra, Dr Kaye, Revd Moyes, Ms Parker
Noes: Mr Catanzaritti, Mr Moselmane, Ms Robertson.

The question was resolved in the affirmative.

5.4 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses from Down Syndrome NSW were sworn and examined:

- Mr Stephen Clarke, Chief Executive Officer
- Ms Jill O'Connor, Consultant.

The evidence concluded and the witnesses withdrew.

The following witnesses from the Royal Institute for Deaf and Blind Children were sworn and examined:

- Conjoint Professor Greg Leigh, Chair, Renwick Centre
- Ms Janice North, Director, Children Services.

The evidence concluded and the witnesses withdrew.

The following witnesses from Autism Spectrum (ASPECT) were sworn and examined:

- Dr Trevor Clark, Executive Director, Aspect Education and Research
- Ms Pam Lea, Acting Assistant Director, Aspect Schools.

The evidence concluded and witnesses withdrew.

The following witnesses from the NSW Council for Intellectual Disability were sworn and examined:

- Ms Carol Berry, Executive Director
- Ms Aine Healy, Projects Officer.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Ms Heike Fabig, President, Association for Children with a Disability

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Mr Christopher Campbell, General Manager, Client Services, The Spastic Centre NSW

The evidence concluded and the witness withdrew.

The provision of education to students with a disability or special needs

The following witnesses from the Specific Learning Difficulties Association of NSW (SPELD) were sworn and examined:

- Dr Paul Whiting, President
- Dr Don Gillies, Executive Committee Member

The evidence concluded and the witnesses withdrew.

The following witnesses from the NSW Parents' Council were sworn and examined:

- Ms Anne Crabb, Executive Officer
- Ms Mary Lou Carter, Executive Member
- Ms Karen Hickmott, Executive Member

The evidence concluded and the witnesses withdrew.

The following witnesses from Northcott Disability Services were sworn and examined:

- Ms Liz Forsyth, Manager, Service Development and Government Relations
- Ms Harriet Korner, Area Manager, Metropolitan Wide Programs

The evidence concluded and the witnesses withdrew.

The following witness from the University of Newcastle was sworn and examined:

- Associate Professor Michael Arthur-Kelly, School of Education

The evidence concluded and witness withdrew.

The public and the media withdrew.

5.5 Deliberative meeting

Resolved on the motion of Dr Kaye: That the Committee request that the Department of Education and Training provide the Committee with a copy of the document "Behaviour schools/learning centres appraisal report – NSW Department of Education and Training 2009."

Resolved on the motion of Dr Kaye: That the Committee write to the Association of Independent Schools of NSW and the Catholic Education Commission NSW to invite them to provide additional information on the nature and amount of funding for children with special needs in non-government schools in NSW.

5.6 Public hearing - continued

The public and the media were re-admitted.

The following witnesses from Family Advocacy were sworn and examined:

- Ms Catherine Hogan, Director
- Ms Kim Roots, Advocacy and Leadership Development Officer

The evidence concluded and the witnesses withdrew.

The following witnesses from Speech Pathology Australia were sworn and examined:

- Ms Candice Brady, Speech Pathologist
- Dr Natalie Munro, Speech Pathologist
- Ms Felicity Burke, Speech Pathologist

The evidence concluded and the witnesses withdrew.

The following witnesses from the NSW Disability Discrimination Legal Centre were sworn and examined:

- Ms Joanna Shulman, Director and Principal Solicitor
- Ms Sharon Young, Management Committee Member

- Ms Elizabeth Meyer, Solicitor

The evidence concluded and the witnesses withdrew.

The public and media withdrew.

6. **Adjournment**

The Committee adjourned at 5.35 pm until Friday 21 May 2010.

Beverly Duffy

Clerk to the Committee

Minutes No. 69

Friday 21 May 2010

General Purpose Standing Committee No. 2

Hospital Road entrance, Parliament House, Sydney at 8.45am

1. **Members present**

Ms Robyn Parker (*Chair*) – from 8.45am to 3pm
 Ms Christine Robertson (*Deputy Chair*) – from 3pm
 Mr Tony Catanzariti
 Mr Shaoquett Moselmane
 Ms Marie Ficarra – from 8.45am to 3pm
 Revd Dr Gordon Moyes
 Dr John Kaye

2. **Inquiry into the provision of education to students with a disability or special needs**

Site visit to Sarah Redfern Public School, Minto

The Committee attended Sarah Redfern Public School and met with the following school executive, teachers and students:

- Mr Mick Aslanis, Principal
- Ms Cheryl McBride, former Principal
- Ms Rosie Farnham, Relieving Assistant Principal
- Mr Peter Phelps, School Education Director, Ingleburn
- Ms Angela Lyris, School Education Director, Strathfield
- Mr John Eggleton, Student Services Officer - Disability Programs, SWS Region
- Ms Ann Gibbons, Class Teacher
- Ms Amanda Sinclair, Class Teacher
- Mr Dean Burke, Class Teacher
- Ms Ashika Jagdish, Student Representative Council Leaders
- Ms Andre Huang, Student Representative Council Leaders
- Students in Kindergarten/Year 1 class Blue
- Students in an IO (moderately intellectually disabled) class
- Students in a language class

Ms Farnham tendered the following document:

- Schedule of Committee visit and student information, Friday 21 May 2010.

Site visit to Sarah Redfern High School, Minto

The Committee attended Sarah Redfern High School and met with the following school executive, teachers and students:

- Ms Karen Endicott, Principal

- Mr Paul Gavin, Deputy Principal
- Ms Karen Gerg-Featherstone, Head Teacher Support
- Mr Ken McSweyn, Learning Support Coordinator
- Mr Phil Rich, School Counsellor
- Mr Peter Phelps, School Education Director, Ingleburn
- Ms Angela Lyris, School Education Director, Strathfield
- Mr John Eggleton, Student Services Officer - Disability Programs, SWS Region
- Mr John Ramirez, School Captain
- Ms Vicki Latu, School Captain
- Mr Ryan Hammond, School Vice Captain
- Ms Tanieka Harris, School Vice Captain
- Students in 3 IM classes (mildly intellectually disabled) and 1 IO (moderately intellectually disabled) class

Ms Endicott tendered the following documents:

- Sarah Redfern High School Support Unit – Policy and Procedures 2010
- Sarah Redfern High School Support Unit – Proformas 2010
- Sarah Redfern High School Support Unit – Scope and Sequence 2010
- Sarah Redfern High School Support Unit – Action Plan 2010
- Sarah Redfern High School Support Unit – Student Well Being Team 2010
- Sarah Redfern High School Annual School Report 2009

Site visit to Holroyd School for Specific Purposes, Merrylands

The Committee attended Holroyd School and met with the following school executive, teachers and students:

- Ms Anne Flint, Principal
- Mr Noel Gover, Relieving Deputy Principal (Middle /Senior School)
- Mr Peter Skinner, Assistant Principal (Junior School)
- Mr Murat Dizdar, School Education Director, Granville
- Ms Angela Lyris, School Education Director, Strathfield
- Mr John Eggleton, Student Services Officer - Disability Programs, SWS Region
- Students in the middle/senior school
- Students in Junior 5, (Kindergarten/Year 1 students with moderate/sever intellectual disabilities)
- Student in Junior 1 (Kindergarten students with severe intellectual disabilities, physical disabilities and health conditions)

Presentation by the Department of Education and Training, Waratah Room, Parliament House

According to Standing Order 211(2), in the absence of the Chair, the Deputy Chair took the Chair for the purposes of the presentation.

The Committee received a presentation on the new functional assessment tool for students with disabilities and special needs and the online training system for the School Learning Support Program. The presentation was given by the following representatives from the Department of Education and Training:

- Mr Brian Smyth King, Director, Disability Programs
- Ms Melissa Clements, Manager, Disability Policy and Planning
- Ms Trish Rymer, Leader, Online Learning
- Mr Roger Stonehouse, Project Officer, Functional Assessment

Mr Smyth King tendered the following documents:

- Functional Assessment Tool – powerpoint presentation to the Legislative Council committee inquiring into education for students with a disability or special needs, May 2010
- Confidential document.

Ms Clements tendered the following document:

- Supported Online Learning Program – powerpoint presentation to the Legislative Council committee inquiring into education for students with a disability or special needs, May 2010

Resolved, on the motion of Revd Moyes: That, according to section 4 of the Parliamentary Papers (Supplementary Provisions) Act 1975 and standing order 223(1), the Committee:

- authorise the publication of the Supported Online Learning Program powerpoint presentation.
- authorise the partial publication of the Functional Assessment Tool powerpoint presentation, with slides 1-4, 6-9, 11-14, 19-22 to be published and slides 5, 10, 15-18 to remain confidential to the Committee.
- keep the confidential document tendered by Mr Smyth King fully confidential at the request of the Department of Education and Training.

3. Adjournment

The Committee adjourned at 4.30pm until Wednesday 2 June 2010.

Rebecca Main
Clerk to the Committee

Minutes No. 71

Wednesday 10 June 2010
General Purpose Standing Committee No. 2
Members Lounge, Parliament House, Sydney at 1 pm

1. Members present

Ms Robyn Parker (*Chair*)
Ms Christine Robertson (*Deputy Chair*)
Mr Shaoquett Moselmane
Revd Dr Gordon Moyes
Mr Tony Catanzariti
Dr John Kaye
Mr Greg Pearce (Ficarra)

2. Minutes

Resolved, on the motion of Revd Moyes: That Draft Minutes No 70 be confirmed.

3. Correspondence

The Committee noted the following items of correspondence:

Disability Education Inquiry:

Received

- 10 May 2010 – Letter from Ms Cheryl McBride, Public Schools Principals Forum, to Chair providing answers to questions on notice.
- 11 May 2010 – Email from Mr Malcolm Hunt, Association of Independent Schools of NSW, to Senior Council Officer providing answers to questions on notice.
- 14 May 2010 – Email from Associate Professor Michael Arthur-Kelly, University of Newcastle, to Senior Council Officer providing answers to questions on notice.
- 18 May 2010 – Email from Mr John Thompson, Clerk of Committee, Select Committee Office, New Zealand Parliament, to Senior Council Officer providing information on the current New Zealand Review of special education.
- 19 May 2010 – Letter from Mr Stephen Clarke, Down Syndrome NSW, to Senior Council Officer providing answers to questions on notice.
- 24 May 2010 – Letter from Dr Trevor Clark, Autism Spectrum Australia, to Senior Council Officer, providing answers to questions on notice.
- 25 May 2010 – Letter from Mr Michael Coutts-Trotter, Director General, Department of Education and Training, providing answers to additional questions on notice.
- 26 May 2010 – Letter from Ms Liz Forsyth, Northcott Disability Services, to Director providing answers to questions on notice.

- 27 May 2010 – Email from Ms Candice Brady, Speech Pathology Australia, to Senior Council Officer providing answers to questions on notice.
- 27 May 2010 – Letter from Ms Jo Shulman, Director, Disability Discrimination Legal Centre, to Chair providing answers to questions on notice.
- 2 June 2010 – Letter from Mr Ian Baker, A/Executive Director, Catholic Education Commission NSW, to Chair responding to the Committee’s letter regarding funding for Catholic schools.
- 2 June 2010 – Letter from Dr Geoff Newcombe, Executive Director, Association of Independent Schools NSW, to Chair responding to the Committee’s letter regarding funding for independent schools.
- 3 June 2010 – Letter from Ms Anne Crabb, Executive Officer, NSW Parent’s Council, to Senior Council Officer providing answers to questions on notice.
- 3 June 2010 – Letter from Ms Catherine Hogan, Director, Family Advocacy, to Senior Council Officer providing answers to questions on notice.

Sent

- 12 May 2010 – Letter from Chair to Mr Michael Coutts-Trotter, Director General, Department of Education and Training, requesting answers to additional questions on notice.
- 18 May 2010 – Letter from Chair to Dr Geoff Newcombe, Association of Independent Schools of NSW, requesting additional information on funding to independent non-government schools.
- 18 May 2010 – Letter from Chair to Mr Brian Croke, Catholic Education Commission NSW, requesting additional information on funding to Catholic schools.
- 31 May 2010 – Letter from Chair to Mr Michael Coutts-Trotter, Director General, Department of Education and Training, requesting copy of the document: “Behaviour schools/learning centres appraisal report – NSW Department of Education and Training 2009”.
- 7 June 2010 – Letters from Chair to principals of Sarah Redfern Public and High School, and Holroyd School thanking the staff and students for facilitating the Committee’s visit to the school on 21 May 2010.

4. Inquiry into the provision of education to students with a disability or special needs

4.1 Publication of submissions

Resolved, on the motion of Dr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of submissions Nos 715a, 723, 723a, 724 and 725.

4.2 Publication of answers to questions on notice

Resolved, on the motion of Revd Moyes: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of the answers to questions on notice provided by the following witnesses/organisations:

- Public Schools Principals Forum
- Association of Independent Schools of NSW
- A/Professor Michael Arthur-Kelly, Uni of Newcastle
- Down Syndrome NSW
- Autism Spectrum Australia
- Northcott Disability Services
- Speech Pathology Australia
- Disability Discrimination Legal Centre
- Department of Education and Training additional answers
- NSW Parents’ Council
- Family Advocacy.

4.3 Publication of correspondence

Resolved, on the motion of Dr Kaye: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of the following correspondence:

- Letter from Catholic Education Commission NSW responding to the Committee’s letter regarding funding for Catholic schools dated 2 June 2010

- Letter from Association of Independent Schools NSW, responding to the Committee's letter regarding funding for independent schools dated 2 June 2010.

4.4 Publication of site visit report

Resolved, on the motion of Ms Robertson: That, according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), the Committee authorise the publication of the site visit report from the Committee's visit to Sarah Redfern Public and High Schools and Holroyd School.

5. ***

6. Adjournment

The Committee adjourned at 1.28 pm until 9.30am, 18 June 2010.

Teresa McMichael
Clerk to the Committee

Minutes No. 72

Friday 18 June 2010

General Purpose Standing Committee No. 2

Jubilee Room, Parliament House, Sydney at 9.15 am

1. Members present

Ms Robyn Parker (*Chair*)
Ms Christine Robertson (*Deputy Chair*)
Ms Kaye Griffin (Catanzariti) (10.30 am)
Dr John Kaye
Mr Shaoquett Moselmane
Revd Dr Gordon Moyes
Mr Greg Pearce (Ficarra)

2. Substitutions

Ms Griffin for Mr Catanzariti.

3. Minutes

Resolved, on the motion of Revd Moyes: That Draft Minutes No 71 be confirmed.

4. Correspondence

The Committee noted the following items of correspondence:

Disability Education Inquiry:

Received

- 11 June 2010 – Letter from Mr Trevor Fletcher, Deputy Director General, Schools, Department of Education and Training, to Chair providing a copy of the draft report: 'Behaviour schools/learning centres appraisal'.

5. Inquiry into the provision of education to students with disabilities or special needs

Resolved, on the motion of Ms Robertson: That the Committee publish the draft DET report "Behaviour schools/learning centres appraisal", excluding Appendix E (pp 30-141), and that it not be put on the Committee's website.

6. ***

The provision of education to students with a disability or special needs

7. Adjournment

The Committee adjourned at 4.15 pm until 9.30am, 28 June 2010.

Teresa McMichael
Clerk to the Committee

Minutes No. 73

Monday, 28 June 2010

General Purpose Standing Committee No. 2

Room 1102, Parliament House, Sydney, at 9.30 am

1. Members present

Ms Robyn Parker (*Chair*)

Ms Christine Robertson (*Deputy Chair*)

Mr Tony Catanzariti

Dr John Kaye

Mr Shaoquett Moselmane

Ms Sylvia Hale (Moyes)

Ms Marie Ficarra

2. Apologies

Revd Dr Gordon Moyes

3. Substitutions

Ms Sylvia Hale (Moyes)

4. Draft minutes

Resolved, on the motion of Ms Robertson: That Draft Minutes No.72 be confirmed.

5. ***

6. ***

7. Inquiry into the provision of education to students with a disability or special needs

7.1 Publication of submissions

Resolved, on the motion of Ms Robertson: That according to section 4 of the *Parliamentary Papers (Supplementary Provisions) Act 1975* and standing order 223(1), the Committee authorise the publication of Submission No 726.

8. Consideration of Chairs Draft report

The Chair tabled her draft report entitled *The Provision of education to students with a disability or special needs*, which, having been previously circulated, was taken as being read.

The Committee proceeded to consider the draft report in detail.

Resolved, on the motion of Ms Robertson: That the Summary of key issues be considered at the end of the deliberative meeting.

Chapter 1 read.

Resolved, on the motion of Dr Kaye: That paragraph 1.27 be amended by inserting “and the Federation of Parents & Citizens Associations of NSW” after “NSW Teachers Federation”.

Resolved, on the motion of Dr Kaye: That paragraph 1.29 be amended by inserting the words “within public education” after the words “according to students’ needs in an educational setting”.

Ms Robertson moved: That paragraph 1.32 be amended by omitting the words “major theme in” and inserting instead “a number of submissions expressed a view that”.

Question put.

The Committee divided.

Ayes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Chapter 2 read.

Resolved, on the motion of Dr Kaye: That paragraph 2.2 be amended by omitting the words “students with and without a disability” and inserting instead “all students in those schools”.

Resolved, on the motion of Dr Kaye: That

- paragraph 2.27 and Table 2.1 be omitted:

“In the table presented below students with disabilities in all sectors are those students who have a confirmed disability that meets the DET Disability Criteria. However, comparisons between students with special needs may be problematic as definitions for these students are not uniform across the sectors.”

Table 2.1: Student enrolments across educational sectors in NSW in 2009

	Government schools	Catholic schools	Independent schools
Total schools	> 2,200	583	> 430
Total students	> 750,000	239,274	> 173,000
Students with disabilities (SWD)	32,550	10,357	3,391
% Students with disabilities	4.3%	4.1%	2%
Special schools	95	7	25
Students in special schools	3,882	483	1,086
SWD in regular classes	15,006	9,874	2,305
SWD in support classes in regular schools	13, 662	Not applicable	3
Students with special needs	> 50,000	> 24,000	> 23,770
% Students with special needs	6.7%	10%	13.7%

- the secretariat prepare a text alternative drawing on the information contained within the table which includes relevant footnotes
- this text be circulated to Committee members prior to its insertion in the report.

Resolved, on the motion of Dr Kaye: That the table headings for Table 2.2, 2.3 and 2.4 be amended by inserting the word “DET” before “classes” or “schools”.

Resolved, on the motion of Dr Kaye: That paragraph 2.46 be amended by inserting the words “the AIS indicated that according to their definition” after the words “in the statistics above”.

Chapter 3 read.

Ms Robertson moved: That the chapter introduction be amended by omitting the word “significantly”.

Question put.

The Committee divided.

Ayes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That the last sentence in the chapter introduction be amended by omitting the word “both” and inserting instead “in their respective”.

Resolved, on the motion of Dr Kaye: That paragraph 3.3 be amended by inserting the word “service” before the word “budget”.

Resolved, on the motion of Ms Robertson: That paragraph 3.4 be amended by inserting the word “average” before the words “cost of educating a student”.

Resolved, on the motion of Dr Kaye: That paragraph 3.11 be amended by inserting the words “It is noted that the AGSRC includes a component that derives from the cost of educating children with special needs and disabilities in public education” after the first sentence.

Resolved, on the motion of Dr Kaye: That paragraph 3.16 be amended by inserting the word “non” before the word “government” and omitting “2000” and inserting instead “2001”.

Resolved, on the motion of Dr Kaye: That paragraph 3.22 be amended by inserting the words “an average” before “25%”.

Resolved, on the motion of Dr Kaye: That paragraph 3.23 be amended by inserting the words “average” before the words “per capita”.

Resolved, on the motion of Dr Kaye: That the heading “Meeting the shortfall in the non-government sector” be amended by omitting the word “shortfall” and inserting instead “funding requirements”.

Resolved, on the motion of Dr Kaye: That paragraph 3.27 be amended by omitting the words “The AIS NSW advised that” and inserting instead “In the view of the AIS NSW”.

Resolved, on the motion of Ms Hale: That paragraph 3.29 be amended by inserting parentheses to read “(such as fees, levies and fundraising)”.

Resolved, on the motion of Dr Kaye: That paragraph 3.30 be amended by inserting “targeted” before “grants” in the first sentence.

Resolved, on the motion of Dr Kaye: That paragraph 3.44 be amended by inserting “as part of the funding allocation mechanism” before the words “for the new School Learning Support Program”.

Resolved, on the motion of Ms Robertson: That the heading above paragraph 3.46 “Inadequate funding for students with disabilities or special needs” be amended by omitting the words “Inadequate funding” and inserting instead “Funding issues”.

Ms Robertson moved: That paragraph 3.46 be omitted.

Question put.

The Committee divided.

Ayes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Resolved, on the motion of Dr Kaye: That paragraph 3.46 be amended by omitting the last sentence and inserting instead “However, there was no consensus amongst inquiry participants as to how much this funding should be increased or its application”.

Resolved, on the motion of Dr Kaye: That paragraph 3.46 be amended by omitting the words “in the education system” and inserting instead “in their respective education sectors”.

Resolved, on the motion of Dr Kaye: That the words “special schools” be omitted and insert instead “Schools for Specific Purposes (SSPs)” throughout the report.

Ms Robertson moved: That paragraph 3.77 be omitted and insert instead “The Committee heard evidence that funding was a significant issue for families and teachers”.

Question put.

The Committee divided.

Ayes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Resolved, on the motion of Ms Ficarra: That paragraph 3.77 be amended by:

- omitting the words “are in breach of” and inserting instead “may run the risk of breaching”
- omitting the word “believes” and inserting instead “is concerned”.

Resolved, on the motion of Ms Hale: That paragraph 3.78 be amended by omitting the words “in order to fulfil the legal obligations and”.

Resolved, on the motion of Mr Moselmane: That paragraph 3.78 be amended by omitting the word “believes” and inserting the words “is of the view”.

Resolved, on the motion of Ms Hale: That paragraph 3.78 be amended by omitting the words “in order to fulfil these legal obligations and” and inserting the word “therefore” before the words “the Committee calls for a substantial increase”.

Resolved, on the motion of Ms Robertson: That a new paragraph be inserted after paragraph 3.78 to read “The Committee notes that school funding including funding for students with disabilities or additional learning needs is currently being examined by the Commonwealth in its review of school funding.”

Resolved, on the motion of Dr Kaye: That Recommendation 1 be amended by omitting the words “ensure it fulfils its international obligations to”.

Resolved on the motion of Ms Robertson: That a new recommendation be inserted after Recommendation 1 that reads “That the NSW Government in its submission to the Commonwealth school funding review, advocate a transparent funding mechanism to meet the need of students with disabilities or additional learning needs.”

Resolved on the motion of Ms Robertson: That paragraph 3.79 be amended by omitting the word “greatly” in the first sentence.

Resolved, on the motion of Dr Kaye: That paragraph 3.79 be amended by:

- inserting the words “staffed and” before the word “funded” in the second sentence
- omitting the word “only” and inserting the words “staffed and” before the word “funded” in the last sentence.

Resolved, on the motion of Dr Kaye: That Recommendation 2 be amended by omitting the word “only” and inserting the words “staffed and” before the word “funded”.

Resolved, on the motion of Dr Kaye: That Recommendation 2 be adopted, as amended.

Resolved, on the motion of Ms Robertson: That paragraph 3.88 be moved to follow paragraph 3.86.

Chapter 4 read.

Resolved, on the motion of Dr Kaye: That paragraph 4.19 be amended by omitting the words “it more amenable to measurement” and inserting instead “measurement more reliable and valid”.

Resolved, on the motion of Ms Robertson: That paragraph 4.34 be amended by omitting “a student will not necessarily be required to go through the disability confirmation assessment process, such as obtaining medical reports and diagnosis to access the new School Learning Support Program, which is currently being trialled” and inserting instead “under the School Learning Support Program, which is currently being trialled, a student will not necessarily be required to go through the disability confirmation assessment process, such as obtaining medical reports and diagnoses to access support”.

Resolved, on the motion of Dr Kaye: That paragraph 4.43 be amended by inserting the words “and the complex interactions between those disabilities” at the end of the paragraph.

Resolved, on the motion of Dr Kaye: That paragraph 4.48 be amended by omitting the parentheses and the word “those” and inserting instead the word “who”.

Resolved, on the motion of Ms Robertson: That paragraph 4.56 be amended by omitting the word “acknowledged” and inserting instead “stated”.

Resolved, on the motion of Dr Kaye: That paragraph 4.73 be amended by omitting the words “would only be used” and inserting instead “is intended to be used only” in the last sentence.

Resolved, on the motion of Dr Kaye: That paragraph 4.77 be amended by:

- omitting the word “supports” and inserting instead “support”
- omitting the words “because of the level and types of existing supports in their school”.

Resolved, on the motion of Dr Kaye: That paragraph 4.80 be amended by:

- omitting the words “that many students” and inserting instead “for those students who” in the first sentence
- inserting the word “those” before “students” in the last sentence.

Resolved on the motion of Dr Kaye: That Recommendation 3 be amended by omitting the words “students who receive disability funding to reconfirm their disability status on an annual basis” and inserting the words “those students whose disability and level of need is unlikely to change dramatically in the space of a year to reconfirm their disability status on an annual basis in order to receive disability funding”.

Resolved, on the motion of Dr Kaye: That paragraph 4.81 be amended by omitting the words “families and carers” and inserting instead “families, carers and schools”.

Resolved on the motion of Dr Kaye: That Recommendation 4 be amended by omitting the words “families and carers” and inserting instead “families, carers and schools”.

Resolved, on the motion of Mr Catanzariti: That Recommendation 4 be adopted, as amended.

Resolved, on the motion of Ms Hale: That Recommendation 5 be amended by omitting the words “utilise its new functional assessment tool to inform decisions about access to disability funding for students with disabilities and special needs” and inserting the words “move rapidly towards the development and application of a functional assessment tool which has been independently monitored and assessed. This tool should be used to inform decisions about access to disability funding and to further enhance educational outcomes for students with disabilities and special needs”.

Chapter 5 read.

Resolved, on the motion of Ms Hale: That paragraph 5.2 be amended by inserting the words “This research suggested that” before the words “students with intellectual disabilities”.

Resolved, on the motion of Dr Kaye: That paragraph 5.4 be amended by:

- omitting the words “The overwhelming majority of” and inserting the word “Some”
- omitting the word “schools” and inserting instead “classes”.

Resolved, on the motion of Dr Kaye: That the heading “Support for inclusion” be amended by omitting the word “Support” and inserting the word “Advocacy”.

Resolved, on the motion of Dr Kaye: That the heading “Towards inclusion” be omitted.

Resolved, on the motion of Dr Kaye: That the secretariat identify evidence advocating the need for schools for specific purposes and support units that can be included in the discussion following paragraph 5.9.

Resolved, on the motion of Dr Kaye: That paragraph 5.15 be amended by omitting “special schools, support classes and behaviour schools” and inserting instead “support classes and SSPs, including behaviour schools”.

Resolved, on the motion of Dr Kaye: That Recommendation 6 be amended by inserting “and classes” in the second and third dot points following the words “special education places”.

Dr Kaye moved: That Recommendation 6 be amended by inserting a new dot point:

- “abandon plans to dissolve existing language support classes.”

Question put.

The Committee divided.

Ayes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Noes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Question resolved in the affirmative.

Resolved, on the motion of Mr Catanzariti: That the Committee revisit Recommendation 6 at a later hour.

Resolved, on the motion of Ms Hale: That Recommendation 7 be amended by omitting the words “the terms of reference, timeframe and final report of the review of the Regional Placement Panel process” and inserting the words “details of its response to the Auditor General’s 2006 report in relation to the Regional Placement Panel process, including a timeline for implementation of this revision”.

Resolved, on the motion of Ms Hale: That Recommendation 7 be adopted, as amended.

Resolved, on the motion of Dr Kaye: That paragraph 5.61 be amended by omitting the words “Year 7-12” and inserting instead “secondary curriculum”.

Resolved, on the motion of Dr Kaye: That Recommendation 8 be amended by omitting the words “Year 7-12” and inserting instead “secondary curriculum”.

Resolved, on the motion of Dr Kaye: That Recommendation 8 be adopted, as amended.

Ms Robertson moved: That paragraph 5.62 be amended by omitting the word “facilities” and inserting instead “services”.

Question put.

The Committee divided.

The provision of education to students with a disability or special needs

Ayes: Mr Catanzariti, Mr Moselmane, Ms Robertson

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Resolved, on the motion of Ms Robertson: That paragraph 5.62 be amended by inserting the words “and the Minister for Health” after “Minister for Education and Training”.

Resolved, on the motion of Ms Robertson: That Recommendation 9 be amended by inserting the words “and the Minister for Health” after “Minister for Education and Training”.

Resolved, on the motion of Dr Kaye: That Recommendation 9 be adopted, as amended.

Resolved, on the motion of Dr Kaye: That Recommendation 10 be amended by inserting “and associated residential service” after “Palm Avenue School”.

Resolved, on the motion of Ms Robertson: That Recommendation 10 be amended by omitting “disabilities and special needs” and inserting “complex reading difficulties”.

Resolved, on the motion of Dr Kaye: That Recommendation 10 be adopted, as amended.

Chapter 6 read.

Resolved, on the motion of Dr Kaye: That paragraph 6.10 be amended by omitting “For example, one parent argued that students with disabilities or special needs in mainstream classes received no support at all:

There is no support for children with a disability in mainstream. There needs to be more resources for the teachers to help children.”

Resolved, on the motion of Dr Kaye: That paragraph 6.11 be amended by omitting “another parents” and inserting instead “a parent”.

Resolved, on the motion of Dr Kaye: That paragraph 6.13 be amended by:

- inserting the word “may” before “include”
- omitting the last dot point “the proposed School Learning Support Program”, and inserting the following new paragraph after the dot points: “The proposed School Learning Support Program will amalgamate some of these programs into an integrated model”.

Resolved, on the motion of Ms Robertson: That Recommendation 11 be amended by inserting the words “or be resourced by” following the word “establish”.

Resolved, on the motion of Dr Kaye: That Recommendation 12 be amended by inserting the words “if necessary, by providing funded professional development opportunities to existing school staff” at the end of the sentence.

Resolved, on the motion of Ms Ficarra: That Recommendation 13 be amended by inserting the words “and outcomes” after the word “functions”.

Resolved, on the motion of Dr Kaye: That paragraph 6.61 be amended by inserting the word “positive” following the word “considerable”.

Resolved, on the motion of Dr Kaye: That Recommendation 14 be adopted.

Resolved, on the motion of Ms Robertson: That paragraph 6.77 be amended by omitting the word “inadequacies” and inserting the word “needs”.

Resolved, on the motion of Ms Robertson: That paragraph 6.116 be amended by inserting the word “perceived” before “loss of existing programs”.

Resolved, on the motion of Ms Hale: That Table 6.1 be moved to the beginning of Chapter 6.

Resolved on the motion of Ms Robertson: That paragraph 6.78 be checked to ensure it accurately reflects the Department's document regarding language classes and the new School Learning Support Program.

Resolved, on the motion of Ms Ficarra: That the Committee adjourn for the day and resume consideration of the Chair's draft report after the public hearing into the BER inquiry on Wednesday 30 June 2010 from 5pm.

9. **Adjournment**

The Committee adjourned at 3.55 pm until 9.15am Wednesday, 30 June 2010.

Beverly Duffy
Clerk to the Committee

Minutes No. 74

Wednesday, 30 June 2010

General Purpose Standing Committee No. 2

Room 814/815, Parliament House, Sydney, at 9.15 am

1. **Members present**

Ms Robyn Parker (*Chair*)
 Ms Christine Robertson (*Deputy Chair*)
 Mr Tony Catanzariti
 Dr John Kaye
 Mr Shaoquett Moselmane
 Mr Greg Pearce (Ficarra) (BER hearing)
 Mr Roy Smith (Moyes) (BER hearing)
 Ms Marie Ficarra
 Ms Sylvia Hale (Moyes) (Disability Education report deliberative)
 Ms Penny Sharpe (Catanzariti) (Disability Education report deliberative)

2. **Apologies**

Revd Dr Gordon Moyes

3. **Substitutions**

Mr Roy Smith (Moyes) (BER hearing)
 Mr Greg Pearce (Ficarra) (BER hearing)
 Ms Sylvia Hale (Moyes) (Disability Education report deliberative)
 Ms Penny Sharpe (Catanzariti) (Disability Education report deliberative)

4. *******

5. **Correspondence**

The Committee noted the following correspondence:

Mr Pearce left the meeting.

Mr Smith left the meeting.

The Committee relocated to Room 1102, Parliament House, Sydney, at 5.10 pm

6. **Inquiry into the provision of education to students with a disability or special needs**

Ms Ficarra joined the meeting.

Ms Hale joined the meeting.

6.1 Draft Minutes

Resolved, on the motion of Ms Ficarra: That Draft Minutes No. 73 be confirmed.

6.2 Publication of submissions

Resolved, on the motion of Mr Catanzariti: That the Committee, according to section 4 of *the Parliamentary Papers (Supplementary Provisions) Act 1975* and Standing Order 223(1), publish Submission 438 and supplementary Submission No 230a.

6.3 ***

6.4 Consideration of Chair's draft report

The Committee resumed the consideration of the Chair's draft report.

Resolved, on the motion of Mr Catanzariti: That

- two new paragraphs be inserted after paragraph 5.48 that read:

“The increasing identification of students with autism spectrum disorder (FOOTNOTE: Submission 715, NSW Government, p 19) may further reduce the number of already limited special education places in rural and regional areas.

Dr Trevor Clark, Executive Director, Education and Research, Autism Spectrum Australia (Aspect), commented that Aspect provided a necessary service for students with autism spectrum disorder in country areas in NSW. He advised that Aspect was committed to expanding the service, however, available funding is an issue:

We have classes at Wagga Wagga and Albury. Several months ago we began establishing a new base school site at Albury. We cater to 50 students throughout the Riverina. Pam is in the middle of developing that into a separate school to commence in 2011—the Riverina Aspect School. Another program that is growing on the far North Coast based at Alstonville. We also have three satellite classes up there and a range of early intervention and outreach services. We have a very strong commitment to regional and rural NSW. In the west we have a travelling education outreach support worker who works primarily with Catholic independent schools. It is again a funding issue; if we had more funding we would be able to extend our reach (FOOTNOTE: Dr Trevor Clark, Executive Director, Education and Research, Autism Spectrum Australia, Evidence, 10 May 2010, p 19).”

- a new committee comment be inserted after the new paragraphs that reads “The Committee notes that the Department of Education and Training and other organisations provide a valuable service for students with autism spectrum disorder.”
- a new recommendation be inserted after the new committee comment that reads “That the Department of Education and Training facilitate the provision of satellite autism classes in country areas to ensure children with autism in these areas have appropriate access to these classes.”

Resolved, on the motion of Dr Kaye: That the following new headings and paragraphs be inserted to replace paragraph 2.27 and Table 2.1 previously omitted by the Committee:

“Student enrolments across educational sectors in NSW

The following section provides an overview of the number of students with a disability or special needs in the three education sectors in NSW in 2009.

Caution should be used in seeking to compare these figures as they may relate to different points in time in 2009. It should also be noted that while all sectors use the DET Disability Criteria to define students with a disability, the definition of students with special needs is not uniform across the sectors (FOOTNOTE: The AIS NSW and the CEC NSW advised that the statistics they have provided to the Committee relate to students with disabilities that meet the DET Disability Criteria, see Submission 670, p6 and Submission 671, p 9).

NSW Government schools

In 2009, a total of 32,550 students with confirmed disabilities were enrolled in over 2,200 NSW Government schools in NSW. This equates to approximately 4.3% of the total 750,000 students in NSW Government schools. Of these students with confirmed disabilities:

- 3,882 were in over 95 Schools for Specific Purposes (SSPs or special schools)
- 13,662 were in support classes in regular schools.
- 15,006 were in regular classes in NSW Government schools (FOOTNOTE: Answers to questions on notice taken during evidence, 23 March 2010, Mr Michael Coutts-Trotter, Director General, DET, Question 60; Submission 715, NSW Government, p5 and DET, accessed 15 March 2010, <www.schools.nsw.edu.au/gotoschool/types/specificpurposes/schoollist_ssp.php>)

In addition to these students with a confirmed disability, the NSW Government has advised that, in 2009, there were more than 50,000 students with special needs (additional learning difficulties) in regular classes (FOOTNOTE: Submission 715, NSW Government, p 14).

NSW Catholic schools

In 2009, a total of 10,357 students with confirmed disabilities were enrolled in 583 Catholic schools in NSW. This equates to approximately 4.3% of the total 239,274 students in the NSW Catholic system. Of these students with confirmed disabilities:

- 483 were in 7 Catholic special schools
- 9,874 were in regular classes in Catholic schools (FOOTNOTE: Submission 671, Catholic Education Commission NSW, p 5 and p 9. The CEC NSW advised that most students with disabilities are supported in regular classrooms and there are only a very small number of students in separate support classes in regular Catholic schools. Email from Ms Geraldine Gray, State Coordinator Special Learning Needs, CEC NSW to Principal Council Officer, 31 May 2010).

According to the CEC NSW, in addition to the students with confirmed disabilities, there are approximately 24,000 students enrolled in NSW Catholic schools with special needs, who require additional learning support (FOOTNOTE: Submission 671, Catholic Education Commission NSW, p 5).

NSW independent schools

In 2009, a total of 3,391 students with confirmed disabilities were enrolled in over 430 independent schools in NSW. This equates to approximately 2% of the total of over 173,000 students in NSW independent schools. Of these students with confirmed disabilities:

- 1,086 were in 25 independent special schools
- 2,305 were in regular classes in independent schools (FOOTNOTE: Submission 670, Association of Independent Schools of NSW, pp 6-7. The vast majority of students with disabilities are included within mainstream independent schools).

According to the AIS NSW, in addition to the students with confirmed disabilities, there are approximately 23,700 students enrolled in NSW independent schools with special needs/learning difficulties (FOOTNOTE: Email from Ms Cate Pinnington, Director of Professional Services, AIS NSW to Principal Council Officer, 2 June 2010).

- new paragraphs be inserted after paragraph 5.9 that read:

“Mr Ian Gallan, Management Committee member, NSW Schools for Specific Purposes Principals Network, argued that SSPs currently and will continue to play a critical role in the education of students with complex disabilities and learning needs:

I think we are ... catering for more and more very complex students. I think the message that is coming to us is that we do have a very vital role in that special education continuum... I think the need is there (FOOTNOTE: Mr Ian Gallan, Management Committee member, NSW Schools for Specific Purposes Principals Network, Evidence, 22 March 2010, p 60).

Some participants suggested that the move toward inclusion had generated demand for placement of students with disabilities in mainstream classes rather than special education, when mainstream classes may not be the best option for a particular child. For instance, the Catholic Education Office, Sydney, expressed the view that some parents have unrealistic expectations of schools:

During the last few years there has been an increase in expectations from parents for mainstream settings and classes ... parents are increasingly seeking enrolments in CEO, Sydney schools for students who, in the past, would have been enrolled in specialised settings. Parents are well supported by advocacy groups who inform parents of what they should expect when their child commences school and what the advocacy groups consider are the best schooling option for the child. Many times this is in conflict to what other specialists have advised or what is possible in a mainstream setting with large class sizes (FOOTNOTE: Submission 212, Catholic Education Office, Sydney, p 13)."

- the paragraph under the first dot point in paragraph 6.78 be omitted:

"It should be noted that with the merging of these specialist teacher positions, it is understood that the support classes taught by these teachers would be dissolved and the students of these classes moved into mainstream classes. For example, with the merging of the STLA (Reading and Language) position, language classes would be dissolved and the students of these classes would move into mainstream classes."

- new paragraphs be inserted after paragraph 6.81 that read:

"Some inquiry participants noted that, with the merging of the STLA (Reading and Language) position, language classes would be dissolved and these students would move into mainstream classes (FOOTNOTE: Ms Cheryl McBride, Chairperson, Public Schools Principals Forum, Evidence, 22 March 2010, p 15 and p 19; Ms Melissa Harding, Teacher, Sarah Redfern Public School, Evidence, 22 March 2010, p 5; Submission 468, Name suppressed, p 1; Submission 119, Name suppressed, p 2). This will be considered later in this section.

However, as discussed in Chapter 5, the Committee notes that Mr Michael Coutts-Trotter, Director General, Department of Education and Training, advised that language classes would not be abolished as part of the trial in the Illawarra and South East Region:

The pilot in the Illawarra South East...those children that are in language classes will remain in language classes, but we will not be taking new enrolments into that class. We will openly evaluate the effectiveness of that approach (FOOTNOTE: Mr Michael Coutts-Trotter, Director General, Department of Education and Training, Evidence, 23 March 2010, p 40)."

Mr Moselmane and Mr Catanzariti left the meeting.

Resolved, on the motion of Dr Kaye: That a new recommendation be inserted after paragraph 6.50 that reads "That Department of Education and Training support the maintenance and expansion of the Learning Assistance Program."

Ms Sharpe joined the meeting and substitution advice was received from the Hon Lynda Voltz.

Ms Robertson moved: That Recommendation 15 be amended by omitting the first dot point "a formal evaluation of the trial of the School Learning Support Program in the Illawarra and South East Region one year after the commencement of its operation and publish the results of this evaluation" and inserting instead "That the Department of Education and Training publish the result of the evaluation of the School Learning Support Program Trial."

Question put.

The Committee divided.

Ayes: Ms Robertson, Ms Sharpe

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Dr Kaye moved: That Recommendation 15 be amended by inserting the word “independent” before the words “evaluation of the trial”.

Question put.

The Committee divided.

Ayes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Noes: Ms Robertson, Ms Sharpe

Question resolved in the affirmative.

Ms Robertson moved: That Recommendation 16 be omitted.

Question put.

The Committee divided.

Ayes: Ms Robertson, Ms Sharpe

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Dr Kaye moved: That Recommendation 16 be amended by omitting the words “undertake a” and inserting instead “commission an independent”.

Question put.

The Committee divided.

Ayes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Noes: Ms Robertson, Ms Sharpe

Question resolved in the affirmative.

Resolved, on the motion of Dr Kaye: That paragraph 6.129 be amended by omitting the words “learning and”.

Resolved, on the motion of Dr Kaye: That paragraph 6.135 be amended by omitting the word “imperative” and inserting instead “critical”.

Resolved, on the motion of Ms Robertson: That paragraph 6.136 be amended by omitting the word “overwhelming”.

Resolved, on the motion of Dr Kaye: That a new recommendation be inserted after paragraph 6.136 that reads “That Department of Education and Training increase resources for students with identified disabilities in mainstream classes.”

Ms Robertson moved: That paragraph 6.137 be amended by omitting the sentence “The Committee recognises many teachers are placed under considerable pressure due to a lack of support in the mainstream setting”.

Question put.

The Committee divided.

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Ayes: Ms Robertson, Ms Sharpe

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Chapter 7 read.

Resolved, on the motion of Ms Robertson: That paragraph 7.64 be amended by inserting the word “some” before the words “other state education systems”.

Resolved, on the motion of Ms Robertson: That paragraphs 7.62 and 7.63 be omitted.

Resolved, on the motion of Ms Robertson: That Recommendation 17 be amended by omitting the words “establish departmental” and inserting instead the word “coordinate”.

Resolved, on the motion of Dr Kaye: That paragraphs 7.91 be amended by inserting the words “with respect to disability diagnosis” after “independent schools”.

Resolved on the motion of Dr Kaye: That paragraphs 7.98 be amended by:

- omitting the words “put forward the option” and inserting instead “described an option, which he acknowledged was controversial,”
- omitting the words “a paraprofessional” and inserting instead “people”.

Ms Robertson moved: That Recommendation 18 be omitted.

Question put.

The Committee divided.

Ayes: Ms Robertson, Ms Sharpe

Noes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Question resolved in the negative.

Dr Kaye moved: That Recommendation 18 be amended by:

- omitting the word “ratio” and inserting instead the word “number”
- inserting the words “with the objective of increasing the ratio” before “to 1:500”.

Question put.

The Committee divided.

Ayes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker

Noes: Ms Robertson, Ms Sharpe

Question resolved in the affirmative.

Resolved, on the motion of Ms Robertson: That Recommendation 19 be amended by:

- omitting the word “timeframe” and inserting instead the word “timeline”
- inserting a third dot point that reads “complete the review by June 2011”.

Resolved, on the motion of Dr Kaye: That paragraph 7.116 be amended by:

- inserting the words “a proportion of” before the words “funding is”
- omitting the word “sometimes”
- omitting the words “per student capita” and inserting instead “student numbers”.

Chapter 8 read.

Resolved, on the motion of Dr Kaye: That paragraph 8.63 be amended by inserting the words “variability in” before the words “conduct and quality of IEPs”.

Resolved, on the motion of Ms Ficarra: That Recommendation 20 be adopted.

Dr Kaye moved: That a new recommendation be inserted after paragraph 8.65 that reads “That the Department of Education and Training provide additional resources including relief time for teachers to develop Individual Education Plans”.

Question put.

The Committee divided.

Ayes: Ms Ficarra, Ms Hale, Dr Kaye, Ms Parker
Noes: Ms Robertson, Ms Sharpe

Question resolved in the affirmative.

Resolved, on the motion of Ms Robertson: That Recommendation 21 be omitted.

Resolved, on the motion of Dr Kaye: That a new recommendation be inserted after paragraph 8.72 that reads “That the Minister for Education immediately pursue, with the Federal Minister for Education, the inclusion of Life Skills as an essential component of the new national curriculum”.

Chapter 9 read.

Resolved, on the motion of Dr Kaye: That paragraph 9.44 be amended by inserting the words “many teachers without special education qualifications have developed excellent teaching practices for students with disabilities and special needs. However” after the words “The Committee acknowledges that”.

Resolved, on the motion of Dr Kaye: That paragraph 9.46 be amended by:

- omitting the word “initial” and inserting instead the word “pre-service” in the first and last sentences
- inserting the words “a range of” before the words “disabilities or special needs”.

Resolved, on the motion of Dr Kaye: That Recommendation 22 be amended by:

- omitting the word “initial” and inserting instead the word “pre-service”
- omitting the words “the mandatory unit in special education, with a view to incorporating additional content regarding teaching strategies and practical skills to cater for the learning needs of students with disabilities or special needs” and inserting instead new dot points that read:
 - “• the mandatory unit in special education
 - incorporating additional content regarding teaching strategies and practical skills to cater for the learning needs of students with disabilities or special needs
 - embedding special education throughout pre-service training”

Resolved, on the motion of Ms Robertson: That a new recommendation be inserted after Recommendation 22 that reads “That the NSW Government promote through the national reform agenda that special education be embedded throughout pre-service teacher training”.

Resolved, on the motion of Dr Kaye: That Recommendation 23 be amended by:

- omitting the word “requiring” and inserting instead the word “assisting”
- inserting the word “to” before “obtain a special education qualification”.

Resolved on the motion of Dr Kaye: That paragraph 9.97 by:

- omitting the words “Teachers need to practice, enhance and build upon” and inserting instead “Best practice involves implementing and enhancing”
- omitting the word “they” before the word “acquired”

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- omitting the word “their” before the word “pre-service”.

Resolved, on the motion of Dr Kaye: That paragraph 9.99 be amended by:

- omitting the words “some incentives” and inserting instead the word “opportunities”
- omitting the word “encourage” and inserting instead the word “facilitate”.

Resolved, on the motion of Dr Kaye: That paragraph 9.100 be amended by omitting the word “incentives” and inserting instead “opportunities”.

Resolved, on the motion of Dr Kaye: That Recommendation 24 be amended by omitting the word “incentives” and inserting instead the word “opportunities”.

Resolved, on the motion of Ms Robertson: That the Summary of key issues be amended to reflect changes in the report and be provided to Committee members via email for approval.

Resolved, on the motion of Ms Ficarra: That dissenting reports be provided to the secretariat within 48 hours of the draft minutes being distributed.

Resolved on the motion of Ms Robertson: That the Committee:

- meet on Friday, 9 July 2010 to adopt the report
- table the report on Friday, 16 July 2010.

7. **Adjournment**

The Committee adjourned at 7.35 pm until Friday, 9 July 2010.

Beverly Duffy
Clerk to the Committee

Draft Minutes No. 75

Friday, 9 July 2010

General Purpose Standing Committee No. 2

Room 1102, Parliament House, Sydney, at 10.30 am

1. **Members present**

Ms Robyn Parker (Chair)

Ms Marie Ficarra

Ms Helen Westwood (Robertson)

2. **Apologies**

Revd Dr Gordon Moyes

Mr Tony Catanzariti

Dr John Kaye

Mr Shaoquett Moselmane

3. **Substitutions**

Ms Helen Westwood (Robertson)

4. **Minutes**

Resolved on the motion of Ms Ficarra: That

- The Committee reconsider Minutes No. 73
- Minutes No. 73 be amended by inserting Table 2.1, which the Committee previously resolved should be omitted from the Disability Education report
- Minutes No. 73, as amended, be confirmed
- Minutes No. 74 be confirmed.

5. ***

6. ***

7. **Inquiry into the provision of education to students with a disability or special needs**

7.1 Adoption of report

The Committee discussed suggested changes to the Summary of key issues proposed by Dr Kaye via email on 8 July 2010.

Resolved on the motion of Ms Ficarra: That the Summary of key issues, as amended, be adopted.

Resolved on the motion of Ms Ficarra: That:

- The report, as amended, be the report of the Committee.
- According to Standing Order 231, the Committee present the report to the Clerk, together with transcripts of evidence, submissions, tabled documents, minutes of proceedings, answers to questions on notice and correspondence relating to the inquiry, (except for documents kept confidential by resolution of the Committee).

The Committee previously resolved to table the report on Friday, 16 July 2010.

8. **Adjournment**

The Committee adjourned at 10.38 am until Friday, 10 September 2010.

Beverly Duffy
Clerk to the Committee

Appendix 9 Dissenting statement

DISSENTING STATEMENT – CHRISTINE ROBERTSON MLC

During this inquiry, we heard from passionate educators, parents and experts in the field of disability education. The Committee heard evidence that the level of funding was perceived to be a significant concern for families and teachers, but also that the NSW Department of Education and Training provides a substantial financial commitment to the education of students with a disability and special needs, over \$1.1 billion in the last financial year. This level of funding has increased significantly over recent years.

However, this report makes extensive use of untested claims by individuals about a lack of funding, without any investigation of these claims or any right of reply. These claims are used to justify the statement (at paragraph 3.46) that government funding levels (albeit across all education sectors) are both “grossly inadequate” and do not allow for the full participation of students in their respective education sectors.

While any individual claims of lack of support are concerning, evidence before the committee indicated that support is provided through many methods, not just funding, or targeted funding for individual students. This includes the use of funding to provide support through teacher training support and development and the expertise provided through specialist and experienced teachers in the system.

A further inference drawn from these untested claims is the Committee’s comment (at paragraph 3.77) which is not qualified by any legal test, nor a specific reference to what legal obligations the Committee are concerned may not be met. In response to questions on notice, the Department of Education and Training explained that it “makes every reasonable attempt to discharge its legal obligations to students with disabilities in Government schools under the Commonwealth *Disability Discrimination Act 1992* and the Commonwealth Disability Standards for Education 2005.”

This comment (at paragraph 3.77) also does not acknowledge that neither the NSW Government, nor the NSW Department of Education and Training, have legal responsibility for the non-government schooling sectors in relation to the manner in which students with a disability are supported to access and participate in education. Given that the Committee was also presented with evidence about the way that funding is allocated among the non-government school sector, any such comments should also be directed not simply at the Government of the day, but also to the non-government schooling sectors.

In the introductory paragraph to this report, the *Summary of Key Issues* continues to claim that the evidence before the Committee has led to a conclusion that the NSW Government may not be fulfilling its obligation to ensure equal access to the education system for all children. As noted above, this comment steps outside any legal process for making such a claim by ignoring the evidence of the Department of Education and Training in relation to how it fulfils its legal obligations, ignoring the fact that the independent schooling sectors are responsible for the education of students in those sectors, and again through the use of untested claims by individuals. The Department together with all other education providers is required to support access to education for students with disability on the same basis as all other students through the provision of “reasonable adjustments” where required. Put simply, the statement that the NSW Government may not be fulfilling its obligation in this regard is intended to grab headlines without any reference to the legal tests required or evidence-based justification. The call within this section

for the NSW Government to “substantially increase funding” for students with disabilities is objected to on the same grounds as above, as it uses the same pre-conceived notions as grounds for its inclusion in this section of the report.

This dissenting statement is in no way intended to take away from the contributions of the many passionate parents and teachers who contributed to this inquiry. As this report acknowledges, this is not the first inquiry of this sort into issues such as these. However, this Inquiry has come at an extremely important time in educational history in Australia. Comprehensive national reforms are underway to our education system and I am concerned that in presenting this report, this Committee has missed a very valuable opportunity to deliver a report that contains vision about how that national agenda can be utilised to deliver the best possible educational outcomes for students with a disability or special needs in New South Wales schools.

Christine Robertson MLC