

STANDING COMMITTEE ON EDUCATION, TRAINING
AND YOUTH AFFAIRS

Needs of ACT Students with a Disability

OCTOBER 2010

Report 5

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Resolution of appointment

On 9 December 2008, the Legislative Assembly for the ACT resolved to establish a Standing Committee on Education, Training and Youth Affairs to examine matters related to early childhood education and care, primary, secondary, post secondary and tertiary education, non-government education, youth services, technology, arts and culture.

Terms of reference

On Thursday 25 June 2009, the Legislative Assembly for the ACT referred to the Standing Committee on Education, Training and Youth Affairs for inquiry and report the level of unmet need for educational services for all students with a disability in ACT government and non-government schools, with particular reference to:

- community and parental experiences, satisfaction and attitudes;
- educational outcomes;
- the findings of the Special Education Review into leading international and Australian practice in curriculum and pedagogy for students with disabilities;
- the provision of services, such as therapy and transport, to support educational needs of students;
- post-school options, transitions and later year pathways for students with a disability; and
- any other related matters.

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Abbreviations

ACTCOSS	ACT Council of Social Service
ADD	Attention Deficit Disorder
ADHD	Attention Deficit Hyperactivity Disorder
AEDI	Australian Early Development Index
AEU	Australian Education Union
CEO	Catholic Education Office
COAG	Council of Australian Governments
CSTDA	Commonwealth State/Territory Disability Agreement
DDA	<i>Disability Discrimination Act 1992 (Cth)</i>
DET	Department of Education and Training
DSE	Disability Standards for Education 2005
ILP	Individual Learning Plan
LSA	Learning Support Assistant
NAPLAN	National Assessment Program in Literacy and Numeracy
NMDS	National Minimum Data Set
SCAN	Student Centred Appraisal of Need
The Agreement	National Education Agreement
The Council	ACT Council of Parents and Citizens Associations
The Shaddock Review	Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT
The Standards	<i>Disability Standards for Education 2005</i>

RECOMMENDATIONS

RECOMMENDATION 1

2.17 The Committee recommends that the Department of Education and Training support the capacity for cross-sector dialogue and information and skills sharing on best practice in the delivery of disability education services between government and non-government education systems.

RECOMMENDATION 2

2.23 The Committee recommends that the Department of Education and Training liaise with the non-government education sector to ensure consistency in the descriptors of educational services.

RECOMMENDATION 3

2.24 The Committee recommends that the Department of Education and Training confer with the providers and users of educational services to ACT students with disabilities regarding any proposed changes to service names.

RECOMMENDATION 4

3.12 The Committee recommends that Individual Learning Plans should be developed as a formal benchmarking tool which will assist in the refinement of teaching strategies at the classroom level and be able to measure the level of success of schools in the delivery of educational services to students with disabilities.

RECOMMENDATION 5

3.18 The Committee recommends that the Department of Education and Training investigate, develop and implement a system of objective educational measures of outcomes for students with a disability that would allow teaching strategies to be refined and system level planning to be undertaken.

RECOMMENDATION 6

3.19 The Committee recommends that the Department of Education and Training investigate and implement a process by which general assessment outcomes for students with disability can be disaggregated in the results from key assessment programs such as the National Assessment Program (NAPLAN).

RECOMMENDATION 7

4.16 The Committee recommends that the ACT Government examines the proposal set out in the Review of Special Education in the ACT to adopt a broader definition of disability that is consistent with discrimination law and that the Minister for Education and Training report back to the Legislative Assembly.

RECOMMENDATION 8

4.23 The Committee recommends that the ACT Government review the *ACT Discrimination Act 1991* to ensure consistency with the provisions set out in the Commonwealth *Discrimination Act 1992*.

RECOMMENDATION 9

5.24 The Committee recommends that the Minister for Education and Training provide an explanation to the Legislative Assembly as to why the estimated average cost of providing education services to students with disabilities in mainstream public schools has not been subject to the same cost pressures as other service delivery costs and why the percentage growth in this cost between 1999 and 2008 is nearly half that of other percentage estimate average cost growth.

RECOMMENDATION 10

5.29 The Committee recommends that a schematic representation of the definition and funding model used to allocate general school and specialist education funds in the ACT be provided to all parents and carers as a part of the documentation relating to resources available for students with a disability.

RECOMMENDATION 11

5.35 The Committee recommends that the Department of Education and Training undertake a full review of the average cost associated with the delivery of education services to students with disability which provides better indications of:

- Costs of developing individual learning plans for all students who are identified as having a disability;
- Costs of assessing "reasonable adjustments" in the delivery of education services;
- Costs of training and resourcing teachers to implement "reasonable adjustments" in the delivery of the current curriculum; and
- Costs of maintaining Learning Support Units within mainstream schools.

RECOMMENDATION 12

6.3 The Committee recommends that the Department of Education and Training undertake exit interviews with students with disability and their parents or carers who move from mainstream to special schools to identify common concerns or reasons for student movements.

RECOMMENDATION 13

6.12 The Committee recommends that the Department of Education and Training provide details in the Annual Report of the delivery of special needs transport services including:

- Numbers of students accessing service;
- Numbers of trips per annum;
- Details of average and longest trips; and
- Adverse events on transport services.

RECOMMENDATION 14

6.29 The Committee recommends that the Department of Education and Training provide information at enrolment about all available funding programs which may assist students with disabilities.

RECOMMENDATION 15

6.36 The Committee recommends that as a part of the review of School-Based Management funding arrangements the ACT Government ensure that the quantity of, and processes established for allocating, funding for students with disabilities within government schools be clearly articulated and monitored by the Department of Education and Training.

RECOMMENDATION 16

6.40 The Committee recommends that the Department of Education and Training consider ways to improve the understanding of disability education services as a key indicator of administrative flexibility and responsiveness.

RECOMMENDATION 17

6.44 The Committee recommends that the ACT Government assess the best means of coordinating information sources for students with disabilities and their advocates.

RECOMMENDATION 18

7.11 The Committee recommends that the Department of Education and Training review the timing of the Student Centred Appraisal of Need (SCAN) review process and establish a mechanism to ensure that the funding approach to allocate resources to students with specified disabilities will be focused towards maximising learning outcomes as proposed by the 2009 Review of Special Education in the ACT.

RECOMMENDATION 19

7.12 The Committee recommends that the students' needs for inclusive technology be assessed as a part of the Student Centred Appraisal of Need (SCAN) process.

RECOMMENDATION 20

7.18 The Committee recommends that Department of Education and Training Network Coordinators be required to report on the audit of Individual Learning Plans from schools in their areas and that outcomes of the audit process be detailed in the Annual Report.

RECOMMENDATION 21

7.21 The Committee recommends that the Minister for Education and Training review the use of consultants in government schools in light of the comments made in the 2009 *Review of Special Education Services* particularly in assessing the need for disability education consultants.

RECOMMENDATION 22

7.24 The Committee recommends that the Department of Education and Training consider the need for a pilot program within the ACT education system for alternative class-room based disability teaching models.

RECOMMENDATION 23

7.34 The Committee recommends that the Department of Education and Training review the role of Learning Support Assistants with the structure of the disability education sector with a view to formalising the role; assessing the appropriate staffing ratios; providing initial training and professional development opportunities; and clarifying duties within the classroom in terms of maximising the learning outcomes for students with disabilities.

RECOMMENDATION 24

7.35 The Committee recommends that the Department of Education and Training, in reviewing the role of Learning Support Assistants, review the need for additional Indigenous Education Officers and Indigenous Learning Support Assistants to support the learning of Indigenous students with disabilities.

RECOMMENDATION 25

7.39 The Committee recommends that the Minister for Education and Training provide a statement to the Legislative Assembly on the outcomes of the service agreement between the Department of Education and Training and Therapy ACT and the effectiveness of this agreement in redressing the gap in services identified in the Review of Special Education in the ACT.

RECOMMENDATION 26

7.54 The Committee recommends that the ACT Government monitor the progress of the post-school options support provider (currently the House with no Steps) in providing planning supports to students with disabilities from at least year 9 and, if necessary, provide additional resources to facilitate early planning of post-school pathways for all students with disabilities.

RECOMMENDATION 27

7.55 The Committee recommends that the ACT Government ensure that the formula used to determine the allocation of funding for post-school options is based on the number of students graduating each year so that adequate services can be provided.

RECOMMENDATION 28

7.56 The Committee recommends that the Department of Education and Training include questions about access and effectiveness of post-school planning on the annual parent satisfaction survey.

RECOMMENDATION 29

7.63 The Department of Education and Training provide details of the external linkages established, including type of organisations, and the numbers of students attending the post-school options expo in the Annual Report.

RECOMMENDATION 30

7.64 The Department of Education and Training assess the impact of the changed vocational education structure on the pathways available to students with disabilities.

STANDING COMMITTEE ON EDUCATION, TRAINING AND YOUTH
AFFAIRS

1 INTRODUCTION

Conduct of the inquiry

- 1.1 On 25 June 2009, the Legislative Assembly for the ACT referred the matter of the needs of ACT students with a disability to the Committee for inquiry and report.
- 1.2 The Committee advertised in *The Canberra Times* on 5th August 2009 and on the Legislative Assembly website. Stakeholders and interested members of the community were directly invited to make a submission.
- 1.3 The Committee received 14 submissions from organisations and individuals (see Appendix A). All submissions received have been published on the Inquiry webpage.¹
- 1.4 Late submissions for the Inquiry were accepted by the Committee so that members of the community might consider the findings of the Special Education Review which was not publicly available until late December 2009.²
- 1.5 In December 2009, the Committee received a submission from the ACT Government with attachments of relevance to the Inquiry, including the full report of the Special Education Review entitled *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT* (The Shaddock Review).
- 1.6 During the inquiry, the Committee held four public hearings.³ Witness details are provided in Appendix B.

¹ Submission can be accessed at:

<<http://www.parliament.act.gov.au/committees/index1.asp?committee=117&inquiry=822&category=14>>

² Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009. Accessible at:

<http://www.det.act.gov.au/_data/assets/pdf_file/0014/105341/Review_of_Special_Education_ACT_2009_Final_Report.pdf> (accessed 4 August 2010)

³ The transcripts of all hearings can be accessed at

<<http://www.hansard.act.gov.au/hansard/2009/comms/default.htm>>

- 1.7 The Committee appreciated the support and assistance of all those who contributed to the Inquiry. Many of the submissions received by the Committee provided detailed analysis and clear examples drawn from direct experiences of students and their carers. These details greatly assisted the Committee to understand this important area of educational services.

Review of special education

- 1.8 The terms of reference for the current Inquiry included the findings of the review of special education initiated by the ACT Government in 2009 and led by Professor Tony Shaddock as the principal consultant. The Shaddock Review provided a comprehensive overview of the key features of the education services provided to students with disabilities in both government and non-government schools. The Committee did not intend to restate, or specifically comment on, the many options suggested by the reviewer report but understood from the Minister for Education and Training, that some of the 62 options proposed by the Shaddock Review were being progressed. The Minister advised the Committee that:

we are considering a number of elements of the Shaddock review that require further and more detailed longer term consideration. There are some that can be and have been implemented, but as a rough rule of thumb I understand about two-thirds of the 62 options are underway or quite well progressed.⁴

- 1.9 The Committee was also advised by the Minister that the Government's response to the Shaddock Review would be available in due course. The response had not become available at the time of finalising this report.
- 1.10 The Committee noted the view of the Australian Education Union representative on the Special Education Reference Group that the options set out by the Review 'should not be cherry picked, there should be a long-term plan to endeavour to implement all of those options'.⁵

⁴ Mr Barr, *Transcript of evidence*, 20 July 2010, p 117

⁵ Ms Smith, *Transcript of evidence*, 27 April 2010, p 67

1.11 The Committee identified from the Shaddock Review a number of key themes, including:

- Need for education systems to focus on strategies to maximise educational outcomes in the provision of services to students, including through the better use of individual learning plans;
- Development of administrative support systems which focus on evidence based strategies for students' learning rather than legal and administrative requirements;
- Development of effective measures for monitoring success in meeting student educational outcomes
- Establishing effective post-school pathways and ensuring planning and communications strategies provide information and support to students, parents and carers.
- The provision of adequate resources to meet defined and additional need within the system through adaptive teaching practices;
- Adequacy of the training and professional development in disability education practice provided to the teachers and learning support assistants in all education settings;
- Importance of leadership in the school context to create a culture of inclusion and advocate for resources needed to ensure that learning opportunities for all students are maximised; and
- Concerns within the community of interest about the adequacy of funding and a perceived lack of transparency and accountability in the allocation of funds, including the administration of the Student Centred Appraisal of Need (SCAN) process.

Structure of the report

- 1.12 The Report covers a number of the key themes that arose during the Inquiry commencing in chapter 2 with an overview of the cross-sectoral delivery of disability education in the ACT and includes discussion of some general issues raised by the Shaddock Review.
- 1.13 Chapter 3 links the Inquiry themes to the Committee's earlier report on the educational achievement gap and identifies some common concerns for the Committee about the monitoring of the educational performance of students with disabilities.
- 1.14 The laws and policies which provide the framework for the delivery of disability education services are outlined in chapter 4 and the way this framework defines disability and determines what constitutes "reasonable adjustment" is discussed.
- 1.15 The implication of definition for the allocation of resources and determining the cost of services is discussed in chapter 5. Concerns raised with the Committee during the Inquiry about transparency and accountability in the existing funding arrangements are detailed.
- 1.16 Chapter 6 and chapter 7 consider the implication of current funding and administrative arrangements on issues of school choice and the resources available for learning. This includes a discussion of inclusive technologies, communications between schools and families, the student centred assessment of need process and teaching and support skills.
- 1.17 The report identifies some inadequacies in the educational experiences of students with disabilities and their families and makes 30 recommendations for the ACT Government to consider.
- 1.18 Chapter 8 offers some concluding comments on the needs of ACT students with a disability.

2 DISABILITY EDUCATION IN THE ACT

- 2.1 It is clear that the number of students with special education needs because of disability has been increasing. Table 1 (Disability enrolments in government and non-government sectors, 2006 to 2010) maps the steady growth in the number of students in both government and non-government sector in the last five years. Consistently, the highest proportion of students with disability have been enrolled in the government education system. In 2010, 1869 students enrolled in government schools were classified as "special needs" students.⁶ The number of students with disabilities in ACT government schools had nearly reached five per cent of total enrolments in this sector.
- 2.2 The growth in the numbers of students with disabilities enrolled in independent and Catholic education schools has also increased. The percentage increase has been particularly significant in the independent school sector, and while the actual numbers are relatively low (214 students in 2010), they have more than doubled over the five year period.⁷

⁶ ACT Department of Education and Training, *ACT School Census* February 2010. Accessible at: <http://www.det.act.gov.au/data/assets/pdf_file/0013/122314/ACT_Schools_Census_February_2010.pdf> (accessed 6 August 2010). Includes all students flagged as special needs, including those students not formally assessed at the time of the census.

⁷ Table 3 (percentage of total student with disability enrolment by school sector) in Chapter 5 of the report sets the percentage of those students as a proportion of the total enrolment for each school sector.

Table 1: Disability enrolments in government and non-government sectors, 2006 to 2010⁸

	2006	2007	2008	2009	2010
Government schools	1 698	1 711	1 759	1 784	1 869
TOTAL STUDENT ENROLMENT	38 832	38 540	38 230	38 280	38 853
Special needs enrolment as % total enrolment	4.37%	4.44%	4.60%	4.66%	4.81%
Non-Government schools	329	418	424	411	479
Independent	76	195	185	162	214
Catholic systemic	253	223	239	249	265
TOTAL STUDENT ENROLMENT	24 679	24 950	25 383	26 100	26 559
Special needs enrolment as % total enrolment	1.33%	1.68%	1.67%	1.57%	1.80%
Total special need all schools	2 027	2 129	2 183	2 195	2 348
Special needs enrolment as % all school enrolments	3.19%	3.35%	3.43%	3.41%	3.59%

2.3 While there appears to be many factors which may have contributed to this growth (changing definitions, movement of students within the schools systems, recognition of different diagnoses) the Committee was not aware of a definitive explanation as to the cause of this increase. However, the steady

⁸ ACT Department of Education and Training, *ACT School Census* February 2010. Accessible at: http://www.det.act.gov.au/_data/assets/pdf_file/0013/122314/ACT_Schools_Census_February_2010.pdf (accessed 6 August 2010). Includes all students flagged as special needs, including those students not formally assessed at the time of the census.

growth in figures suggested that that this trend will continue. Some jurisdictions have considered, particularly if a broader definition of disability were to be used, that as many as 18 per cent of students could be classified as having a learning support need related to disability.⁹

Disability education services in government schools

- 2.4 The delivery of education services to students with disability in the government school sector occurs in a number of ways. The ACT Government submission outlined the following options:
- Enrolment in a regular class in a neighbourhood school with support determined by the student centred appraisal of need (SCAN) process;
 - Learning support centres, language support classes or hearing impaired units located in neighbourhood schools;
 - Learning support units, including units specifically for students with a diagnosis of autism, located in neighbourhood schools; and
 - Special schools.¹⁰
- 2.5 Not only does the government education sector provide education services to a higher proportion of students with disability, these services are provided in a diverse range of settings. Table 2 (Education services provided to students with disability in the government school sector 2008-2009) provides details of enrolment in various public education settings.

⁹ Commonwealth Department of Education Science and Training, *Disability Standards for Education 2004 Regulation Impact Statement*. Accessible at: [http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/\(CFD7369FCAE9B8F32F341DBE097801FF\)~7+June+Regulation+Impact+Statement+2004.pdf/\\$file/7+June+Regulation+Impact+Statement+2004.pdf](http://www.ag.gov.au/www/agd/rwpattach.nsf/VAP/(CFD7369FCAE9B8F32F341DBE097801FF)~7+June+Regulation+Impact+Statement+2004.pdf/$file/7+June+Regulation+Impact+Statement+2004.pdf) (accessed 27 August 2010).

¹⁰ ACT Government, *Submission no. 1*, p 12

Table 2: Education services provided to students with disability in the government school sector 2008-2009

Number of special schools and number of students with disability in government education settings – 2008-2009 ¹¹	
Number of special schools	4
Number of students in special schools	328
Number of students with a disability receiving assistance in mainstream classes	673
Number of students with a disability in special programs in mainstream schools	783
Primary schools	497
High schools	218
Colleges	68

Early intervention programs

- 2.6 The Department of Education and Training also provides an early intervention and preschool program which, in part, facilitates an early identification and learning program development process for students with development delays. In 2008-2009, 450 students with development delays attended an early intervention program.¹²
- 2.7 The National Minimum Data Set (NMDS) for 2007-2008 indicated that there were 2870 children and young people with disability under the age of 24 using disability support service funded by the Commonwealth State/Territory Disability Agreement (CSTDA) in the ACT. Of this group, 2600 were under 15 years old. The Committee noted that, of this number, there were a significant number of school-aged children aged between 5 and 14 years old (1694).¹³

¹¹ ACT Department of Education and Training, *Annual Report 2008-2009*, p 116

¹² Department of Education and Training, *Annual Report 2008-2009*, p 115

¹³ Australian Institute of Health and Welfare, Disability support services 2007-08 National data on services provided under the Commonwealth State/Territory Disability Agreement, December 2009, p 80; accessible at <<http://www.aihw.gov.au/publications/index.cfm/title/10751>> (accessed 28 August 2010)

Shaddock Review in brief

- 2.8 The Shaddock Review¹⁴ involved a comprehensive investigation of the provision of education services for students with a disability in the ACT within the government and non-government education systems.
- 2.9 In general, the Committee found the Shaddock Review to be particularly comprehensive on setting out international best practice for the delivery of disability education and other support services and looks forward to the Government's response to the Review¹⁵ and the subsequent improvement in the delivery of education services to students with disabilities.
- 2.10 The cross-sectoral approach to the review of education services was particularly valuable and supported the potential of the Review to facilitate a focus on the educational experiences and outcomes of students rather than system type.
- 2.11 In assessing government education services, the Shaddock Review identified:
 a need for a coherent vision and business plan to provide the rationale and strategy for service development...[and] investment in professional learning for teachers so that teachers are supported to use a wider range of evidence-based pedagogies.¹⁶
- 2.12 The Committee understood from the Shaddock Review that the ACT Catholic School system has 'a good record of educating students with a disability in mainstream educational environments and have plans for further development of services for students with disabilities. The Review characterised the delivery model as 'transitioning from a "special education" to a "learning support" model.¹⁷

¹⁴ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT, Service Initiatives*, 30 October 2009.

¹⁵ The ACT Government's response to the Review of Special Education Services was not available at the time the Committee's report was finalised.

¹⁶ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT, Service Initiatives*, 30 October 2009, p 17

¹⁷ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT, Service Initiatives*, 30 October 2009, p 141

- 2.13 The Shaddock Review indicated that the range of supports for students with disabilities in the 17 independent schools in the ACT varied considerably given the nature of the governance arrangements in this sector where each school sets priorities and policies in the delivery of educational services to all students enrolled.
- 2.14 For all sectors, the Review offered a range of options which these schools might find useful for improving the educational outcomes for students with disabilities.¹⁸
- 2.15 The Committee received a submission from the Association of Independent Schools of the ACT which noted:
- the strong emphasis for improved cross-sector (and in our case intra-sector) collaboration in a variety of areas, including parental support, professional development and raising awareness of legislative requirements. Initial informal discussions with the ACT Department of Education and Training and the Catholic Education Office point to areas of further possible cooperation.¹⁹
- 2.16 The Committee strongly supported cross-sector collaboration.

RECOMMENDATION 1

- 2.17 **The Committee recommends that the Department of Education and Training support the capacity for cross-sector dialogue and information and skills sharing on best practice in the delivery of disability education services between government and non-government education systems.**

¹⁸ See chapter 12.

¹⁹ Association of Independent Schools of the ACT, *Submission no. 3*

Issues arising from the Review

- 2.18 Reference to the Shaddock Review will be made throughout this report but the Committee was particularly interested in the emphasis placed on strategies which prioritise student learning processes and educational outcomes. The Committee also took note of the proposal to improve external accountability for educational achievements of students with disabilities (This is discussed in more detail in chapter 3).
- 2.19 Professor Shaddock met with the Committee on 14 April 2010 and the discussion focused on the following issues:
- Understanding the diversity of student need was a key skill for all classroom teachers;
 - Teaching quality was the second most significant variance in educational outcomes – following individual student capacity;
 - External accountability for the educational outcomes for students with a disability should be a feature of the system;
 - Importance of making sure that the quantum of therapy services are effectively used and monitored;
 - Evidence that adjustments in the delivery of education services which support students with a disability can also benefit the learning of students without a disability;
 - The importance of ensuring that strategies to support the learning outcomes for students with a disability support all those involved including teachers, parents and carers.²⁰

A note on terminology

- 2.20 The Shaddock Review emphasised the importance of moving away from the classification of "special education" to disability education. Not only has the descriptor been challenged within the community of interest, but it is not used

²⁰ Professor Shaddock, *Transcript of evidence*, 14 April 2010, pp 2-4

in relevant legislation or policy, including at the federal level.²¹ Rather, "special education" has been used to describe components of the government and non-government education systems: for instance, special education units.

- 2.21 The Committee understood that the Department of Education and Training has accepted the suggestion and is already 'looking at using the recognised national-international nomenclature around disability education'.²² Some evidence of a transition can be seen on the DET website.²³
- 2.22 The Committee considered that any changes should be consistent across the sector and that all users and other stakeholders should be made aware of any changes to the designation of services so as not to cause confusion.

RECOMMENDATION 2

- 2.23 **The Committee recommends that the Department of Education and Training liaise with the non-government education sector to ensure consistency in the descriptors of educational services.**

RECOMMENDATION 3

- 2.24 **The Committee recommends that the Department of Education and Training confer with the providers and users of educational services to ACT students with disabilities regarding any proposed changes to service names.**

²¹ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, pp 31-33. See also comments by Ms von Ess, *Transcript of evidence*, 27 April 2010, p 78

²² Dr Collis, *Transcript of evidence to the Select Committee on Estimates 2010-2011*, 28 May 2010, p 1602

²³ See <http://www.det.act.gov.au/school_education/disability_education> (accessed 20 September 2010)

3 EDUCATIONAL OUTCOMES

- 3.1 The Shaddock Review of special education in the ACT concluded that:

that the *most important* contribution that schools can make to improve the educational outcomes of students with a disability in ACT schools is to improve what happens on a daily basis in individual classrooms.²⁴

Educational achievement gap

- 3.2 Earlier in 2010, the Committee tabled the report from the inquiry into the educational achievement gap. In the report, the Committee observed that gaps in educational achievement will be influenced by the capacity of some students to engage in their learning and thus achieve at their full potential.²⁵ Capacity to engage with the learning process can be a consequence of ability and the level of individual and public resources available to a student. Resources can significantly determine the time and attention that can be devoted to the development and delivery of learning processes.
- 3.3 In submitting to the Committee on the issue of disability education, the Youth Coalition of the ACT reinforced the importance of resources and the commitment of many families to maximising the educational possibilities for their children, by highlighting the 'costs being borne by families accessing supports and services (for example assessment and diagnosis, tutoring) outside of school'.²⁶ It would also be the case that some families would not have the financial capacity or awareness to access additional services or supports and will rely entirely on government provided services.

²⁴ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 15

²⁵ Standing Committee on Education, Training and Youth Affairs, *Inquiry into the Educational Achievement Gap*, May 2010, p 42. Accessible at: <http://www.parliament.act.gov.au/downloads/reports/7th%20ETYA%2003%20Achievement%20Gap.pdf> (accessed 20 July 2010)

²⁶ Youth Coalition of the ACT, *Submission no. 11*, p 17

- 3.4 As the earlier inquiry highlighted, data that might allow the achievement gap to be measured has never been collected. The Disability and Community Services Commissioner highlighted the lack of objective measures of the educational achievements of students with disability. The Commissioner noted that

While many students with disability are also under a socio-economic disadvantage, a clear measure of students with a disability as against the student population as a whole would clarify the extent of the gap in educational outcomes in relation to what is arguably the biggest minority group in the ACT. If disability were considered in relation to other contributors to educational outcomes, any multiplier affect could also be assessed.²⁷

- 3.5 The current Inquiry offered the opportunity to look more closely at the factors which influence the educational outcomes and experiences of students with disabilities and to set this examination within an understanding of the specialist educational services required to support the learning needs of those students.

- 3.6 The Department of Education and Training advised that the focus adopted in the delivery of disability education services is on:

literacy and numeracy, health, self-management, and interpersonal skills appropriate to the assessed needs of students with disabilities to enable them to realise their individual potential.²⁸

- 3.7 At present, the only indicator available to the Department of Education and Training to monitor the success of educational services provided to students with disabilities is an annual parent satisfaction survey. This survey is distributed to all parents whose children access disability education services and:

²⁷ ACT Disability and Community Services Commissioner, Submission no 1 to Inquiry into the Education Achievement Gap, p 1. Accessible at <http://www.parliament.act.gov.au/downloads/submissions/01%20Disability%20and%20Comm%20Services%20Commissioner.pdf> (accessed 20 September 2010)

²⁸ ACT Government, *2010-11 Budget paper 4*, p 316

consists of a question requesting overall satisfaction and then supplementary questions targeted at particular issues of importance. The supplementary questions may vary from year to year.²⁹

- 3.8 On the basis of the annual parent survey, the Department of Education and Training was able to report high levels of parents are moderately to very satisfied with their children's educational program.³⁰ The results of the Parent and Carer Satisfaction Survey for 2009-2010 are attached as Appendix C.
- 3.9 The Committee noted that the response rate for this survey (515) represents approximately 27.5 per cent of the total number of reported enrolments (1869) in the ACT government education system.³¹
- 3.10 The Committee considered that more comprehensive and objective measures were required to allow the disability education services and the outcomes for individual students to be effectively monitored. Objective measures of education outcomes would provide clear data on the effectiveness of the teaching methods used and allow for better service planning.
- 3.11 Advocacy for Inclusion supported greater monitoring of educational outcomes and noted that:

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.³²
- 3.12 The proposition put by the Shaddock Review that Individual Learning Plans (ILPs) could be more effectively prepared to identify and set realistic

²⁹ ACT Government, *Submission no. 1*, p 7

³⁰ ACT Government, *Submission no. 1*, p 7. In 2008, 89 per cent of parents who completed the survey were in this category. In 2007, 90 per cent of parents who completed the survey indicated satisfaction with the education services provided to their children. The Minister for Education and Training advised the Committee at the hearing held on 20 July 2010 that the figures for 2009 were 92 per cent of parents who completed the survey: Mr Barr, *Transcript of evidence*, 20 July 2010, p 126. A breakdown of these results was provided by the Minister and can be found as Appendix C.

³¹ See Appendix C for 2009-2010 results. See Table 1 for total enrolment figure.

³² Advocacy for Inclusion, *Submission no. 12*, p 18

educational goals for all students with disabilities was supported by submitters to the Inquiry.³³ More effective monitoring and review mechanisms would provide one means for educational outcomes to be assessed. Effectiveness of ILPs in meeting the educational goals would be a way of benchmarking educational achievement levels in a way that would facilitate a periodical review of teaching strategies and a way of identifying those schools which demonstrate a particular commitment to ensuring the educational success of all students. This is discussed in more detail in chapter 7.

RECOMMENDATION 4

- 3.13 **The Committee recommends that Individual Learning Plans should be developed as a formal benchmarking tool which will assist in the refinement of teaching strategies at the classroom level and be able to measure the level of success of schools in the delivery of educational services to students with disabilities.**

Monitoring educational outcomes

- 3.14 There are limitations to the value of ILPs in measuring educational outcomes in terms of external accountability. The Committee noted that the National Assessment Program Literacy and Numeracy (NAPLAN) has become the preferred national measure of educational performance. In the report on the educational achievement gap, the Committee observed that identifying the educational achievement gap for students with disabilities was difficult as many of these students do not participate in standard measurement tests such as the NAPLAN and that data relating to those who did participate could not be disaggregated.³⁴

³³ ACT Disability Advisory Committee, *Submission no. 6*, p 6; ACT Council of Parents and Citizens Association, *Submission no. 10*, p 19

³⁴ Standing Committee on Education, Training and Youth Affairs, *Inquiry into the Educational Achievement Gap*, May 2010, p 42. Accessible at: <http://www.parliament.act.gov.au/downloads/reports/7th%20ETYA%2003%20Achievement%20Gap.pdf> (accessed 20 July 2010)

3.15 Students with disability are far more likely to be exempted from various assessment methods. In 2009, 226 students were exempted from the NAPLAN testing process. This is about 12.7 per cent of all students with a disability enrolled during that year. Exemptions can be granted to students with a significant intellectual disability or students without proficiency in English whose arrival from overseas was less than one year previous. Students with disability may also be withdrawn from the testing program by their parent or carer. Students who were absent or withdrawn are included in the below minimum national standard category.³⁵

3.16 The ACT Government submission indicates that in 2009, 267 students with disabilities participated at some level in the NAPLAN testing program.³⁶

3.17 Professor Shaddock advised the Committee that:

Students with a disability can elect, or their parents can elect, to not get involved in NAPLAN, for example. There are some good reasons for that. Many kids would not get on the board in the NAPLAN tests, but that does not mean that they should be left out of accountability. In the ACT, as well as schools and education systems being more accountable internally, I think there needs to be external monitoring of how well kids with disabilities are learning. I would not leave it to strictly internal processes.³⁷

3.18 Asked to clarify what measure might be established, Professor Shaddock advised that:

I have spoken to literacy experts about this—and I am not one—but if you work backwards from the literacy curriculum, you can actually delineate all of those skills right back from eye contact, learning to follow pictures on a page. You can break down literacy that way as far as you like and start teaching children that. Then, even if they do not get into the national assessment, we should still be assessing their progress and reporting it to them...³⁸

³⁵ Standing Committee on Education, Training and Youth Affairs, *Inquiry into the Educational Achievement Gap*, May 2010, p 92.

³⁶ ACT Government, *Submission no. 1*, Attachment 12

³⁷ Professor Shaddock, *Transcript of evidence*, 14 April, 2010, p 3

³⁸ Professor Shaddock, *Transcript of evidence*, 14 April, 2010, p 9

RECOMMENDATION 5

- 3.19 **The Committee recommends that the Department of Education and Training investigate, develop and implement a system of objective educational measures of outcomes for students with a disability that would allow teaching strategies to be refined and system level planning to be undertaken.**

RECOMMENDATION 6

- 3.20 **The Committee recommends that the Department of Education and Training investigate and implement a process by which general assessment outcomes for students with disability can be disaggregated in the results from key assessment programs such as the National Assessment Program (NAPLAN).**

4 REASONABLE ADJUSTMENTS

4.1 The provision of education services to students with disabilities is governed by territory and federal legislation and regulations, including:

- *Children and Young People Act 2008 (ACT)*
- *Disability Services Act 1991 (ACT)*
- *Discrimination Act 1991 (ACT)*
- *Education Act 2004 (ACT)*
- *Human Rights Act 2004 (ACT)*
- *Disability Discrimination Act 1992 (Cth) (DDA)*
- *Disability Standards for Education 2005 (Cth)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Cth)*

4.2 The ACT Government has developed the following policies and guidelines relating to the provision of education services to students with a disability:

- Future Directions: Towards Challenge 2014
- Students with a Disability: Meeting their Educational Needs 2008
- Interim ACT Student Disability Criteria for 2004 (Interim Criteria)

4.3 Within this suite of laws and policies, a clear definition of what constitutes a disability for the purposes of education services cannot be identified. In practical terms, the broad definition set out in the *Disability Discrimination Act 1992 (DDA)* can be contrasted with the narrow definition of the Interim Criteria. In part, this reflects the piecemeal development of a legislative and regulative framework set in a federated funding and service delivery context. The Committee was concerned however, that this framework does not provide the coherence required to effectively administer and deliver education services.

4.4 Providers of education services are required under the *Disability Standards for Education* (the Standards) to make "reasonable adjustments" in providing access for students with a disability to education services. While those in receipt of federal funding are required to conform with the Standards, a

particular definition is not used consistently in the administration of funds. This is discussed in more detail in chapter 5.

Definitions of disability

- 4.5 Disagreement about the definition of disability has been a feature of the national education debate for some time. In 2002, the Senate Standing Committee on Employment, Workplace Relations and Education undertook an Inquiry into the education of students with disabilities and noted that:
- Much hangs on the definition of a disability, or even whether a disability is defined at all. Depending on the scope of the definition, rights are protected; funds are allocated; research commissioned, and policy evaluated.³⁹
- 4.6 The Senate Committee noted that different definitions of disability underpinned the policies and resource allocation processes for each state and territory. Typically, jurisdictions adopt a 'categorical approach, with a set of criteria defining each category'.⁴⁰ This is the case with the criteria used to define disability for the purposes of resource allocation in the ACT.
- 4.7 In establishing the eligibility of students for specific disability educational resources, the Department of Education and Training relies on the *Interim ACT Student Disability Criteria for 2004* (the Criteria).⁴¹
- 4.8 At one hearing, the Department of Education and Training advised that work was currently underway at the national level to standardise the definition for disability in education across jurisdictions. It was not anticipated that the Criteria currently used to determine eligibility for targeted resourcing in the ACT would be updated until this standardisation process had been finalised.

³⁹ Senate Standing Committee on Employment, Workplace Relations and Education, *Inquiry into the Education of Students with Disabilities*, 10 December 2002, p 15. Accessible at <http://www.aph.gov.au/senate/committee/eet_ctte/completed_inquiries/2002-04/ed_students_withdisabilities/report/index.htm> (accessed 10 August 2010)

⁴⁰ Senate Standing Committee on Employment, Workplace Relations and Education, *Inquiry into the Education of Students with Disabilities*, 10 December 2002, p 19.

⁴¹ *Interim ACT Student Disability Criteria for 2004* Accessible at <http://www.det.act.gov.au/publications_and_policies/publications_a-z/?a=17829> (accessed 10 August 2010)

The Department was unable to say with any certainty when this might occur.⁴²

- 4.9 However, the Department clarified that the purpose of the Criteria was limited to targeted resource allocation and highlighted the fact that:

There are young people who would have a disability and sit outside these criteria and who, in fact, are getting education and support in other ways than the targeted funding program.⁴³

- 4.10 While the Committee understands that the negotiations at the national level are essential to reconcile the definition – funding equation, delays in this process should not be a reason to delay action and a move toward clarity at the local level.

- 4.11 The Shaddock Review proposed that the ACT Department of Education and Training should simply adopt the definition set out in the DDA as education service providers are essentially bound by this definition in fulfilling their legal obligations and meeting federal funding requirements.

Disability Discrimination Act

- 4.12 The definition of disability outlined in the Commonwealth *Disability Discrimination Act 1992* (DDA)⁴⁴ has provided a broad framework within which to articulate the experience and conditions of disability. The Act defines disability as:

- (a) total or partial loss of the person's bodily or mental functions; or
- (b) total or partial loss of a part of the body; or
- (c) the presence in the body of organisms causing disease or illness; or
- (d) the presence in the body of organisms capable of causing disease or illness; or
- (e) the malfunction, malformation or disfigurement of a part of the person's body; or

⁴² Dr Collis, *Transcript of evidence*, 20 July 2010, pp 125-126

⁴³ Dr Collis, *Transcript of evidence*, 20 July 2010, p 125

⁴⁴ Accessible at <http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/> (accessed 10 August 2010)

- (f) a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
 - (g) a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;
- and includes a disability that:
- (h) presently exists; or
 - (i) previously existed but no longer exists; or
 - (j) may exist in the future (including because of a genetic predisposition to that disability); or
 - (k) is imputed to a person.

To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.⁴⁵

- 4.13 Within the definition of disability set out, the DDA provides that 'it is unlawful for an educational authority to discriminate against a person on the ground of the person's disability' in denying admission and access to educational institutions and services or by setting curricula which directly limits participation.⁴⁶
- 4.14 Professor Shaddock also put the case that the operative definition of disability used in the ACT should be the definition set out in DDA. He explained to the Committee that:

My suggestion, which was not tongue in cheek but it was a challenge in the report, was to say, "Come on, let's just use the commonwealth definition." Therefore, I am sure there would be a lot of very satisfied parents, particularly of children with dyslexia and with ADHD. Some of them I have quoted in the report. Some of those people said, "How come dyslexia is counted as a disability for Centrelink but it is not counted as a disability here in ACT DET?" So the challenge was: let us just resolve that. Let us be game as a jurisdiction and say that a disability is a

⁴⁵ See section 4, *Disability Discrimination Act 1992 (Cth)*. Accessible at http://www.austlii.edu.au/au/legis/cth/consol_act/dda1992264/s22.html (accessed 10 August 2010)

⁴⁶ See section 22, *Disability Discrimination Act 1992 (Cth)*

disability as under the Disability Discrimination Act. Let us do that and stop spending a lot of time saying, "You are one; you are not." A lot of effort goes into saying, "You are one; you are not."⁴⁷

- 4.15 The Committee believed that DET should consider Professor Shaddock's suggestion in the context of legal requirements in the delivery of services and given the confusion different definitions present to the users and providers of these services.⁴⁸

RECOMMENDATION 7

- 4.16 **The Committee recommends that the ACT Government examines the proposal set out in the Review of Special Education in the ACT to adopt a broader definition of disability that is consistent with discrimination law and that the Minister for Education and Training report back to the Legislative Assembly.**

Disability Standards for Education

- 4.17 In order to clarify the obligations of education providers under the DDA, the *Disability Standards for Education 2005* (the Standards) were established to:
- clarify the obligations of education and training service providers, and
 - the rights of people with disability, under the *Disability Discrimination Act 1992* (the DDA).⁴⁹
- 4.18 The Standards give an agreed framework to how the DDA could be effectively endorsed in educational practice by giving guidance on:
- reasonable adjustments;
 - enrolment;
 - participation;
 - curriculum;

⁴⁷ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 16

⁴⁸ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 35

⁴⁹ See Attorney-General's Department webpage, *Disability Standards for Education*, accessible at <http://www.ag.gov.au/www/agd/agd.nsf/Page/Humanrightsandanti-discrimination_DisabilityStandardsforEducation> (accessed 11 August 2010)

- student support services;
- harassment and victimisation; and
- treatment of an associate of a person with disability.⁵⁰

4.19 The Standards require that an education provider make 'reasonable adjustments' to accommodate a student with a disability. In interpreting what is required under the Standards, an adjustment is understood to be:

a measure or action taken to assist a student with a disability to participate in education and training on the same basis as other students.⁵¹

4.20 In making reasonable adjustments, education providers are guided by the Standards to take into account the interests of all parties affected and the direct and indirect costs and benefits for the student, the provider and the wider community. A provider would not be required to make adjustments which 'would impose unjustifiable hardship'.⁵² In establishing guidelines which take into account a broad range of interests, the DDA has provided a framework for accommodating the needs of students with disability and added impetus towards inclusivity in the provision of education services.

4.21 Adherence to the DDA became the legal obligation for all educational services providers, and together with the Standards, have established the legal requirements for federal funding. Despite an effective realignment of the definition of disability and the legislated obligations for education providers following the introduction of the DDA, however, funding for education support services was never directly increased to meet these requirements.

Note on the ACT Discrimination Act 1991

4.22 The Committee also noted that the *Discrimination Act 1991* (ACT) sets out in section 18 that it is unlawful to discriminate against a person in the provision of education services because of disability. The Human Rights Commission

⁵⁰ See Attorney-General's Department webpage, *Disability Standards for Education*

⁵¹ Attorney-General's Department webpage, *Disability Standards for Education*

⁵² Attorney-General's Department webpage, *Disability Standards for Education*

advised the Committee that the requirement to make a "reasonable adjustment" is implicit in the ACT but suggested that inclusion of this requirement in the legislation would provide:

greater certainty and clarity for students with disabilities and their families as well as schools, and would harmonise the ACT discrimination law with Commonwealth law in this area.⁵³

RECOMMENDATION 8

- 4.23 **The Committee recommends that the ACT Government review the ACT *Discrimination Act 1991* to ensure consistency with the provisions set out in the Commonwealth *Discrimination Act 1992*.**

⁵³ Human Rights Commission, *Submission no. 7*, p 3

5 DEFINITIONS AND FUNDING

- 5.1 The Department of Education and Training administer special education services in ACT public schools as a part of output 1.4. The Department has characterised these services as follows:

A range of programs are available in ACT public schools for students with a disability. These include access to four special needs schools, specific classes or units in mainstream schools, or participation in mainstream classes with the support required to access and participate in the educational programs offered by the school. The Student Centred Appraisal of Need (SCAN) process identifies the level of additional resourcing required by the student in the particular school setting. Parents and schools work together in developing and reviewing each student's Individual Learning Plan (ILP), which identifies educational goals. Student progress against the ILP is reviewed annually or more frequently as required. The focus is on literacy and numeracy, health, self-management and interpersonal skills, appropriate to the assessed needs of students with disabilities, to enable all students to realise their individual potential.⁵⁴

- 5.2 The Committee noted that the current funding arrangement included:
- General school funding intended to meet all diverse needs of the student population, including students with learning disabilities or other characteristics which present learning challenges; and
 - Student Centred Appraisal of Need (SCAN) intended to meet additional needs of students with specifically defined disabilities.⁵⁵
- 5.3 The Committee considered that the administrative arrangements in place to determine funding allocations were obscure and unnecessarily complex. It appeared that the model in place represented a series of piecemeal adaptations to legislative and administrative changes rather than a model that

⁵⁴ ACT Government, *Budget paper 4*, p 364

⁵⁵ As set out in the *Disability Criteria for ACT Students – Interim Criteria*

was underpinned by a coherent vision of integrated education services. As a consequence, the Committee was particularly concerned that many of the submitters to this Inquiry, and to the Shaddock Review, found current funding arrangements both inadequate and unnecessarily complex.

- 5.4 The Committee heard from the Australian Education Union (AEU) that developments in operative definitions of disability over several decades have impacted on services and put pressure on the quantum of funding available.⁵⁶ The AEU explained to the Committee that

Most systems—and I do not believe the ACT is any different—were actually playing catch-up as students with special needs began to be integrated into mainstream schools. There were insufficient or insufficiently trained staff available to support them and insufficient funding to provide a full suite of resources.⁵⁷

- 5.5 The Committee noted that in such specialist service areas there were always calls to expand the quantum of financial resources to address unmet need. However, the evidence to the Inquiry indicated to the Committee that the current arrangements for administering funding had not achieved the confidence of stakeholders.

- 5.6 The Shaddock Review observed that:

In our six months of consulting with ACT stakeholder [sic] about the education of students with a disability in ACT schools not one person, from the government to non-government sector, suggested that there were enough resources. However, the point should be made that "perceptions of adequacy are rarely linked unequivocally to data".⁵⁸

- 5.7 It was clear to the Committee that the views expressed during the Inquiry were not simply calls for additional resources but reflected a view that there were growing pressures within government and non-government education systems to meet the needs of students with a disability.

⁵⁶ Ms Smith, *Transcript of evidence*, 27 April 2010, p 58

⁵⁷ Ms Gilmour, *Transcript of evidence*, 27 April 2010, p 57

⁵⁸ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 92

- 5.8 The Australian Education Union put the view that these pressures should be understood in the context of growing enrolments⁵⁹ and the complexity of students' needs:

the fundamental issue is the size of the bucket of money that is available and the pressure that is on the bucket, depending on the number of students with identified needs that are in the system at any one time. And, obviously, as that number goes up, unless the money goes up at least proportionately, there will continue to be significant pressure, and we would argue that the bucket is insufficient at the moment.⁶⁰

- 5.9 The Association of Independent Schools advised the Committee that funding for students with disability in the non-government sector had been capped and only incrementally increased as more students of all abilities moved into the non-government school systems.⁶¹ Table 3 (percentage of total students with disability enrolment by school sector) illustrates some of the shifts in the overall percentage of students with disabilities in different education sectors. While the proportion enrolled in government schools constituted the majority of students with disability, the proportion in other sectors, particularly the independent sector, has grown.

Table 3: Percentage of total students with disability enrolment by school sector

	2006	2007	2008	2009	2010
Public school system	83.77%	80.37%	80.58%	81.28%	79.60%
Independent school system	3.75%	9.16%	8.47%	7.38%	9.12%
Catholic systemic schools	12.48%	10.47%	10.95%	11.34%	11.28%

- 5.10 An increase in funding for the non-government sector was provided for in the 2009-2010 budget and included:

an increase in the amount of funding that is available for students with a disability in non-government schools through the SCAN model. That increases

⁵⁹ Currently around 3.6%. See Table

⁶⁰ Ms Gilmour, *Transcript of evidence*, 27 April 2010, p 65

⁶¹ Association of Independent Schools for the ACT, *Submission no. 3*, p 2

the amount available up to \$7.2 million over the next four years—a \$1.6 million increase to a \$7.2 million fund...There will also be an additional \$2.4 million to non-government schools through the existing needs-based per capita funding model.⁶²

- 5.11 Like all public funds provided to all schools by either the federal or territory governments, there is an expectation that some of the general funds allocated to each school would be used to meet the diverse needs of all students whether these needs be related to ability or other learning objectives.
- 5.12 The Committee was concerned that this view, that the level of funding had been inadequate and had not been effective in meeting the growing number of students with defined and other disabilities, has persisted under an administrative model which has not made funding arrangements transparent to the major users of the disability education system.
- 5.13 Andrew Dowling characterised the current funding model, 'school sector and type of government are the two axes along which arguments about school funding occur'.⁶³ In this mix, however, Dowling considered that the allocation of resources lacks transparency as allocations are made at the discretion of education administrators to meet a range of student needs that come under the classification of "learning difficulties".
- 5.14 While the federal government administers the bulk of the provision of public monies to the non-government education sector (*Schools Assistance Act 2008*), the recurrent funds available to states and territories for public education are derived from negotiated general and specific purpose payments (National Education Agreement and National Partnership arrangements).
- 5.15 Under the National Education Agreement, states and territories are required to report
- on the number of students who are provided with additional support, specifically students with a disability and students from non-English

⁶² Select Committee on Estimates 2009-2010, Appropriation Bill 2009-2010 Volume 1, p 147

⁶³ Andrew Dowling, "Australia's school funding system" (December 2007). *Policy Analysis and Program Evaluation*, Australian Council for Educational Research, accessible at: <http://research.acer.edu.au/policy_analysis_misc/1> (accessed 18 August 2010)

speaking backgrounds (including newly arrived migrants and refugees), disaggregated by school sector.⁶⁴

- 5.16 An Australian Education Union report indicated that in the ACT, school based management allocations are allocated on a quarterly basis based on student enrolment. Additional resources are provided to support students with learning needs through the Student Centred Appraisal of Need (SCAN) process to those students who meet the disability criteria. Additional funds are also provided for learning support centres and units. Schools are also allocated "staffing points" based on enrolments and special learning needs within the school and in accordance with established appropriate staffing ratios.⁶⁵
- 5.17 The Committee concurred with the Shaddock Review summation that the 'funding for schools is extraordinarily complex'.⁶⁶ The actual level and source of funding for students with disability cannot easily be quantified and the source and allocation of funds between the government and non-government school sector adds to the complexity.

Cost of reasonable adjustment

- 5.18 All education providers have to meet certain legislative and regulative guidelines in providing services. The ACT Government confirmed a commitment to the objective of 'ensuring students with a disability can enjoy the same benefits, opportunities and outcomes as other students'⁶⁷ The ACT Government submission provided the details, set out in Table 4 (comparative cost of public disability education 2004-2009), of the increased cost of disability education over the last five years.

⁶⁴ Council of Australian Government, *Intergovernmental Agreement on Federal Financial Relations* (January 2009), Schedule F: National Education Agreement, p 11

⁶⁵ Australian Education Union, *The Provision of Education For Students With Disabilities/Special Needs*, March 2010, pp 14-15: accessible at <http://www.aeufederal.org.au/Publications/2010/StudentsWDisabilities2010.pdf> (accessed 23 September 2010)

⁶⁶ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 91

⁶⁷ ACT Government, *Submission no. 1*, p 3

Table 4: Comparative cost of public disability education 2004-2009⁶⁸

	2004-05 \$'000	2005-06 \$'000	2006-07 \$'000	2007-08 \$'000	2008-09 \$'000
Total cost	\$44 619	\$45 035	\$46 564	\$49 021	\$51 451
Government payment for output	\$37 974	\$39 687	\$41 413	\$42 730	\$44 209

5.19 Clearly, the total cost and the government payment for output (output 1.4: special education) has steadily increased over the past five years.

5.20 Table 5 (Comparative estimated average cost of education services in different public school settings (1999-2000 and 2008-2009)) sets out a comparison between the estimated average costs of providing education services between 1999 and 2008 and the difference in the percentage increase over the nine year period. Comparing the estimated average costs of education services per student in 1999 with 2008, confirmed that the estimated average costs of all public education services have increased significantly over the intervening nine year period.

⁶⁸ ACT Government, *Submission no. 1*, Attachment 4

Table 5: Comparative estimated average cost of education services in different public school settings (1999-2000 and 2008-2009)

	Estimated average cost for 1999-2000 ⁶⁹	Estimated average cost for 2008-2009 ⁷⁰	Percentage increase 1999 and 2008
Average cost per public special school student in special schools	\$32 813	\$53 519	38.7%
Average cost per public special education student in mainstream schools	\$18 188	\$23 528	22.7%
Average cost per public primary school student	-	\$11 305	-
Average cost per public high school student	-	\$13 570	-
Average cost per public secondary college student.	-	\$14 831	-
Average cost all public students	\$7 389	\$13 235	44.2%

5.21 Of particular interest to the Committee was the actual percentage difference in estimated average costs illustrated by this comparison. While the estimated average costs of providing education services in "special education" schools and mainstream public schools has increased by around 40 per cent, the average estimated cost of providing these services to students with disabilities in mainstream schools has only increased by approximately 23 per cent. It is not clear to the Committee why the cost pressures on delivering services should not be comparable in percentage terms.

5.22 This apparent anomaly was heightened by evidence to the Committee which highlighted other pressures on teachers and education funds to meet the needs of a diverse student body.⁷¹ The Shaddock Review's observed that:

The fact that in addition to students with a disability, many students have individual needs that are extremely resource-intensive clearly illustrates the inadequacy of dichotomous ways of thinking about school diversity (special vs. not special; disabled – non disabled), especially

⁶⁹ Standing Committee on Education, Community Services and Recreation, *Educational Services for Students with a Disability*, December 1999, ACT Legislative Assembly, p 13

⁷⁰ Department of Education and Training, *Annual Report 2008-2009*, p 109

⁷¹ Australian Education Union, *Submission no. 5*.

when used as a guide to school organisation, teaching practice *and* as the sole basis for resource distribution.⁷²

- 5.23 It was not clear to the Committee whether the percentage figures reflected an anticipated constraint on the level of funding directed towards students with disability in mainstream schools or whether cost increases in mainstream schools reflected pressure to meet the diverse needs of students who have not been defined within the existing categories of disability. The Committee considered that this feature of Department of Education and Training budget planning should be clarified.

RECOMMENDATION 9

- 5.24 **The Committee recommends that the Minister for Education and Training provide an explanation to the Legislative Assembly as to why the estimated average cost of providing education services to students with disabilities in mainstream public schools has not been subject to the same cost pressures as other service delivery costs and why the percentage growth in this cost between 1999 and 2008 is nearly half that of other percentage estimate average cost growth.**

Transparency and accountability

- 5.25 The Committee noted that concerns have been raised by stakeholders about the overall adequacy of resources. These concerns were often linked to a view that there is insufficient transparency in the system of allocation. The ACT Council of Parents and Citizens Associations explained that:

The Student Centred Appraisal of Need (SCAN) is supposed to be used to determine the need for additional resources so that these can be allocated in ‘an equitable, transparent and consistent manner.’ This does not appear to be the case. Parents are not informed of the resources allocated to their child based on their support needs, so the system is hardly transparent.⁷³

⁷² Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, pp 96. Emphasis in original.

⁷³ ACT Council of Parents and Citizens Associations, *Submission no. 10*, p 28, see also pp 40-41

- 5.26 Concerns about resources were often coupled with a view that the main users of disability services, or their advocates, should have a greater say in the way funds are allocated within their schools. In their submission to the Inquiry, the Disability Advisory Council recommended that:

all schools be appropriately resourced to meet the individual needs of students with a disability. Parents should have a direct input into how the funding for their child is spent. If schools are well resourced, children will be able to attend the school of their choice and reach their full potential.⁷⁴

- 5.27 The adequacy of resources was also linked to the question of choice. Many parents considered that a lack of clarity about resource allocation was a significant determinant of educational choice.

- 5.28 For education providers in the non-government sector, perceived limitations in funding were also understood to impact on parental choice. The Association of Independent Schools suggested that:

Funding should be directed to the student based on their level of need firstly irrespective of what school they attend: and not based on what type of school (government or non-government) they attend and THEN their level of need.⁷⁵

RECOMMENDATION 10

- 5.29 **The Committee recommends that a schematic representation of the definition and funding model used to allocate general school and specialist education funds in the ACT be provided to all parents and carers as a part of the documentation relating to resources available for students with a disability.**

⁷⁴ ACT Disability Advisory Council, *Submission no. 6*, p 4

⁷⁵ Association of Independent Schools for the ACT, *Submission no. 3*, p 1

Resourcing reasonable adjustment

- 5.30 The Committee considered that the Minister for Education and Training should be concerned about the ongoing perception that funding for disability education had not been adequate to meet legal obligations in the provision of education services.
- 5.31 The Human Rights Commission reported that there have been some commonalities in the concerns raised by parents including that:
- they are not able to access additional assistance to allow their child to function to their potential in the classroom. They have expressed concern about the way school staff manage their child's behaviour, when that behaviour is an aspect or characteristic of their disability. Parents have expressed concern that their child's teacher does not have specific training in the area of their child's disability. More broadly we receive enquiries about perceived failures to respond to incidents of bullying in schools.⁷⁶
- 5.32 Of the nine enquiries about disability discrimination related to education received by officers from the Human Rights Commission during 2009-2010, three were specifically related to discrimination in a school environment.⁷⁷
- 5.33 The Public Advocate for the ACT (PA ACT) indicated that a number of parents with children and young people with severe or profound disabilities had been in contact with the individual advocacy and enquiry service. The Public Advocate explained that:
- Parents have approached the PA ACT despairing that they are unable to obtain the level and amount of educational support they want for their child. There are limited opportunities for some families to access education on a comparable basis with non disabled children and young people.⁷⁸

⁷⁶ Human Rights Commission, *Submission no. 7*, p 2

⁷⁷ Human Rights Commission, *Correspondence (dated 29 July 2010)*, accessible at <http://www.parliament.act.gov.au/downloads/exhibits/Exhibit%201%20Human%20Rights%20Com.pdf>

⁷⁸ Public Advocate for the ACT, *Submission no 4*, pp 1-2

- 5.34 In the interests of minimising any risk and achieving greater transparency for the users of disability education services, the Committee considered that the mismatch between people's expectations of need and the actual costs of providing educational services to students with diverse abilities and support needs should be clarified and explained.

RECOMMENDATION 11

- 5.35 **The Committee recommends that the Department of Education and Training undertake a full review of the average cost associated with the delivery of education services to students with disability which provides better indications of:**
- **Costs of developing individual learning plans for all students who are identified as having a disability;**
 - **Costs of assessing "reasonable adjustments" in the delivery of education services;**
 - **Costs of training and resourcing teachers to implement "reasonable adjustments" in the delivery of the current curriculum; and**
 - **Costs of maintaining Learning Support Units within mainstream schools.**
- 5.36 The Committee was mindful however that "reasonable adjustment" could also require no adjustment. As Professor Shaddock advised:
- the fundamental challenge is to provide all of the adjustments that students might need — only if they need them, by the way, because it can be discriminatory to dilute curriculum or give people extra assistance and all that. If they need additional assistance by way of adjustments they must have it. That is one thing, but then you also change the whole way of delivery so that the adjustments become less necessary. What we know is that students without a disability benefit very much from a lot of the strategies that are successful for students with a disability.⁷⁹
- 5.37 Professor Shaddock reminded the Committee that the nexus between adaption to prevent discrimination in the delivery of services could also

⁷⁹ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 3

provide a pathway to more flexible and cost effective educational practices for all students.

Post-script on funding

- 5.38 The Committee noted that as a backdrop to inter-jurisdictional discussions about definition and funding for disability education and other services, the Productivity Commission commenced a review into disability care and support which was due to report by July 2011. The Commission was asked to:
- consider how a national disability scheme could be designed, administered, financed and implemented. This includes consideration of a variety of options, including a no-fault social insurance model and approaches used in other countries.⁸⁰
- 5.39 The Committee understood that the outcomes of the Productivity Commission's Review and subsequent public debate on the best national model to meet the requirements for an effective disability support system may have a significant bearing on the nature of the ACT system, including the delivery of education services.
- 5.40 The Productivity Commission's Review, as with other reviews affecting the delivery of disability education, should not be considered a reason to delay improvements in services and the broader support services available to people with disabilities. These reviews may take some time to resolve at the national level.
- 5.41 Rather, the Committee was of the view that the impetus behind such reviews should be harnessed in the ACT as a means of improving existing services and establishing models which could be considered best practice within an emergent national framework.

⁸⁰ Productivity Commission, *Disability Care and Support: Issues Paper*, May 2010, p 3

6 IMPLICATIONS FOR STUDENTS

6.1 A lack of clarity about definition and funding for students with disability were consistent themes during the Inquiry. Submitters subsequently identified various implications for their experiences of disability education service. These included, but were not limited to:

- Effective limitation to school choice;
- Detraction from efforts to establish inclusive services;
- Negative effect to the culture of the school community; and
- Deficit approach to the assessment of need.

School choice

6.2 The Youth Coalition of the ACT identified the consequences of resource constraints including a limitation on real choice in schooling and suggested to the Committee that:

Families seeking an inclusive environment may in reality not have a choice due to a lack of support and resourcing. Anecdotal evidence suggests that parents are often compelled to withdraw their son/daughter from their local school and enrol them in a 'special school' as they may not feel welcome in their local school, or the school is not able or willing to cater for their child's needs.⁸¹

RECOMMENDATION 12

6.3 **The Committee recommends that the Department of Education and Training undertake exit interviews with students with disability and their parents or carers who move from mainstream to special schools to identify common concerns or reasons for student movements.**

⁸¹ Youth Coalition of the ACT, *Submission no. 11*, p 14.

Transport and school choice

- 6.4 The Committee was also informed that transport provisions can also have an impact on school choice. The ACT Council of Parents and Citizens Associations advised that:

You do not have that parent choice as is stated over and over in the reviews, policies and procedures; it is just not there. If you choose to send your child to a school two suburbs away which was not the department's first placement for your child, you then miss out on the student bus transport because that was not the department's choice for your child. So parent choice is there on paper but not in practice.⁸²

- 6.5 During the Inquiry, the Committee was advised of the following transport options for students with disability:

- Private transport;
- As independent travellers using public transport; and
- As eligible students accessing the special needs transport service.

- 6.6 To be eligible for the special needs transport services, students must:

- Be enrolled in a special school or learning support unit;
- Have a disability affecting mobility;
- Attend a unit for hearing impairment or language support; or
- Be enrolled in the closest appropriate primary learning support unit.⁸³

- 6.7 For those students who do not wish to attend their closest appropriate learning unit, access to the service may not be provided.

- 6.8 According to Department of Education and Training statistics, in 2008-2009, approximately one third of students with disability (about 580) enrolled in ACT schools were transported by bus or taxi to their school on a daily basis as a part of the special needs transport service.⁸⁴

⁸² Ms Nasr, *Transcript of evidence*, 20 April 2010, p 30

⁸³ ACT Government, *Submission no. 1*, p 14

⁸⁴ Department of Education and Training, *Annual Report 2008-2009*, p 133

- 6.9 Clearly, the transport needs of students will reflect their particular circumstances and capacities. For instance, during a visit to the Canberra College to meet with teachers and students involved with the Futures Program⁸⁵, the Committee was told that many of the 34 students with intellectual disability enrolled at the College live out of area. In order to get to the College everyday, they become independent travellers who successfully negotiate public transport routes from around Canberra to Woden. The school encourages this independence in students. In the first weeks of the school year, a staff member will provide supervision at the end of the school day as students make their way to the bus stop, but the Committee was assured that students do not want this support for long.⁸⁶
- 6.10 The Committee was concerned that the transport service may not be meeting the needs of all students, particularly those who cannot be independent travellers, and that this may create an additional burden for their parents or carers. The Council of Parents and Citizens Associations considered that the transport needs of students with disabilities should be reviewed and services should be provided as a way to facilitate access to education services, including by:
- Ensuring that trips are not longer than 45 minutes;
 - Early collection during school hours is avoided;
 - Drivers are trained to understand and respond to the needs of their passengers; and
 - Carers are provided on services as appropriate so that drivers are not distracted.
- 6.11 The Council considered that the administration of this adjunct service should be reported in the Department of Education and Training's Annual Report as a part of the disability services report.

⁸⁵ The Committee visited the Futures Program at the Canberra College (Woden Campus) on Thursday 22 July 2010.

⁸⁶ Discussion with Marie Uren, Executive Teacher, Futures Program, Canberra College, 22 July 2010

RECOMMENDATION 13

6.12 The Committee recommends that the Department of Education and Training provide details in the Annual Report of the delivery of special needs transport services including:

- Numbers of students accessing service;
- Numbers of trips per annum;
- Details of average and longest trips; and
- Adverse events on transport services.

Choosing inclusive or segregated schooling

6.13 The ACT Disability Advisory Council advised the Committee that:

Some parents have expressed their disappointment in mainstream schools and are now educating their children in segregated schools even though this was not their preferred choice. Some parents stated that schools that claimed to be inclusive are in reality practicing methods of segregating students from their peers. Parents feel that the reason for this segregation is because of a lack of funding, deficient professional development and inadequate support from executive staff.⁸⁷

6.14 Some parents did not consider that they had a genuine choice in school placement and that the current process did not easily facilitate their preferences for their child.

School placement process

6.15 The ACT Government indicated that a centralised assessment of learning support needs guided the placement of students in inclusive or segregated school settings. The ACT Government advised that:

The placement of students in special education programs is a centrally managed process by DET involving school counsellors, senior counsellors and the Manager, Student Support.⁸⁸

⁸⁷ ACT Disability Advisory Council, *Submission no 6*, p 3. See also Mr Buckley, *Submission no. 8*

⁸⁸ ACT Government, *Submission no. 1*, p 12

- 6.16 While the placement process begins with discussion between the school counsellor and the parents or carers of the student, final determinations are made by a panel according to the following criteria:
- student eligibility for the program;
 - parent choice;
 - education support needs of the student;
 - appropriateness of the program (for the student) being requested including mix of students in the preferred program;
 - vacancies available in the preferred program; and
 - location of the program in relation to the student's home.⁸⁹
- 6.17 Students with significant support needs may be placed in one of four special school programs:
- Black Mountain School offers a program for high school and college aged students;
 - Woden School provides education services to Year 7 to 10 (with an expansion of the program to Year 12 anticipated); or
 - Cranleigh School and Malkara School for children aged three to 12 years old.⁹⁰
- 6.18 In cases where the best option for students was considered to be within a mainstream educational setting, a range of support services would be provided including:
- Support teachers with expertise in support for students with vision or hearing or language disabilities;
 - Support teachers to build capacity with schools to meet the needs of enrolled students with disabilities;
 - Learning Support Units with small class sizes in mainstream schools and including specialist support units for students with autism;
 - Learning Support Centres with slightly larger class sizes; and
 - Inclusive Technology Support program.⁹¹

⁸⁹ ACT Government, *Submission no. 1*, p 13

⁹⁰ See Department of Education and Training, *Disability Education* webpage at <http://www.det.act.gov.au/school_education/disability_education> (accessed 22 September 2010)

6.19 Advocates for students with disability, highlighted that the ideals of inclusive schooling may not be matched by experience when the capacity of the school system to recognise and respond to students with disabilities needs were not adequately resourced. In these circumstances, the learning needs of students with a disability may not be met. This was evidently a source of frustration for parents, carers and teachers.⁹²

6.20 One submitter highlighted the inconsistency between the ideal of inclusive education and the practice and observed that, 'schools practice segregation routinely'⁹³ to the extent that student communities are broken up into classes according to their educational requirements and age group. In this sense, segregation could be understood as an everyday feature of mainstream educational practice.

6.21 Consequently, the submitter cautioned against a simplistic adherence to "inclusion ideology" and noted that:

Many people with a disability have benefited (and will benefit in future) from inclusion in mainstream education and from desegregation generally. However, the evidence indicates to me that Inclusion is merely one of a number of useful approaches to educating students with a disability.⁹⁴

6.22 On the other side of this experience was a view that adaptation in teaching methods used for some students with disability can assist all students. Autism Asperger ACT advised that:

Nothing that we ask the families and schools to do for children with autism harms other children. In fact, it helps them. If you put a schedule on the board of what is going to happen for the day, you see all the kindergarten children going up there and looking.⁹⁵

⁹¹ See Department of Education and Training, *Disability Education* webpage at <http://www.det.act.gov.au/school_education/disability_education> (accessed 22 September 2010)

⁹² National Disability Services ACT, *Submission no. 2*, p 1; Australian Education Union, *Submission no 5*, p 1; ACT Disability Advisory Council, *Submission no 6*, p 4; ACT Council of Parents and Citizens Associations, *Submission no 10*, p 10; Youth Coalition for the ACT, *Submission no 11*, p 14; Woden School Board, *Submission no 14*

⁹³ Mr Buckley, *Submission no. 8*, p 3

⁹⁴ Mr Buckley, *Submission no. 8*, p 1

⁹⁵ Ms von Ess, *Transcript of evidence*, 27 April 2010, p 79

6.23 The Youth Coalition of the ACT advised that during their consultation with young people, the 'issue of whether we are currently achieving inclusion (past physical access) was a recurring theme'⁹⁶

6.24 Advocacy for Inclusion advised that:

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.⁹⁷

6.25 The distinction between special and mainstream education models presents a considerable challenge to education systems and one that requires leadership by principals and teachers to genuinely bridge the distinction in their practice. It was clear to the Committee that the resources needed to meet the objectives of inclusive education were not always available.

Inclusive technology

6.26 The ACT Government advised that adaptive technologies are an important means of assisting a student's inclusion in educational settings. Since 2002, when the program commenced, approximately 200 students have been assisted.⁹⁸

6.27 The Committee heard from the ACT Council of Parent and Citizens Associations that many parents were unaware of this funding support and that the program existed separately to the Student Centred Appraisal of Need (SCAN) process. An additional funding process was required to access these funds.⁹⁹

⁹⁶ Youth Coalition of the ACT, *Submission no 11*, p 14

⁹⁷ Advocacy for Inclusion, *Submission no 12*, p 14

⁹⁸ ACT Government, *Submission no. 1*, p 15

⁹⁹ Ms Singer, *Transcript of evidence*, 20 April 2010, pp 26-27

- 6.28 The lack of clarity about different funding opportunities seemed to place an unreasonable burden on parents and carers of students with disabilities. The Committee considered that clear information relating to the source and administration of funding of disability education services should be available to all stakeholders. This was suggested in recommendation 10. Such information should also clearly identify the specific funding programs which may assist students with disabilities.

RECOMMENDATION 14

- 6.29 **The Committee recommends that the Department of Education and Training provide information at enrolment about all available funding programs which may assist students with disabilities.**

School communities

- 6.30 School communities that are engaged with the activities and celebrate the successes within the school have been recognised as an important component of effective learning and as a key in the socialisation process that all children experience during their school years. Submitters to the Inquiry highlighted the importance of an engaged school community in setting the context for inclusive education. Tension over resourcing can significantly impact on this experience.
- 6.31 Autism Asperger ACT explained the tension experienced by some parents and carers when confronted by a limitation to resources available at school:
- Resources and their allocation continue to be a contentious issue between parents and schools....Parents often get the impression from schools that their children are a burden on the school and that other school money has to be spent on their child.¹⁰⁰
- 6.32 The Committee noted that the Shaddock Review concluded that:

¹⁰⁰ Autism Asperger ACT, *Submission no 9*, p 4

as long as appropriate accountability measures are in place local or school-based control of allocation is more effective, more cost effective, and it produces less "playing the system".¹⁰¹

- 6.33 Improvements in the level of funding and the accountability measures in place to monitor resources provided to schools could improve transparency within the school community and improve recognition within the school of the needs of students with a disability.
- 6.34 The Australian Education Union advocated that:
- School Based Management funding must be increased to allow teachers to focus on duties directly related to teaching and school leaders to focus on educational leadership, the core responsibilities which have the most influence on student outcomes.¹⁰²
- 6.35 The Committee noted that in responding to the Review of School Based Management undertaken in 2009, the ACT Government agreed to 'review and report' on the School Based Management funding model and to consider the development of 'a simplified global funding model based upon the principles of reduced complexity, increased transparency and alignment with need.'¹⁰³

RECOMMENDATION 15

- 6.36 **The Committee recommends that as a part of the review of School-Based Management funding arrangements the ACT Government ensure that the quantity of, and processes established for allocating, funding for students with disabilities within government schools be clearly articulated and monitored by the Department of Education and Training.**

¹⁰¹ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, pp 96. Emphasis in original.

¹⁰² Australian Education Union, *Submission no. 5*, p 7

¹⁰³ *ACT Government Response to the Review of School Based Management* (May 2010) p 7; Accessible at <http://www.det.act.gov.au/__data/assets/pdf_file/0017/130445/Response_to_SBM_Review.pdf> (accessed 15 October 2010)

Education system culture

6.37 The Committee was also made aware that the administrative approach of the department can have an effect on the capacity of schools to adopt an inclusive culture. In fact, administrative approach and structure can influence the culture of the system by characterising disability education in a particular way. For instance, the way disability education is perceived within the education system can influence the numbers of teaching staff who might choose to pursue further training and specialise in this field.

6.38 The Woden School Board submission proposed that the administrative structure required review as the administration of education services influenced the delivery of those services. The Board's submission characterised the structural model as a "transactional model". The Board considered that:

In a transactional model of education service delivery that values consistency, standardisation and repeatability, [s]pecial education is a constant source of management and administrative irritation because it is volatile and variable.¹⁰⁴

6.39 The Woden School Board advocated for 'a major strategic repositioning in the way special education services are understood and managed in DET'.¹⁰⁵ It was considered that such a repositioning was a priority for the Department that must precede any transformation in the curriculum or the professional development strategies for teachers.¹⁰⁶

RECOMMENDATION 16

6.40 **The Committee recommends that the Department of Education and Training consider ways to improve the understanding of disability education services as a key indicator of administrative flexibility and responsiveness.**

¹⁰⁴ Woden School Board, *Submission no. 14*, p 3

¹⁰⁵ Woden School Board, *Submission no. 14*, p 4

¹⁰⁶ Woden School Board, *Submission no. 14*, p 4

Centralised information sources

- 6.41 One proposal suggested to improve the information available to the key users of disability services was the establishment of a centralised information service. In the context of widespread misunderstanding of the structure of the funding model, concern about the transparency of funding allocations and use and the applicable definition used to determine eligibility for different services, the Committee was sympathetic to this view. As the ACT Council of Parents and Citizens Associations advised:

We find that we are isolated. As families of children with disabilities, we tend to be isolated; we do not have that connection to the community. On the rare occasion we might meet another parent, that is when we find out about a service. There is no central spot where you can find out information on services or just support¹⁰⁷

- 6.42 The Committee was aware that any centralised source of information would constitute a whole of government approach involving the Department of Disability, Housing and Community Services as well as the Department of Health. The input of the Catholic Education Office and independent school sector would also be required.
- 6.43 In addition, the Committee has already made a number of recommendations about the provision of information on the funding and administration of disability education services to all parents and carers of students with disabilities.

RECOMMENDATION 17

- 6.44 **The Committee recommends that the ACT Government assess the best means of coordinating information sources for students with disabilities and their advocates.**

¹⁰⁷ Ms Nasr, *Transcript of evidence*, 20 April, 2010, p 32

7 RESOURCES FOR LEARNING

- 7.1 In developing options to improve disability education services, the Shaddock Review and many of the submitters to the Inquiry highlighted student learning outcomes as the most appropriate focus and test of the effectiveness of education services. The Committee supported the centrality of this focus for the delivery of education services to students with disability.
- 7.2 This final chapter highlights how some aspects of current practice do not always meet the test of improving educational outcomes. It is not possible to undertake a complete review and include all views or experiences outlined in the evidence to the Inquiry. Readers are encouraged to review the Committee's webpage for further details. This chapter is limited to a discussion of:
- Student Centred Appraisal of Need (SCAN);
 - Assessment of learning needs, including the preparation of Individual Learning Plans;
 - Specialist teaching skills, including learning support assistants; and
 - Preparing for transitions from primary and secondary schooling.

Assessment of disability

- 7.3 A key source of disquiet reported during the Inquiry was the administration of the Student Centred Appraisal of Need (SCAN) process. The Committee perceived that this process sits at the nexus of the tensions around definition and funding. The focus in these assessment processes can be on maximising the sense of need and hence the extent of disability. Many submitters reported that the SCAN assessment process, which is held every two years, can be difficult at best and dispiriting at worst.
- 7.4 The ACT Council of Parents and Citizens Associations described the funding model as 'a series of forms that parents have to fill out in order to indicate the level of the student's need'.¹⁰⁸ The Council advised that:

¹⁰⁸ ACT Council of Parents and Citizens Associations, *Submission no. 10*, p 41

You are expected to give out these deficits because if you do not give out the worst-case scenarios, if you like, not enough funding will be attracted to your child. You have to try and give the worst possible scenario. I think that we need to base that around a more positive aspect on what the students are able to do and not on deficits. I think that is something that could be improved.¹⁰⁹

Student Centred Appraisal of Need process

- 7.5 The Student Centred Appraisal of Need (SCAN) process was introduced in 2003 as 'an objective means of identifying and measuring the needs of students in a systematic way'.¹¹⁰
- 7.6 When discussing the Review with Professor Shaddock, the Committee was particularly interested in the position taken on SCAN. Professor Shaddock explained that the SCAN process was intended to assess the 'extent of disability' and provide financial support to meet that level of disability. He noted that, as a consequence of the assessment focus, there could be 'a little bit of ambit claiming' about the extent of disability.¹¹¹
- 7.7 The Shaddock Review provided considerable detail about the SCAN process including comments about the experience of parents and carers, health practitioners and teaching staff. A particular concern noted was the negative experience of this funding model by some stakeholders.¹¹²
- 7.8 The Committee understood how a deficit model can be a source of frustration for parents and teachers eager to work with students to identify, consolidate and extend their strengths.

¹⁰⁹ Ms Sebbens, *Transcript of evidence*, 20 April 2010, pp. 28-29. See also ACT Council of Parents and Citizens Associations, *Submission no 10*, p 28

¹¹⁰ ACT Department of Education and Training, *Annual Report 2005-2006*, p 13

¹¹¹ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 4

¹¹² Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 94. Accessible at: http://www.det.act.gov.au/data/assets/pdf_file/0014/105341/Review_of_Special_Education_ACT_2009_Final_Report.pdf (accessed 4 August 2010)

- 7.9 Amendments to the process have attempted 'to link it more clearly not to disability or extent of disability but to learning outcomes'.¹¹³ Professor Shaddock explained that:

It is still very much the case that the SCAN is done at a time when the educational needs of the child are not known. In a nutshell, I was suggesting that the processes be merged and the order reversed and there be an assessment of educational need and then we say, "What do we need to do in order to meet that need?" It is a switch from a focus on the disability per se to the learning outcomes that are being proposed and what is required to achieve them.¹¹⁴

- 7.10 To this end, the Review advocated a changed funding model which directed resources to approaches for which there would be 'evidence of effectiveness in improving students' learning outcomes'.¹¹⁵

RECOMMENDATION 18

- 7.11 **The Committee recommends that the Department of Education and Training review the timing of the Student Centred Appraisal of Need (SCAN) review process and establish a mechanism to ensure that the funding approach to allocate resources to students with specified disabilities will be focused towards maximising learning outcomes as proposed by the 2009 Review of Special Education in the ACT.**

RECOMMENDATION 19

- 7.12 **The Committee recommends that the students' needs for inclusive technology be assessed as a part of the Student Centred Appraisal of Need (SCAN) process.**

¹¹³ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 5

¹¹⁴ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 5

¹¹⁵ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 100

Assessment of learning needs

7.13 Individual learning plans (ILP) are used to inform 'the planning, delivery and evaluation of an educational program'.¹¹⁶ The ACT Government has required that an ILP be prepared for every student with a disability.¹¹⁷ The development of ILPs are intended to support a collaborative process which:

- identifies the student's individual needs and priorities for learning;
- outlines both short and/or long term educational goals for a student and the actions, strategies, modifications and adaptations that will be taken to achieve them;
- is a flexible living document that is reviewed and modified over time
- assigns responsibility and accountability for implementing and evaluating the plan; and
- provides an ongoing record to ensure continuity of learning.¹¹⁸

7.14 The Shaddock Review raised concerns about the mix of objectives that the process of developing ILPs are expected to meet, including maximising the individual learning outcomes for each student. However, the Review pointed out that ILPs are also used for administrative and legal compliance reasons and this can complicate the process for some stakeholders and the value of the document.¹¹⁹

7.15 Noting the importance of ILPs to the program of teaching developed for each student with disabilities, the Council of Parents and Citizens Associations raised concerns about the ability of teachers in general classroom settings to design and implement effective plans that are most appropriate for each

¹¹⁶ ACT Guidelines Individual Learning Plan Process, ACT Government, Submission no. 1, attachment 7, p 3

¹¹⁷ ACT Government, Submission no. 1, p 10

¹¹⁸ ACT Guidelines Individual Learning Plan Process, ACT Government, Submission no. 1, attachment 7, p 3

¹¹⁹ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, pp 68-69

individual student's unique learning needs. The development of ILPs for many students must include strategies to teach life skills as well as appropriate functional learning needs. The Plans must also take into account transition options for the student. The Council also suggested that clear criteria for ILPs be established and that these plans be used as a basis for monitoring learning outcomes.¹²⁰

7.16 The Department of Education and Training advised that:

Part of the reason that has not happened is that the ILP process and the involvement of teachers in the development of ILPs are still relatively new. We are still working with our staff to develop their knowledge, skills and understanding around how to put together a good ILP, how to work with an ILP, how to use an ILP and how to make sure that information is transferred from year to year and teacher to teacher.¹²¹

7.17 The Department also advised that an auditing model was being developed whereby the network leaders for four school regions would be required to review the quality of ILPs developed in each school area.

RECOMMENDATION 20

7.18 **The Committee recommends that Department of Education and Training Network Coordinators be required to report on the audit of Individual Learning Plans from schools in their areas and that outcomes of the audit process be detailed in the Annual Report.**

Specialist teaching skills

7.19 The number of teachers with specialist skills in disability education was considered to be inadequate especially as the number of students with disability enrolled in mainstream school settings has been increasing. The ACT Government submission proposed that:

While resource levels to support appropriate educational adjustments

¹²⁰ ACT Council of Parent and Citizens Associations, *Submission no. 10*, pp 19-20

¹²¹ Mr Copland, *Transcript of evidence*, 27 April 2010, p 44

and program are important, the greatest difference in ensuring students with a disability can achieve their educational potential is made by the teacher. A priority for DET is to continue to support teachers to develop the confidence, skills and expertise they need to make this difference.¹²²

- 7.20 The Shaddock Review proposed the appointment of three disability education consultants to provide mobile support to teachers within their school setting. The objective was reinforced by Professor Shaddock who advocated for a more effective use of specialist teaching expertise:

I recall making the point about the public schools: they have got a lot of additional resources going in here and there, literacy consultants and quality teaching consultants. If I were a teacher I would be fairly confused about all of this. And when I talked to the education department about this I think they understood my point that all of those additional consultancy services should be brought together, with the primary aim of capacity building of the teachers so that you are not there to give a teacher a break, take a child for half an hour, work your magic with him in the corridor or whatever. You are actually there to build the capacity of teachers so that you do not have to go back there next year as a consultant because they have "got it".¹²³

RECOMMENDATION 21

- 7.21 **The Committee recommends that the Minister for Education and Training review the use of consultants in government schools in light of the comments made in the 2009 *Review of Special Education Services* particularly in assessing the need for disability education consultants.**
- 7.22 The Committee also noted and supported the provision of funding by the ACT Government for 20 teaching scholarships at the University of Canberra for Inclusive Education (Special Education).¹²⁴

¹²² ACT Government, *Submission no. 1*, p 24

¹²³ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 12

¹²⁴ Department of Education and Training, *Annual Report 2008-2009*, p 222

- 7.23 Professor Shaddock also suggested that a broader review of pedagogy be undertaken to consider different teaching options such as peer tutoring or cooperative learning where students support each other through the learning process.

RECOMMENDATION 22

- 7.24 **The Committee recommends that the Department of Education and Training consider the need for a pilot program within the ACT education system for alternative class-room based disability teaching models.**

Learning Support Assistants

- 7.25 The role of learning support assistants (LSAs) was one area where there were mixed views. While teachers generally greatly value the assistance of this additional support in the classroom, there was concern about the most effective role that they should play in the classroom to optimise student learning and concern about the level of expertise/skills of these assistants.
- 7.26 The ACT Council of Parents and Citizens Associations advised that:
- in the current system Special Teacher's Assistants (STAs) perform a wide variety of duties that they are either not qualified or have insufficient training to perform. STAs are not currently eligible for training and professional development due to their casual employment basis, and have to take days off without pay in order to access professional development. It is important that STAs have appropriate training to perform their role effectively.¹²⁵
- 7.27 The Council considered that formalisation of the role of LSAs within the education system could facilitate access to paid professional development opportunities.¹²⁶

¹²⁵ ACT Council of Parents and Citizens Associations, *Submission no. 10*, p 21

¹²⁶ ACT Council of Parents and Citizens Associations, *Submission no. 10*, p 17

7.28 The Committee also heard from Professor Shaddock that a more formal career structure for these roles could be investigated with LSAs assuming a place in the system akin to allied health workers.¹²⁷

7.29 However, Professor Shaddock also advised the committee that he had some reservations about the effectiveness of this model in providing the best possible outcomes for students and noted that 'in terms of improvements to students' educational outcomes, there's no evidence'.¹²⁸ This concern was echoed by the Youth Coalition of the ACT who advised that consultations had generated examples:

where young people with a disability were 'ignored' by the classroom teacher, requiring the learning assistant to assume the role of teacher.¹²⁹

7.30 In addition to ensuring that LSAs receive appropriate training, Professor Shaddock also emphasised that 'their linkage to the educational program needs to be clarified and the sorts of supports they offer to teachers have to be clarified'.¹³⁰ Professor Shaddock noted that the Catholic Education Office had already sought to refine the role within Catholic systemic schools.

7.31 One possible model would be to use LSA to undertake "indirect" tasks:

The indirect roles might be things like assessing kids' performance, daily assessment of how they are going, graphing it so that the child can see it, and graphing it so that the teacher can see it—these sorts of indirect roles rather than teaching.¹³¹

7.32 The Committee also noted that the Australian Education Union suggested a review of the ratio of teachers, LSAs and students in various educational settings.¹³²

¹²⁷ Anthony Shaddock, Nancy MacDonald, Julie Hook, Loretta Giorcelli & Michael Arthur-Kelly, *Disability, Diversity and Tides that Lift All Boats: Review of Special Education in the ACT*, Service Initiatives, 30 October 2009, p 17.

¹²⁸ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 6

¹²⁹ Youth Coalition of the ACT, *Submission no. 11*, p 23

¹³⁰ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 6

¹³¹ Professor Shaddock, *Transcript of evidence*, 14 April 2010, p 7

¹³² Australian Education Union, *Submission no. 5*, p 5. See also ACT Disability Advisory Council, *Submission no. 6*, p 9

- 7.33 The ACT Disability Advisory Council also recommended that the adequacy of teacher support for Indigenous students with disabilities be reviewed.¹³³

RECOMMENDATION 23

- 7.34 **The Committee recommends that the Department of Education and Training review the role of Learning Support Assistants with the structure of the disability education sector with a view to formalising the role; assessing the appropriate staffing ratios; providing initial training and professional development opportunities; and clarifying duties within the classroom in terms of maximising the learning outcomes for students with disabilities.**

RECOMMENDATION 24

- 7.35 **The Committee recommends that the Department of Education and Training, in reviewing the role of Learning Support Assistants, review the need for additional Indigenous Education Officers and Indigenous Learning Support Assistants to support the learning of Indigenous students with disabilities.**

Therapy services

- 7.36 Autism Asperger ACT informed the Committee that they considered the level of therapy services available in learning support units represented the biggest gap between what was available and what was needed to assist students with disabilities.¹³⁴
- 7.37 The Committee was informed by the Department of Education and Training that there was an awareness that further work needed to be undertaken to ensure that therapy services were effectively and appropriately integrated into the school day.¹³⁵ Following the Shaddock Review, DET had developed 'a

¹³³ Mr Robinson, *Transcript of evidence*, 27 July 2010, p 89

¹³⁴ Ms von Ess, *Transcript of evidence*, 27 July 2010, p 83

¹³⁵ Dr Collis, *Transcript of evidence*, 20 July 2010, p 122

service agreement with Therapy ACT around the provision of therapy into our schools'.¹³⁶ The agreement would include:

- Development of a professional learning calendar to support the development of the skills of teaching staff and our teacher assistant staff.¹³⁷
- Consideration of a model which integrates therapy into the teaching program¹³⁸; and
- Specific programs for autism and language to assist teachers in the classroom.¹³⁹

7.38 The Committee will be interested in the outcomes of this service agreement and an assessment of whether it has helped redress the gap between need and availability of services.

RECOMMENDATION 25

7.39 **The Committee recommends that the Minister for Education and Training provide a statement to the Legislative Assembly on the outcomes of the service agreement between the Department of Education and Training and Therapy ACT and the effectiveness of this agreement in redressing the gap in services identified in the Review of Special Education in the ACT.**

Post-school options

7.40 The Woden School Board characterised the issue of post-school transition as the "fork-in-the-road" decision for families and that these decisions involved a number of different facets including questions about education, medical and housing issues. They also noted that the families of students with disabilities are invariably time poor and made the plea that this process should not be made any harder.¹⁴⁰

¹³⁶ Mr Copland, *Transcript of evidence*, 20 April 2010, p 44

¹³⁷ Mr Copland, *Transcript of evidence*, 20 April 2010, p 55

¹³⁸ Dr Collis, *Transcript of evidence*, 20 July 2010, p 122

¹³⁹ Mr Copland, *Transcript of evidence*, 20 April 2010, p 55

¹⁴⁰ Woden School Board, *Submission no. 14*, p 1

- 7.41 The ACT Disability Advisory Group also highlighted the "investment" parents have in the decisions that are made at this stage of their children's lives:

Children with disabilities necessitate an incredible investment of time, energy and emotional resources over and above what is needed by a non-disabled child. This exceptional dedication has the effect of generating an unparalleled sense of eternal optimism with honest and realistic pragmatism. Thus, when I mention parents with experience and expertise, I am describing people who have an unparalleled understanding of their child's capabilities, potentials and aspirations.¹⁴¹

- 7.42 The Committee heard from the Department of Education and Training that post-school opportunities for students with disability fall into two categories:

- Employment options; and
- Social placement options.¹⁴²

- 7.43 The first part of the ACT transition program for students with disabilities involved the provision of

a small amount of support over a defined period of time to assist them to move into other vocational training, supported employment or full-time employment options.¹⁴³

- 7.44 The second component of the program provided transition support to young people who have a more sustained level of need and who would be likely to require life-long assistance in one form or another. Disability ACT have reformed their service approach over recent years in an effort to expand the options available to young people and have developed planning tools to assist young people and their families to make informed and creative decisions about the mix of services they choose. The ACT Government submission

¹⁴¹ Mr Robinson, *Transcript of evidence*, 27 April 2010, p 87

¹⁴² Dr Collis, *Transcript of evidence*, 20 July 2010, p 115. See for example, Sharing Places a not for profit organisation which provides community access and skills development activities for people over 18 years of age who have an intellectual disability <<http://www.sharingplaces.com.au/>> or Koomarri employment and business services which supports employment options for approximately 350 people with moderate to severe disabilities <<http://www.koomarri.asn.au/Services/Businesses.aspx>>. Koomarri also provide social placement programs.

¹⁴³ Ms Ford, *Select Committee on Estimates 2010-2011 Transcript of evidence*, 25 May 2010, p 1087

advised that:

The assistance is based on the premise that people with a disability leaving school should have the same access to activities and lifestyle opportunities available to any young person.¹⁴⁴

7.45 A number of factors will influence which of these options is most appropriate for individual students including the nature of a student's disability, student and family choice; capacity within programs to accept students; and resources available to sustain programs.

7.46 The Committee heard that:

Disability ACT has also recently tendered and commissioned a new transition support agency. House With No Steps have taken on a contract for the next three years to support the transition of students who are likely to transition into supported employment. They are already in our schools, working with the current year 12 cohort and starting to talk with the year 11 cohort and eventually will be starting to work with students from year 9 onwards.¹⁴⁵

7.47 A number of submitters to the Inquiry offered views on the adequacy of the programs that had been available and whether these programs were able to meet the needs of students moving from the school environment into adult life. The Committee understood that availability of trained staff and adequate resources are primary constraints on the delivery of these sorts of services. The Youth Coalition of the ACT highlighted the importance of early discussion and planning for successful transitions.¹⁴⁶

7.48 The Public Advocate of the ACT characterised the post-school programs available to some young people with disabilities as 'thin on the ground' and queried the relevance of some programs in extending the development opportunities for children and young people. The limited availability of social placement programs, sometimes for only an hour or two per day, has made it

¹⁴⁴ ACT Government, *Submission no 1*, p 22

¹⁴⁵ Mr Copland, *Transcript of evidence*, 20 April 2010, pp 55

¹⁴⁶ Youth Coalition of the ACT, *Submission no. 11*, p 27

difficult for some families, particularly when parents are trying to balance their work commitments. The Public Advocate was of the view that:

Families would prefer to be able to access day programs such as the ones provided by Koomarri which provide work outcomes for young people or Gungahlin Community Services which offers a more structured program.¹⁴⁷

7.49 The Public Advocate advised that access to vocational programs varied for different people and often reflected the nature of the support required. Young people with disability who also exhibit significant and challenging behaviours frequently find it very difficult to access meaningful post-school programs of any kind.¹⁴⁸

7.50 Autism Aspergers ACT advised that there can be significant challenges with young people with autism and

If they are not capable or able to have a job or something like that, they tend to need to be supervised. I think that they still are in urgent need of education and, if anything, the education level should be going up. We offer our other students university training after school. I think 18 as a cut-off would be fine, if there is something more, but currently there is not enough out there.¹⁴⁹

7.51 Submitters made the point, that students with disabilities should be able to anticipate a full range of post-school options, including further education.¹⁵⁰

7.52 An important component in assisting students and their families in making this "fork in the road" decision is planning. Like all students, awareness of the pathways available need to be raised early so that any eligibility requirements can be anticipated in individual learning plans and met by teachers in delivering the curriculum.

7.53 The Committee was concerned that there was inadequate planning for post-school options in terms of the number of students with a disability graduating

¹⁴⁷ Public Advocate of the ACT, *Submission no. 4*, p 3

¹⁴⁸ Public Advocate of the ACT, *Submission no. 4*, p 3

¹⁴⁹ Ms von Ess, *Transcript of evidence*, 27 April 2010, p 82

¹⁵⁰ Disability for Inclusion, *Submission no. 12*, p 16; Youth Coalition of the ACT, *Submission no.11*, p 27

each year who will have an identifiable impact on the level of resourcing required to meet the post-school service needs of this cohort.

RECOMMENDATION 26

- 7.54 **The Committee recommends that the ACT Government monitor the progress of the post-school options support provider (currently the House With No Steps) in providing planning supports to students with disabilities from at least year 9 and, if necessary, provide additional resources to facilitate early planning of post-school pathways for all students with disabilities.**

RECOMMENDATION 27

- 7.55 **The Committee recommends that the ACT Government ensure that the formula used to determine the allocation of funding for post-school options is based on the number of students graduating each year so that adequate services can be provided.**

RECOMMENDATION 28

- 7.56 **The Committee recommends that the Department of Education and Training include questions about access and effectiveness of post-school planning on the annual parent satisfaction survey.**

Post-school pathways

- 7.57 During the course of the Inquiry, the Committee visited the Futures Program at the Canberra College. The Program is offered to students with mild intellectual disability. The students are embedded in the broader college settings and in some cases undertake elective mainstream classes. The focus during other class time is on work ready skills, including maths and english. To complement the program, the Executive Teacher has established many links with external organisations. The students can undertake work

- experience in the Big W store nearby. A connection with Volunteering ACT has also enhanced the work experience opportunities for students.¹⁵¹
- 7.58 The Committee understood that many of the opportunities provided to students in this program were instigated and sustained by the Executive Teacher with the support of the Principal.
- 7.59 The Youth Coalition of the ACT made a more general point in their submission that the good experiences many students with disabilities have is often due to the 'will and commitment occurring at an individual, rather than a systemic level'.¹⁵²
- 7.60 The Committee was concerned that the experiences of students of this program may not be shared by all students at this stage of the education. The Committee heard from National Disability Services that:
- we are finding that more and more, especially out in the disability service sector and the disability business area, that students are graduating with very few work readiness skills. This has deteriorated over the years and we feel that it is largely attributable to the curriculum and teaching strategies not being developed with the future needs of the individual students in mind. I have already mentioned that principals do have a critical role. There are other things, like therapies.¹⁵³
- 7.61 The committee enquired whether any links were in place with tertiary education providers such as Canberra Institute of Technology and was advised that there were not. In part, it was thought that this reflected changes in the provision on Certificate 1 and 2 courses which are now largely provided through the secondary system. This restructuring of the vocational orientated courses may have had an unintended impact on the ease of post-school pathways for students with disabilities.
- 7.62 The Committee was advised, however, the Department of Education and Training has established a dedicated DET officer to work with students and

¹⁵¹ Visit to the Futures Program, Canberra College on 22 July 2010.

¹⁵² Youth Coalition of the ACT, *Submission no. 11*, p 11

¹⁵³ Ms Healy, *Transcript of evidence*, 27 April 2010, p 68

colleges to develop appropriate external links. In addition, an annual Post School Options Expo allows the full range of government and non-government agencies and services to showcase the options available.¹⁵⁴

RECOMMENDATION 29

- 7.63 **The Department of Education and Training provide details of the external linkages established, including type of organisations, and the numbers of students attending the post-school options expo in the Annual Report.**

RECOMMENDATION 30

- 7.64 **The Department of Education and Training assess the impact of the changed vocational education structure on the pathways available to students with disabilities.**

Black Mountain and Woden Schools

- 7.65 During the course of the Inquiry, concerns about the changed attendance period at Black Mountain School were raised. The Public Advocate highlighted that:

The impact of the decision for young people to leave school at 18 years rather than in past years at the age of 20 has further exacerbated the demand for available options.¹⁵⁵

- 7.66 The ACT Disability Advisory Group recommended unequivocally that students with disabilities should be able to access education services until age 20.¹⁵⁶ The National Disability Services raised concerns about what would happen to young people with more significant disabilities in a situation where:

¹⁵⁴ ACT Government, *Submission no 1*, p 21

¹⁵⁵ Public Advocate of the ACT, *Submission no. 4*, p 3

¹⁵⁶ Mr Robinson, *Transcript of evidence*, 27 July 2010, p 89

one department is talking about graduating students at the age of 18 and Disability, Housing and Community Services is saying, “We haven’t got anything to fund people with when they graduate from school.” So that is of great concern to me and to NDS with respect to what is going to happen to some of those young people.¹⁵⁷

7.67 Given the experience imparted to the Committee of many students who have made the transition to post-school life, the Committee could understand that plans to discontinue the additional year (commonly referred to as year 14) at Black Mountain School had raised concerns for the parents and carers of students attending. This would shorten the time available to establish a transition plan.

7.68 The Committee sought further details from the Minister for Education and Training and was advised that a seven year phase-in process had been established in 2007 and during this period, all new enrolments to the School had been advised that the option of an additional year (year 14) would not be available from 2014. All students enrolled prior to 2007 would be able to opt for an additional year.¹⁵⁸ The Minister highlighted that:

Year 13 remains available, as it does for all students in the education system. But this is an educational assessment, not an aged-based assessment...Any student who does not have a great year 12 has the option to undertake effectively a year 13.¹⁵⁹

7.69 During this hearing, the Minister also confirmed that the years of education provided at the Woden School would be extended to include years 11 and 12.¹⁶⁰

7.70 The rationale for both decisions related to consistency across the education system with conditions for students with a disability who attend a specialist school being brought into line with standard educational practice. In this way, there will be an equivalence of treatment and the application of rules for all students in the ACT.

¹⁵⁷ Ms Healy, *Transcript of evidence*, 27 April 2010, p 74

¹⁵⁸ Mr Barr, *Transcript of evidence*, 20 July 2010, pp 114-115

¹⁵⁹ Mr Barr, *Transcript of evidence*, 20 July 2010, p 115

¹⁶⁰ Mr Barr, *Transcript of evidence*, 20 July 2010, p 114

- 7.71 The Minister acknowledged, however, that the bigger issue was post-school options for students with disability.

8 CONCLUSION

- 8.1 During the last 20 years, educational theory has championed the value of including students with a disability in mainstream education settings. This theoretical view has been reinforced by human rights discourses and the introduction of anti-discrimination legislation. A number of legal and administrative measures are in place which set a minimum standard and expectation for the sort of adaptations that should be made to accommodate students with a disability within mainstream education settings.
- 8.2 Inclusive measures will not suit all students however. Parents and carers of students with disabilities expect to be able to exercise some genuine choice in the type of educational setting that will best meet the needs of their child and which may include mainstream or specialist school options. Either way, parents expect that educational services will maximise the learning outcomes for their children.
- 8.3 As the Inquiry into the educational achievement gap emphasised, equity should be a priority for the delivery of all educational services. Just as students from disadvantaged backgrounds, from culturally and linguistically diverse backgrounds, or those who are gifted and talented should be confident that educational and government leaders are committed to an education system with can maximise their learning outcomes, students with disabilities, and their carers, should equally share this confidence.
- 8.4 The Committee heard during the Inquiry that the capacity of adaptations made to deliver an equitable education experience to all students largely relied on administration and resourcing factors. These factors included:
 - Conceptual framework underpinning service delivery;
 - Leadership within education systems;
 - Teaching expertise and resourcing;
 - Clarity about the learning needs of individual students;
 - Effectiveness of school based support services;
 - Successful communications with parents and carers; and
 - Expectations within the school community.

- 8.5 During the current Inquiry, the Committee heard evidence that indicated that the capacity of the current policies and systems intended to deliver equitable outcomes for all students has not been demonstrated to the satisfaction of students, their parents, carers and advocates or to the professionals who deliver disability educational services.
- 8.6 In agreeing with the priority raised in the Shaddock Review, the Committee's report has highlighted measure of learning outcomes, rather than indicators of disability itself, as a way of improving transparency in the delivery of education services to students with disability. The Committee considered that the adoption of clear performance indicators which measure the provision of quality educational experiences to students with a disability would go some way to improving transparency and satisfaction.
- 8.7 Students with disabilities are one group within a diverse student body within both the government and non-government education systems. As such, these students should be confident in the recognition they receive within the education system broadly and be able to anticipate that reasonable adaptations will allow the education services they receive to meet their particular needs and maximise their potential for individual achievement.
- 8.8 As is the case for all students engaged with learning, students with disabilities should be able to anticipate that their achievements will be encouraged by their communities and that their education is the beginning of a pathway into adult life.

Amanda Bresnan MLA

Chair

14 October 2010

APPENDIX A: Submissions

All submissions can be accessed from the Inquiry website:

<<http://www.parliament.act.gov.au/committees/index1.asp?committee=117&inquiry=821&category=14>>

Submission No.	Submitter
1.	ACT Government
2.	ACT Division of National Disability Services
3.	Association of Independent Schools of the ACT
4.	Public Advocate of the ACT
5.	Australian Education Union - ACT Branch
6.	ACT Disability Advisory Council
7.	ACT Human Rights Commission
8.	Mr Bob Buckley
9.	Autism Asperger ACT
10.	ACT Council of Parents and Citizens Associations
11.	Youth Coalition of the ACT
12.	Advocacy for Inclusion
13.	Special Education Advocacy Group
14.	Woden School Board

APPENDIX B: Hearings and visit

Transcripts from all hearings can be accessed on the Legislative Assembly website at <http://www.hansard.act.gov.au/hansard/2003/comms/default.htm>.

14 April 2010

Professor Anthony John Shaddock, Emeritus Professor, University of Canberra

20 April 2010

Mr Ian Copland, Acting Director, Aboriginal and Torres Strait Islander Education and Student Support, Department of Education and Training

Ms Kate Edney, Staff member, ACT Council of Parents and Citizens Associations

Ms Jayne Johnston, Executive Director—School Improvement, Department of Education and Training

Ms Diana Nasr, Executive Committee Member, ACT Council of Parents and Citizens Associations

Ms Carey Sebbens, Acting Vice President, ACT Council of Parents and Citizens Associations

Ms Elizabeth Singer, President, ACT Council of Parents and Citizens Associations

Dr Jim Watterston, Chief Executive, Department of Education and Training

27 April 2010

Ms Liz Blakey, Deputy Chair, ACT Disability Advisory Council

Ms Penny Gilmour, Branch Secretary, Australian Education Union—ACT Branch

Ms Susan Healy, Chair, National Disability Services ACT

Ms Carol Anne Mckenzie, Member, Disability Advisory Council

Mr Trevor Robinson, Chair, ACT Disability Advisory Council

Ms Cathy Smith, Assistant to the Secretary (Professional), Australian Education Union—ACT Branch

Ms Gay von Ess, President, Autism Asperger ACT Inc

20 JULY 2010

Mr Andrew Barr, Minister for Education and Training, Minister for Planning,
Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing

Dr Mark Collis, Executive Director—School Improvement, Aboriginal and Torres
Strait Islander and Student Support, Department of Education and Training

Ms Mary Durkin, Disability and Community Services Commissioner, ACT Human
Rights Commission

Ms Kelly Swan, Adviser to the Disability and Community Services Commissioner,
ACT Human Rights Commission

Dr Helen Watchirs, Human Rights and Discrimination Commissioner, ACT Human
Rights Commission

22 July 2010

Visit to the Futures Program, Canberra College, Woden

(For details of the visit, please contact the Committee secretary.)

Mr Steve Kybruz, Network Coordinator, Schools – South/Weston, Department of
Education and Training

Mr John Stenhouse, Principal, Canberra College

Ms Marie Uren, Executive Teacher, Futures Program, Canberra College

APPENDIX C: Results of 2009-2010 Annual Parent Satisfaction Survey



**ACT DEPARTMENT OF EDUCATION AND TRAINING PARENT SATISFACTION
SURVEY 2009-2010**

	No. Recd	% Total
Satisfied	472	91.65
Dissatisfied	43	8.35
Total	515	100.00

	Responses to question ¹	Number agreed or strongly agreed	Number disagreed or strongly disagreed	Number not sure
I worked collaboratively with school staff on my child's ILP in term one	511	445	38	27
I have had the opportunity to work with school staff on my child's ILP since term one	507	409	57	41
I feel my child has had the opportunity to be part of the ILP process	508	317	82	96
My child's ILP has included useful academic and social goals (as well as vocational goals where appropriate)	514	451	27	36
I have not received updated copies of my child's ILP after review meetings within a reasonable time	518	119	346	45
I think my child is supported in working towards the ILP goals	509	418	21	70
I think the ILP was useful	512	428	25	59
I do not receive regular feedback from my child's teacher/s	507	106	373	28

Variations in total responses reflect that not all parents responded to all questions.

¹ 13 respondents said 'not applicable'.

Special Education

Parent satisfaction of special education services 2009-2010



Education and Training

Dear Parents/Carers

This questionnaire is an important part of ensuring that we maintain quality services for students in the ACT. Your answers will help us. Please tick the box that best describes your answer to each question.

Please do not put your name on this form. All surveys are completely confidential.

My Child's School _____

Gender	Program (choose one only)	School Sector
Female ☐	Inclusion Support Program ☐	Preschool ☐
	Learning Support Centre ☐	Primary School ☐
Male ☐	Learning Support Unit ☐	High School ☐
	Learning Support Unit (Autism) ☐	College ☐
	Support Class Language ☐	
	Special School ☐	

Overall, how satisfied are you with your child's educational program? Please tick one only

- Very satisfied ☐
- Moderately satisfied ☐
- Moderately dissatisfied ☐
- Very dissatisfied ☐

	Strongly agree	Agree	Not sure	Disagree	Strongly disagree
I worked collaboratively with school staff on my child's ILP in term one					
I have had the opportunity to work with school staff on my child's ILP since term one					
I feel my child has had the opportunity to be part of the ILP process					
My child's ILP has included useful academic and social goals (and well as vocational goals where appropriate)					
I have not received updated copies of my child's ILP after review meetings within a reasonable time					
I think my child is supported in working towards the ILP goals					
I think the ILP was useful					
I do not receive regular feedback from my child's teacher/s					

Additional comments

Thank you for completing this form. Please feel free to provide additional comments on the back of the form.
Please return the completed form in the reply paid envelope provided by 20 November 2009.