

advocacy for **inclusion**

Submission to
ACT Legislative Assembly Inquiry into
the Unmet Needs of Students with
Disability

Advocacy for Inclusion
February 2010

About Advocacy for Inclusion

Advocacy for Inclusion acknowledges the Ngunnawal people as the traditional owners of the land on which we work.

Advocacy for Inclusion provides individual, self and systemic advocacy services for people with disabilities. We provide information, education, and representation to effectively advocate for positive and inclusive outcomes for people with disabilities.

We act with and on behalf of individuals in a supportive manner, or assist individuals to act on their own behalf, free of conflicts of interest and motivated only by a desire to obtain a fair and just outcome for the individual concerned.

Advocacy for Inclusion works within a human rights framework and acknowledges the *United Nations Convention on the Rights of Persons with Disabilities*, and the *ACT Human Rights Act*.

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EXECUTIVE SUMMARY

The *United Nations Convention on the Rights of Persons with Disabilities* (UN CRPD) makes it clear that people with disabilities in Australia are entitled to a fully inclusive education system and equitable lifelong learning opportunities. Despite the UN CRPD, and a raft of other policies and legislation regarding inclusive education, people with disabilities in the ACT continue to face barriers that prevent them from receiving an equitable education experience at all levels of the system.

Advocacy for Inclusion undertook a consultation process in late 2009 to ascertain the attitudes, experiences and ideas of students with disabilities, family members and education workers. The consultation process revealed a disconcerting degree of unmet need among students with disabilities in the ACT. It also highlighted a number of requirements for an education system to progress towards meeting the needs and rights of students with disabilities in the ACT. These requirements are:

Progressive practices:

- a universal, person-centred education system;
- ongoing coordination of support through to adulthood; and,
- the elimination of segregation of people with disabilities.

Sufficient Resources:

- for education providers and workers;
- for all students with diverse learning needs; and,
- for adults pursuing further education.

Active respect for the rights of people with disabilities:

- addressing negative attitudes towards people with disabilities; and,
- all education providers are accountable to people with disabilities.

In order to achieve these requirements and the goal of a fully inclusive education system, Advocacy for Inclusion makes twelve key recommendations.

KEY RECOMMENDATIONS

Recommendation 1: Education providers implement person-centred measures and universal design of all education programs.

Recommendation 2: Special schools are phased out in favour of all schools providing universal inclusive programs.

Recommendation 3: A case-management team responsible for supporting each student with disability to plan and coordinate school-related supports and annual transitions throughout early childhood to viable post-school pathways in collaboration with family members, education workers and relevant services.

Recommendation 4: DET to immediately and effectively implement the ACT Government *Policy Framework for Children and Young People with a Disability and their Families*.

Recommendation 5: Education funding models need to be diversified and funding increased in a manner sufficient to support education providers to fully address the needs and rights of all students with additional learning needs, including those considered as having mild to moderate levels of need.

Recommendation 6: DET, adult learning providers and teaching courses ensure training is provided for all education workers in inclusive education philosophy and delivery.

Recommendation 7: The current category-based ACT Student Disability criteria are replaced with a system that acknowledges every student who has special learning needs.

Recommendation 8: ACT Government must deliver post-school pathways funding packages to a larger proportion of school-leavers with disabilities.

Recommendation 9: Additional financial support for adults with disabilities is needed so that completing post-secondary studies does not incur additional economic disadvantage.

Recommendation 10: Ongoing awareness campaigns about the inherent value of people with disabilities and their entitlement to receive an inclusive education are needed.

Recommendation 11: Increased transparent monitoring of schools' adherence to disability standards for education, Individual Learning Plans and funding usage.

Recommendation 12: ACT education providers be required to report on their progress towards meeting the obligations under Article 24 of the *UN Convention on the Rights of Persons with Disabilities*.

INTRODUCTION

Advocacy for Inclusion believes that no discussion about the needs of people with disabilities is valid unless it gives primary consideration to the lived experiences of people with disabilities and carers. Hence we would like to thank the Standing Committee for providing an opportunity for people with disabilities and their carers to contribute to their review. In late 2009, Advocacy for Inclusion conducted a consultation to garner additional information about the attitudes, experiences and ideas of students with disabilities, family members and also those working in the education sector. Using forums and questionnaires, we asked people to discuss unmet needs, barriers to inclusive education and supports that are lacking. Respondents also had an opportunity to put forward any recommendations they might have in relation to education in the ACT.

The results of the consultation reveal a diverse range of unmet needs of students with disabilities and a plethora of barriers that prohibit the fulfilment of people with disabilities' right to inclusive education in the ACT. The matters raised are pertinent to education providers throughout the continuum from early learning to adult, life-long learning. It is telling that the conclusions reached through the consultation process are confirmed in the findings of *SHUT OUT* the National Disability Strategy Consultation Report (National People with Disabilities and Carers Council, 2009), and the *Review of Special Education in the ACT* (Shaddock A, MacDonald N, Hook J, Giorcelli L & Arthur-Kelly M, 2009).

This submission is further informed by the experience of Advocacy for Inclusion advocates who support individuals with disabilities to secure their rights in the ACT, including education rights. This submission will outline the aforementioned needs and barriers in the context of human rights and current policies. Key issues are then highlighted and a number of recommendations are put forward for the ACT Government to consider.

THE IMPORTANCE OF INCLUSIVE EDUCATION

Access to education, particularly an education of equal quality to others, has long been an unrecognised and unrealised right for people with disabilities. Until the 1970s Australian Governments had not taken responsibility for the education of people with disabilities, forcing charitable and community organisations to create and manage special schools. Since the 1970s, students with disabilities were expected to attend special schools, with a few exceptions breaking new ground by attending to mainstream schools. In recent years Government policy has been to encourage some students with disabilities to attend general schools; however, this is only the first step.

Many students in the ACT continue to face barriers that prohibit them from being fully included in their school communities and receiving an education comparable to their peers. Adults with disabilities continue to be excluded from the range of education opportunities that the rest of society enjoys. Education workers in the ACT feel unsupported in their efforts to include students with disabilities in their classrooms and courses. Sadly, many Australians are not even aware that people with disabilities have a right to quality education amongst other students.

If the ACT Department of Education and Training (DET) continues to fail to provide effective education to people with disabilities in inclusive environments, negative repercussions for people with disabilities and the broader ACT community will persist. Students with disabilities will continue to receive a second-rate education, rendering them unequipped for further study

and employment. In special schools, children with disabilities will grow up missing out on becoming friends with children without disabilities, and learn that they do not fully belong in their own community.

Children without disabilities will continue to grow into adults who are unfamiliar with people with disabilities and who do not understand how or why to include people with disabilities. Adults with disabilities will remain pigeon-holed into segregated environments unless adult learning providers can cater to their individual needs. These are outcomes that impede the Canberra Social Plan and the human rights commitments Australia has made.

Every ACT resident has a different range of abilities but people with disabilities are also disabled by our society, by our systems and attitudes. The current structure of most education providers has a disabling effect on people with diverse needs, preventing them from reaching their potential. If the ACT moves forward with this understanding of disability, we are empowered to realise that what disables a person can be alleviated through us making changes in our attitudes, system and environment.

HUMAN RIGHTS CONTEXT

No discussion about the unmet needs of students with disabilities should take place without first understanding the human rights of people with disabilities. Advocacy for Inclusion applauds Australia's commitment to the *United Nations Convention on the Rights of Persons with Disabilities* (UN CRPD). This commitment makes Australia accountable on an international level to the often neglected rights of people with disabilities.

The UN CRPD makes it clear that people with disabilities in Australia are entitled to a fully inclusive education system and equitable lifelong learning opportunities that are dedicated to: the development of the fullest potential of people with disabilities; respect for human dignity, freedoms and diversity; and the participation of people with disabilities in Australian society. The UN CRPD stipulates that Australia must ensure that the general education system provides people with disabilities with:

- reasonable adjustments for individual requirements;
- effective education through personalised support measures;
- fully inclusive environments that are conducive to academic and social development;
- opportunities to learn life and social skills (including particular communication modes and mobility skills);
- curriculum that is appropriate and delivered appropriate communication formats; and,
- development of their personality, talents, creativity, intellectual and physical abilities.

These specific education rights are contained in Article 24; however, other rights pertinent to education are contained in the rest of the UN CRPD. Advocacy for Inclusion would like to encourage the ACT Legislative Assembly to include all situations that do not measure up to the rights detailed in the UN CRPD in their conceptualisation of the unmet needs of students with disabilities in the ACT.

GOOD POLICY IS NOT ENOUGH

Findings from our consultation and other reports clearly indicate that the education rights in the UN CRPD, which has been in force since mid-2008, are not being consistently met by ACT education providers. This is despite DET and ACT education providers being subject to a number of obligations in relation to students with disabilities. The Commonwealth *Disability*

Discrimination Act 1992 (DDA) is supported by the *Disability Education Standards 2005* which were formulated to help schools adhere to the DDA. The Standards instruct education providers that people with disabilities have the right to equitable non-discriminatory treatment in the domains of:

- Enrolment;
- Participation;
- Curriculum development, accreditation and delivery;
- Student support services; and,
- Harassment and victimisation.

The *Education Act 2004* specifies that government schools in the ACT should be committed to a range of principles and goals that are consistent with the rights of students with disabilities e.g. universality, equity. Moreover, DET has set out a range of obligations for their department and ACT schools in the '*Students with a Disability: meeting their Educational Needs*' and '*Parents/Carers as Partners in Schooling*' policies.

The community experiences detailed in this submission clearly tell us that good policies alone do not translate into consistently inclusive and anti-discriminatory education practice. Nor can we expect newer policies such as the ACT Government's inter-departmental policy '*Children and Young People with a Disability and their Family*', released in 2009, to result in better education provision for students with disabilities. Measures of inclusivity appear to vary significantly between mainstream schools despite these schools being subject to the same policies. Good policies must be backed up by government resources, practical support for staff, accountability structures and tangible attitude shifts.

SUMMARY OF FINDINGS

THE DIVERSITY OF UNMET STUDENT NEEDS

The following is a snapshot of some of the many unmet needs of people with disabilities in relation to the ACT education system.

- Sensitive staff responses to emotional needs and anxieties related to a student's disability e.g. the opportunity to phone a parent so that the student can calm down.
- Diverse and flexible curriculum content.
- Minor or major changes to curriculum delivery methods and modes e.g. changing the colour of paper so students with a visual-processing disability can read it.
- Therapy services such as speech therapy, physiotherapy, occupational therapy.
- Support in the playground and classroom to develop better understanding, confidence and skills to appropriately handle social interactions and respond to bullying.
- Physical education, camps and other extra-curricular activities that are accessible to diverse abilities.
- Specific design features of school environment: quieter and less busy areas to maximize learning for those who are sensitive to noise and distractions, full physical accessibility.
- Transport used to and from school as well as during school hours needs to be accessible, and trips need to be a reasonable length.
- Basic technology (e.g. laptops and desktop computers) or adaptive technology (e.g. communication devices and interactive boards) in order to complete learning tasks.
- Work experience opportunities that are suitable to the future plans of the student.

The community members we consulted explained that the above needs were rarely met by the education system and providers in the ACT.

People with disabilities and parents insist that education providers not assume that children with the same type of disability have similar needs. Nor can it be assumed that the needs of a child with disability will remain static throughout their schooling years.

COMMON BARRIERS TO INCLUSION

Advocacy for Inclusion's consultation uncovered a range of barriers to inclusive education facing the ACT community. They include:

- Inflexible curriculum design and delivery, lack of resources to adapt curriculum to suit the student.
- Inappropriate classroom design and physical spaces.

- Staff – student ratio is too low.
- Low levels of practical support, training opportunities provided to education workers.
- Inadequate planning and preparation for post-school options.
- Inequitable levels of support for adults with disabilities to achieve post-school goals.
- Inaccessible transport and long distances between home and school, plus no training for students with disabilities to become independent in accessing public transport.
- Support with social safety and development.
- Lack of accessible extra-curricular activities and physical education.
- Insufficient supply, implementation and maintenance of technologies.
- Excessive waiting times for therapy services rendering students ineligible for education supports and leading to untenable stress within families.
- The education sector is “silo-ed” away from the disability and community sectors.
- Lack of information sharing and consultation between schools, family members, the student, other schools and community services involved.
- Lack of tailored work experience opportunities for students.
- Education workers have low expectations for students with disabilities.
- Education workers are not trained in how to use assistive technologies, communication systems and accessible transport (e.g. wheelchair restraints).
- Schools restricting a child's school hours to those when a support assistant is available, so students attend part-time.
- Insufficient consultation with, and information provision to, parents and students by schools and DET.
- Low level of choice that parents have about where and how their child is educated.
- No flow-through of support or communication from schools to post-school options.
- Lack of links and understanding between community groups, agencies and school.
- Funding for equipment and technology recommended by specialists.

RECOMMENDATIONS & UNDERLYING ISSUES

INDIVIDUALISED EDUCATION PROVISION

The UN CRPD makes it very clear that students with disabilities are entitled to individualised support measures and adjustments. Unfortunately, a resounding sentiment from parents, students and professionals is that education providers are often rigid and unaccommodating to the unique needs of students with disabilities. This was reported about individual teachers, schools and the DET as a whole. Parents report a lack of willingness and capacity among education workers and schools to identify students' unique needs and make education adjustments accordingly. In these cases, children with disabilities in mainstream schools are only physically present in classrooms. They are restricted from equally participating in the education experience offered.

Parents are also disappointed that the ACT Government only offers a limited choice of schools to their child with disability because of the lack of inclusive schools. In effect, children with disabilities are being excluded from certain schools on the basis of disability, which is a direct contravention of their rights. If DET better supported mainstream schools to establish universal education programs, students would not be restricted from attending their local school.

According to education policy, ACT schools are designed to suit any child, like a “one size fits all” model; however, in practice schools are usually “one size fits most”. The planning of education curriculum and facilities seems to neglect the reality that children are very diverse. Respondents called for a greater degree of planning and exploration of the abilities and experiences of all students in order for the needs of all students to be met by ACT education providers.

Similar challenges are faced in the adult disability sector which has historically been pre-occupied with group programs and institutional settings. The disability sector has responded to people's calls for independence and dignity by adopting a person-centred approach. This approach involves embracing two realities: firstly, that a person with disability is foremost a person and should be treated as equal to other people; and secondly, that no two people are the same. The resulting conclusion is that every person deserves an education that is tailored to their personal needs, goals and abilities.

A person-centred approach does not unfairly favour people with disabilities. The focus is on every individual student and their diverse identity, needs and abilities. A person-centred approach also benefits the student experiencing their parent's divorce, the student who excels academically, the student living in poverty, the student from a refugee background and so forth. Ideally, the ACT education system should be universally designed so it meets the needs of all persons hence reducing the necessity of individualised adjustments (Shaddock et al, 2009).

“Making the child fit into the school so they are ‘less trouble’ is too common. The child or young person has to adapt all the time. They are the person who needs support - when will we see more adaptation of the school and larger environment to the needs of the person with the disability?” – Parent

Recommendation 1: Education providers implement person-centred measures and universal design of all education programs.

ELIMINATING SEGREGATED EDUCATION

The *UN Convention on the Rights of Persons with Disabilities* states that Australia must ensure that:

Persons with disabilities are not excluded from the general education system on the basis of disability... [and]... Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live. (Article 24)

The human rights imperative is clear: students with disabilities are entitled to a quality education in an inclusive environment at a local school. This right is equal to the right for neighbouring children without disabilities. For example, Tom lives next door to Mike, who requires significant changes to the usual curriculum delivery method and access to personal care and therapy services, in order to learn successfully. Both boys are entering Year 11 and live on the outskirts of Canberra. According to Australia's human rights commitments, both boys should be allowed to attend and receive an equal quality of education at all the colleges in their area. At the moment, Mike would be expected to travel longer distances to study at a special school away from his neighbours.

The segregation of children with disabilities from other children denies all children important life lessons that foster an inclusive society. An education system that is divided into 'special' and 'general' has significant social costs for all children and consequently, society as a whole. People with disabilities, and anyone who has spent time with them in public, know from experience that many community members react to people with disabilities with ignorance, discrimination and ridicule. Many community members have not had a chance to get to know the value of people with disabilities. Part of this is due to the segregation of students with disabilities into special schools. The UN CRPD requires States Parties to implement awareness-raising measures including "fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities".

Lastly, special schools are not in themselves an equitable deal for people with disabilities. The educational and economic outcomes for people with disabilities who attend special schools have not been shown to be better than the outcomes possible with inclusive mainstream education. Meaningful inclusion is necessary to build resilience in people with disabilities, confidence with their peers and a sense that they are valued in the world.

In the future, every school should be inclusive to the extent that they are equipped to educate every child. This is the future that is required by the UN CRPD and desperately desired by people with disabilities and their families; a future in which they are part of *the* world, not a 'special' world. In this future, special schools will be redundant as they will not add any value to an education system that has evolved to be universally inclusive.

Recommendation 2: Special schools are phased out in favour of all schools providing universal, inclusive programs.

ONGOING COORDINATION OF EDUCATION SUPPORT

Students with disabilities, parents and education workers are concerned with the lack of communication and collaboration that occurs between:

- education providers as a student moves from one to the other;
- classrooms (e.g. a student's Grade 3 teacher and her Grade 4 teacher);
- schools and families (despite DET family policy);
- schools and other community support services involved with the family;
- DET and the student with disability and their family; and,
- schools and adult disability services.

These shortfalls result in disruptions to the student's educational progress, confusion for the student when different teachers have different expectations of them, lack of continuity in students' Individual Learning Plans (ILPs), as well as resource wastage and duplication.

Teachers have explained that they do not have the skills or time needed to undertake such coordination tasks. Likewise, parents feel over-burdened by the responsibility to continually provide the same information to numerous support agencies, care providers and even teachers within the same school. Parents explained that they sometimes feel like an inconvenience to the teacher if they try to share information about the child. Measures need to be put in place to take the pressure off individual teachers and parents.

Advocacy for Inclusion proposes a Case Management Team that provides ongoing coordinating support to students with disabilities, their families and education workers throughout their education. The case management model will provide a much needed ongoing point of contact and support for students with disabilities and their families. This coordinating function must be external to the schools to ensure continuity during transitions between education providers. The case managers can hold 'the big picture', the whole educational journey, in mind while supporting the education workers and parents to manage the day-to-day steps towards the student's development goals.

Case managers would be in an ideal position to assume responsibility for a range of highly desired functions that are not currently occurring adequately within the ACT education system:

- a pathway for two-way consultation between families and schools / DET;
- ensuring smooth transitions between year levels and providers;
- collaborating with other support agencies / departments;
- tracking educational development including the continuity and evolution of Individual Learning Plans;
- fostering consistency between staff (creating assistance plans as necessary);
- enabling more regular and accurate needs assessments; and,
- timely post-school planning and coordinating preparatory measures.

Currently, post-school transition planning generally starts in the last two years of schooling. This is too late to have a positive effect on the post-school outcomes of students with disabilities. Case managers can ensure that education workers and parents are focussing on the student's post school plans from a younger age. After a student has completed school, case managers would be funded to stay involved until a comprehensive handover to an adult disability service has been completed.

Recommendation 3: A case-management team responsible for supporting each student with disability to plan and coordinate school-related supports and annual transitions throughout early childhood to viable post-school pathways in collaboration with family members, education workers and relevant services.

Although the case managers will assist schools to collaborate with other support agencies and departments involved in the family, there will still be a pressing need for strategic collaborative action between ACT departments. Advocacy for Inclusion acknowledges that the ACT Government has already formulated a policy framework regarding children and young people with disabilities; however, it is imperative that DET takes immediate action to ensure the effective implementation of this policy.

Recommendation 4: DET to immediately and effectively implement the ACT Government Policy Framework for Children and Young People with a Disability and their Families.

SUFFICIENT RESOURCES FOR INCLUSION

There is widespread acknowledgement that schools do not receive enough resources to meet the needs of all students. As previously noted our consultations uncovered a wide range of supports that are needed: adapted curriculum, higher staff to student ratio, adaptive equipment, technology, accessible transport, universally designed environments, social and playground support; and accessible extra-curricular activities. These are all essential resources which are not being consistently provided to students with disabilities.

It is clear that the ACT Government needs to increase the funding available to schools to provide equitable opportunities for all children to participate, learn and belong in school settings. To not supply the supports required is a breach of human rights. The UN CRPD demands that State Parties ensure that reasonable accommodations occur and that “persons with disabilities receive the support required, within the general education system, to facilitate their effective education”.

Teachers and families bear an extra burden when students do not fit the current disability categories or if their SCAN assessment does not produce the severity of need necessary to receive government funding resources. Students miss out on targeted funding and Individual Learning Plans, forcing teachers and parents to attempt to meet their additional educational needs within already scarce resources. Parents and professionals consulted felt that attempting to address these children’s needs through schools’ overall funding is not sufficient because it is dependent on the skills, motivation and resources of the school.

The funding models utilised by the ACT also need to be revised. Recommending a new approach for funding models is beyond the scope of this submission; however, it is obvious that the new approach needs to:

1. Revise assessment processes so that every student with disability or similar learning needs will receive individual funding that covers personalised education supports;
2. Allow students to use their funding at their chosen education provider (e.g. independent, Catholic, local public school) and transfer the funding between providers as needed; and,

3. Provide 'block' amounts of inclusion funding to schools to enable schools to train workers and redesign the school and curriculum to be universally inclusive.

Post-compulsory education providers also require financial support in order to create inclusive programs and environments.

The ACT Government must also be mindful that consistency of support is important to students with disabilities. Although families value early intervention, it is frustrating when the level of support provided fluctuates as the student grows older, despite a constant or increasing level of need.

Recommendation 5: Education funding models need to be diversified and funding increased in a manner sufficient to support education providers to fully address the needs and rights of all students with additional learning needs, including those considered as having mild to moderate levels of need.

RESOURCING AND EMPOWERING EDUCATION WORKERS

An increase in practical support for teachers in ACT schools is imperative so that the educational needs of all students can be met. Many education workers are supportive of inclusion but despair the lack of time and resources they are allocated to practice inclusive education. Parents and community members echo views that there is inadequate staffing in classrooms and that too much is expected of teachers. Respondents stressed that although additional equipment and technology are helpful, they are no substitute for adequate and skilled staffing.

It is evident that many education workers have not been adequately educated about the diverse experiences and needs of the people they are supporting and teaching. Consultation respondents stressed the importance of developing educators' skills in:

- adapting classes, materials and curriculum to suit diverse needs;
- sensitively fostering a sense of belonging among students; and,
- appropriately managing behaviours of concern.

According to the UN CRPD, Australia is obliged to provide training to professionals and workers at all levels of education that encompasses: disability awareness; the use of appropriate augmentative and alternative modes, means and formats of communication; and educational techniques and materials to support people with disabilities.

A significant increase in inclusion training for forthcoming and existing education workers is necessary to ensure they have the capacity to effectively educate students with disabilities. This involves a greater degree of inclusion-related curriculum in every teaching course, more preparatory training for teaching assistants, and professional development for all school staff. It is not acceptable to only provide training to the particular teachers with a student with disability in their class at a point in time.

Parents are also concerned that many education workers do not understand the experiences of parents of children with disabilities. Parents feel like their roles as carers, educators and advocates go unacknowledged by education workers. This leads to poorer collaboration between workers and parents. Training packages should incorporate information about the

experiences of families of people with disabilities, including strategies for the possibility that parents themselves may have a disability.

Disability awareness and inclusion training should always be conducted in partnership with people with disabilities. People with disabilities are the most qualified to talk about the experience of living with disability, an essential component of effective awareness-raising. Advocacy for Inclusion has previously delivered disability awareness training for teaching students. These future teachers appreciated that people with disabilities delivered the training as some of the university students' minimal experience with people with disabilities.

Recommendation 6: DET, adult learning providers and teaching courses ensure training is provided for all education workers in inclusive education philosophy and delivery.

ASSESSMENT FOR DISABILITY SUPPORT

The current ACT student disability criteria and Student Centred Assessment of Need (SCAN) are both a major source of disappointment for people with disabilities and their families. The criteria are category-based and therefore exclude numerous children who have additional learning needs whose disabilities cannot be easily diagnosed. Furthermore, there are only a limited number of categories included in the criteria; therefore children miss out if they have disabilities that fall into other categories such as mild to moderate developmental delay, learning disabilities, attention-deficit disorder and attention-deficit hyperactivity disorder.

In fact, there are children who are considered as having a disability by other government bodies but not by DET. This unnecessarily medicalised approach means that students who would be allocated funding if they had a SCAN assessment are excluded from even having a SCAN because they do not fit into the narrow *ACT Student Disability Criteria*. Instead of taking an unnecessary medical approach, DET should consider each student in terms of “what supports will it take for this student to learn on an equal basis alongside others?” This approach is in line with the social model of disability and incorporates human rights obligations.

If education in the ACT is to become fully inclusive, it must attend to the needs of students whose disabilities fail to fit into a neat box.

Recommendation 7: The current category-based ACT Student Disability criteria are replaced with a system that acknowledges every student who has special learning needs.

POST-SCHOOL OPTIONS ACHIEVEMENT

Although discussions about inclusive education are traditionally focussed on the compulsory education years, access to inclusive education is equally important to adults with disabilities in the ACT. The UN CRPD states that people with disabilities are entitled to reasonable accommodation to ensure they get equal access to general tertiary education, vocational training, adult education and lifelong learning. Once again, the reality is that people with disabilities are often pigeon-holed into a segregated system in their adult years, consisting of adult day centres, sheltered employment and group homes. Adults with disabilities report being encouraged to pursue a level of education lower than what they are capable of completing. Other people may believe that a person with disability attempting higher education is pointless or inconvenient, but the same would not be said of a person without disability.

Many adults with disabilities do succeed in completing tertiary education, vocational training and adult education courses; however, in order to succeed they have to overcome barriers of inaccessibility and discrimination. These barriers should be addressed by accountability measures (recommendations 11 and 12) and increased inclusion resources (recommendation 5).

Other factors that affect a person's post-school journey occur during the school years. Our consultation showed that secondary education often fails to target the individual's specific skills, interests and needs for post-school options. Respondents thought that some teachers harbour low expectations of the post-school potential of students with disabilities, leading to provision of education that is not adequate for tertiary entrance. A greater focus also needs to be given to supporting students with disabilities to complete appropriate work experience opportunities. These issues need to be addressed with increased resources (recommendation 4) and changed attitudes (recommendation 10).

Another barrier to equitable post-school outcomes is the low number of education pathway-focussed support packages available to school leavers in the ACT. Currently, many people miss out on these support packages even though they require support to access and complete post school education and training pathways.

Recommendation 8: ACT Government must deliver post-school pathways funding packages to a larger proportion of school-leavers with disabilities.

The cost of studying with a disability is often not recognised. Adults with disabilities who study at tertiary level often face more financial disadvantage than other students if their disability warrants extra or adjusted resources that are not provided by the university or by government. One adult respondent told us that his parents have to financially support him to purchase additional tutoring that was necessary because of his disability. For many prospective students with disabilities, there is little incentive to pursue further study because of potential economic hardship. Many adults with disabilities are employed or work-ready and would take longer to complete course requirements because of their disability, so they have to choose between whether they will work or whether they will study and face economic hardship.

Recommendation 9: Additional financial support for adults with disabilities is needed so that completing post-secondary studies does not incur additional economic disadvantage.

ATTITUDES TOWARDS PEOPLE WITH DISABILITIES

Incorrect assumptions that people with disabilities do not have the capacity to learn, or will not be able to contribute meaningfully to society through study continue to thrive in Australian communities. Unfortunately, teachers are no exception with numerous students and parents reporting that some teachers express low expectations and negative perceptions of students with disabilities. The prevalence of these attitudes contravenes the right of people with disabilities to an education system that is directed towards "the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity" (UN CRPD).

One respondent to our consultations noted that there is both a “lack of understanding of what the person can do... [and] too much focus on what the person cannot do.” Other respondents highlighted an unnecessary preoccupation with behaviour management and compliance rather than students’ potential. It was believed that negative pre-conceptions of students with disabilities could sometimes be perpetuated by negative student records “following” students. Student records should be endorsed by the family or young person and should represent the strengths of the student, not just weaknesses.

It is widely agreed that low expectations of students by teachers lead to lower educational outcomes for those students. In such scenarios, the educational opportunities offered to a student with disability may be limited by others. In fact, some students and parents have been discouraged from pursuing certain levels of education and pushed towards less meaningful options. In other cases, parents complained that some teachers acted as if the school was just a childcare venue for the student with disability instead of a place for that student to learn. There is no justification for low expectations of students with disabilities. To the contrary, people with disabilities achieve academically and make valuable contributions through their employment once the barriers to their participation have been lifted.

The consultation also highlighted the ongoing prevalence of attitudes against inclusive schooling. Respondents noted that some mainstream schools have minimal willingness to include students with disabilities. In fact, it was reported that some principals would actively dissuade the parents of students with disabilities from enrolling in their school. Parents have been told by schools that their child with disability will not “fit in” at their school. Likewise, parents have been advised to approach a particular ACT school because that school is “good with those kinds of students”. As well as these overt examples, respondents also discussed more discreet and covert resistance to inclusion. Receiving a “cold” welcome from a principal is enough to know your child with disability is not appreciated at the school.

A significant shift in the attitudes of education workers towards students with disabilities is imperative to meeting the needs and rights of students with disabilities. Education workers and the wider community must understand that people with disabilities are inherently valuable and have rights to full participation in education and society.

Recommendation 10: Ongoing awareness campaigns about the inherent value of people with disabilities and their entitlement to receive an inclusive education are needed.

ACCOUNTABILITY TO DISABILITY STANDARDS

There are a number of policies and human rights declarations detailing the obligations of education providers to provide inclusive services for people with disabilities; however, consultation responses drew attention to the lack of accountability that schools have to these policies and human rights. The variations between schools suggest that each school’s internal motivation to meet the rights and needs of students with disabilities is not sufficient to achieve that aim.

For instance, parents reported that Individual Learning Plans are not always adhered to by teachers. Surprisingly there are no tangible consequences if teachers do not attempt to meet this obligation. One school bluntly told a parent that their child was “too busy” with other activities in order for the workers to implement their Individual Learning Plan. Although it may be

good that this student is participating in classroom activities, the ILP represents the tasks required to achieve the student's individual goals.

Respondents are also concerned that there is no way of knowing that SCAN funding allocated to certain students has not been used to fund other needs across the school population. Likewise, there is currently no system of tracking what efforts schools are making across the board to make their schools more universally inclusive. Accountability to the public and external bodies, such as DET and the ACT Human Rights Commission, is crucial to attaining equality in the education system.

Recommendation 11: Increase transparent monitoring of schools' adherence to disability standards for education, Individual Learning Plans and funding usage.

Recommendation 12: ACT education providers be required to report on their progress towards meeting the obligations under Article 24 of the *UN Convention on the Rights of Persons with Disabilities*.

CONCLUSION

There has been significant progress made towards inclusive education in recent decades. It is now an expectation, Australia has ratified the UN CRPD (which outlines human rights obligations), and the community is more familiar with the presence of people with disabilities.

Unfortunately there is still a long way to go to ensure that students with disabilities have equal access to the same education standards and expectations as other students. Supports, plans, teacher training, and attitudes across the education sector must be further developed.

Where plans have been outlined and funding committed there needs to be greater accountability and transparency to ensure compliance.

Students with disabilities continue to struggle to achieve the same access to education as their peers at all levels of education. Strong commitment from government and the community is needed to make further meaningful progress.

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