



Submission made by
Julia Farr Association Parents Forum

Review of Disability Standards for
Education

ABN: 16 464 890 778

104 Greenhill Road Unley SA 5061

PO Box 701 Unley Business Centre SA 5061

t: (08) 8373 8333 f: (08) 8373 8373

e: admin@juliafarr.org.au w: www.juliafarr.org.au

Introduction

The Julia Farr Association Parents Forum wishes to make a submission to the Australian Government on its *Review of Disability Standards for Education*. The Parents Forum support a review of Disability Standards for Education to ensure that students living with disability are able to access and participate in education on the same basis as their non-disabled peers.

The Parents Forum is hosted by Julia Farr Association and provides an opportunity for parents of children (who are aged between 5-18) and live with disability to access and share information about ideas and opportunities relating to their children getting a 'fair go' and where they can identify pathways towards helpful change.

Parents involved in the forum have had experiences with a range of primary and secondary school settings, from mainstream and link, to annex unit and special schools, within the public and private systems. For these parents the Parents Forum is about taking action, social networking and support. It offers opportunity for them to work together towards shared vision; for their children to lead inclusive lives with access to the same opportunities as their non-disabled peers.

The Julia Farr Association's role is to provide a voice on behalf of the Parents Forum and to represent the parents' views on what needs to happen. Parents have provided comment on whether the Disability Standards for Education have:

1. Assisted people living with disability to access and participate in education and training opportunities on the same basis as non-disabled peers;
2. Assisted to eliminate discrimination (including harassment and victimisation) of people living with disability in education and training;
3. Promoted recognition and acceptance in the community of the principle that people living with disability have the same inherent value and fundamental rights as other citizens.

Parents have commented that when reading the Disability Standards for Education the document sounds supportive of students living with disability. The Standards outline that "people with disabilities have the same rights to equality before the law in the area of education and training as the rest of the community"¹. However many parents of the forum feel that although the Standards are in place they are not always met and have therefore focused their submission on improved ways to implement the Disability Standards in schools. They feel that it is important to raise awareness of the Standards and to provide education providers with practical guidance on how to apply the Standards in their role as a teacher.

¹Ruddock, P, 2005, Disability Standards for Education 2005, pg. 6

This is particularly important when we have heard examples from parents where children have experienced:

- Schools refusing enrolment of students living with disability;
- Schools spending funding which has been allocated to the child living with disability on 'other' resources which is not accessible to the child who attracted the funding;
- Denied/refused the opportunity to attend a school excursion;
- Lengthy time delays (1-2 years) to receive equipment to assist with access to education.

Although the Disability Standards for Education are in place, these examples highlight that the Standards are not being upheld. This is of great concern to the Parents Forum. Given Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities in July 2008, we have therefore focused on a range of recommendations the Parents Forum thinks will strengthen the application of the Disability Standards for Education, and help ensure that people living with disability get a fair go in education.

Recommendation 1

Money spent on educating student teachers on the rights of students living with disability which are in line with the Disability Standards for Education

The Parents Forum strongly recommends that an understanding of the Disability Standards for Education and of inclusive styles of teaching should commence at university level so that all student teachers are provided with the knowledge on how to support the educational journey of all students. There is concern from the Parents Forum that teacher-training arrangements do not adequately equip student teachers with the knowledge and practice on how to teach students living with disability in mainstream schools. For example Flinders University offers a double degree in Bachelor of Education (Early Childhood) / Bachelor of Arts. However there appears to be no compulsory units of study to prepare student teachers with knowledge on the Disability Standards for Education and inclusive teaching methods for students living with disability. With an increasing population of families who have a child living with disability aged 0- 14 years (from 12% in 1998 to 13% in 2003²), it is essential that universities provide student teachers with adequate knowledge and skills. This includes knowledge of the UN

²Australian Bureau of Statistics <http://www.abs.gov.au/AUSSTATS/abs@.nsf/Lookup/4102.0Chapter4002008>, Australian Social Trends, 2008

Convention on the Rights of Persons with Disabilities and what this means for the Disability Standards for Education and their application.

Recommendation 2

An increase in funding supports to assist teachers with improved opportunities to teach and implement the Disability Standards for Education

Parents strongly believe that with educating teachers on the Disability Standards for Education, there also comes a responsibility from the government to provide adequate funding for teachers to assist them to implement the Standards. For example this may include extra funding to support a student in a mainstream classroom, funding to provide teachers with updated disability training, flexibility to employ a support person to enable a student to attend a school camp or excursion, and opportunities to access educational aides and time to prepare modified curriculum. Without this extra funding there is risk that the Standards will not be met in practice, and provides undeserved leverage for a school to cite *unjustifiable hardship* as a reason for refusing a student living with disability a place at the school of their choice. This in itself is a concern (that schools can claim *unjustifiable hardship*) as it goes against the aim of the Standards that they seek to allow students with disability access to enrolment, access to support services, access to courses and the right to participate. In exercising such an exemption to the Standards, there needs to be clarity about the rare circumstances where this could be claimed, and there needs to be an independent mechanism for adjudicating any associated disputes.

Recommendation 3

A review of teacher role descriptions to incorporate an understanding and good practice of the Disability Standards for Education

An update and review of teacher role descriptions to include a description of the Disability Standards for Education would give schools greater accountability when recruiting new staff to ensure that they have knowledge of, and will diligently apply, the Standards. This can then be tested, for example in the interview process. It is important for schools to find out from a prospective teacher how they will ensure that a student living with disability is included in the school community.

Recommendation 4

In relation to the Disability Standards for Education for individual students living with disability, there needs to be improved accountability within schools which demonstrates that the Standards are being met

A recommendation has been made by the Parents Forum for improved accountability in schools to ensure that schools are meeting the Disability Standards for Education. Parents are concerned that although the Standards are in place they are not always being met by schools and they would like improved methods to monitor this process.

One example of this is the International Accreditation Process. In 2009, SA's Henley High School embarked on an International Accreditation Process through the Council of International Schools. "This accreditation included an accountability framework which required an auditing process for all curriculum offerings across the school.....The plan included eight clear objectives and each objective had an action plan including strategies and timelines over a three year period"³. Out of this plan it was recognised that teachers needed to be equipped with appropriate knowledge and skills to enable them to teach effectively to all students. It also highlighted that students need a range of ways to learn (flexible teaching and learning) and that providing teachers with intervention plans which suggest strategies and resources will assist with all children's learning. Parents are asking to be aware of these strategies and can assist the school to meet the Disability Standards for Education by suggesting meaningful learning strategies to assist the development of their child's learning.

Accountability can also be demonstrated through the ACT's document, *Excellence in Disability Education in ACT Public Schools Strategic Plan 2010-2013*. The Plan identifies five priority areas which is the government's focus and provides practical and measurable ways of meeting these goals.

The document provides actions, performance measures and timelines which are in line with the Parent Forum's views. The priority is then followed up with an action plan which is reviewed annually. A link to this document has been provided as a reference⁴.

³A whole school approach to curriculum differentiation, June 2010, SERUpdate – Volume 20 – Number 2, viewed 15th March 2011, pg. 32

⁴Excellence in Disability Education in ACT Public Schools Strategic Plan 2010-2013, Disability education is everyone's business, http://www.det.act.gov.au/pv_obj_cache/pv_obj_id_E26AEE059B22009F98E162487A3375EA556C0700/filena/Disability_Education_Strategic_Plan.pdf, viewed 18th April 2011

Applying a similar methodology in respect of the Disability Standards for Education will provide an important regular opportunity to measure and strengthen school performance.

Recommendation 5

Consultation at all times with students and their associates (parents and guardians) involving their child's education

Parents are also requesting regular reviews with class teachers and principals to discuss the best ways to spend any special funding made available to the school to assist the education of a specific student living with disability. Many parents identify that they do not know that funding is even available or where the funding is being spent for their child and that they are unable to access this information. Therefore this leads to concern that Disability Standards for Education may be contravened. The Discussion Paper, Review of Disability Standards for Education 2005, outlines that “when deciding what to include in an educational course and how to teach it, an education provider should consult with each student with disability doing the course, or an associate of the student, about the effect of the disability on their ability to seek enrolment, and any reasonable adjustments necessary”⁵. However, many parents have told us that this does not happen. They would like regular reviews with education staff, students and family to identify suitable ways to assist their children to have access to a good education.

Recommendation 6

The introduction of Person-Centred Planning for all students living with disability

Person-centred planning is “a collection of tools and approaches based upon a set of shared values that can be used to plan with a person – not for them. These tools can be used to help the person think about what is important in their lives now and to also think about what would make a good future. Planning should build the person's circle of support and involve all the people who are important in that person's life”⁶.

Parents are seeking a change in the system as generally they are not involved with the allocation of funding for their child (or consulted as the Standards support) and would like to work with teachers, principals and as a family unit to support their child's education. Person-centred planning would allow opportunities for teachers to develop an understanding of students living with disability and can work towards a shared goal. Person-centred planning

⁵Review of Disability Standards for Education, Discussion Paper, Australian Government Department of Education, Employment and Workplace Relations Pg. 11

⁶Person Centred Planning, <http://www.inclusive-solutions.com/pcplanning.asp>, viewed 8th March 2011, pg.1

is one method schools can use to support students with their education goals and is in line with the Disability Standards for Education. The Disability Standards for Education Discussion Paper states that “where possible the student, or their associate, and the education provider should work together to find adjustments and solutions to help the student access and participate in education and training”⁷. This needs to include explicit commitment to person-centred planning.

Recommendation 7

Introduction of a new Standard: the availability of Individualised (self-directed) Funding

The Parents Forum recommends the introduction of Individualised (self-directed) Funding. Individualised Funding is “public funding that is allocated to the individual based on his/her unique strengths and needs, and placed under the control of the individual to enable them to live in the community as a full citizen”⁸. The introduction of Individualised Funding for students (used in a range of formats in Australia and overseas) would allow students and their parents/guardian to identify the nature of support that would provide the most beneficial assistance towards their education. Individualised Funding would also provide parents with the opportunity to arrange and administer their child’s own support, in turn allowing them to craft highly professional arrangements that can work well for the student and for the school. Current funding methodologies don’t help this to happen.

For example, members of the Parents Forum highlighted instances where funding for their child has been spent on other school needs such as computers which, ironically, were not available or accessible to the student who attracted the funding. The introduction of Individualised Funding would provide accountability and allow parents to plan for their child’s education and to purchase equipment or support hours individually tailored to their child’s needs. For example one member of the forum explained how together with her son, the principal, class teacher and herself have formed a partnership and work together and discuss how funds can best support her son to achieve his education. Unfortunately parents of the forum feel that this scenario is all too rare, with many parents being unaware of the amount of funding their child is entitled to, experience little communication from teachers and support to work with the school to access these funds. The introduction of Individualised

⁷Review of Disability Standards for Education, Discussion Paper, Australian Government Department of Education, Employment and Workplace Relations Pg. 11

⁸Dowson and Salisbury (1999)

http://www.communitylivingbc.ca/what_we_do/innovation/pdf/IF_Policy_Implementation_issues.pdf, Individualized Funding: Emerging Policy Issues, viewed 9th March 2011, pg. 4.

Funding would assist with access on the same basis to curriculum, support services and participation and would support the overall rights and requirements of the Disability Standards for Education.

Recommendation 8

The Standard on ‘participation’ should be reformed to include the involvement of the student and their parent/caregiver in the processes of selecting resources

If a school is expected to take reasonable steps to ensure a person living with disability can get a fair go at inclusive mainstream education, then the student and their parents/caregivers need to be involved in the decisions about those steps. For example, the Parents Forum recommends there be parent involvement when interviewing SSOs and teachers who will be spending time with students living with disability. This will assist with improved screening of teachers and SSOs. Parents stated that they needed to feel that teachers and SSOs have an understanding of their son/daughters needs and are flexible in their teaching methods. This is also an important step for parents to ensure that the person educating their son or daughter has a good understanding of the Disability Standards and will support these in practice.

Recommendation 9

The introduction of Education Consultants to assist teachers with understanding the Disability Standards for Education

The Parents Forum recommends an Education Consultancy Service similar to that offered by the Down Syndrome Society of SA. Their education consultants can be involved as part of the team negotiating the arrangements to support participation, access to students support services and access to curriculum. In Primary School this can include in-servicing the whole school staff and extra-curricular teachers, observing and advising on appropriate support strategies and learning methodologies, modelling these, and assisting families to connect to existing agencies for additional support. The Down Syndrome Society staff member is also a member of the Negotiated Curriculum Plan as a specialist consultant. For secondary education the Society can provide advice and support on curriculum modification, peer awareness programs, sexuality and human relationships programs, friendships, SACE, post school options and work experience⁹.

Similarly, Scope who is one of the largest providers of services in Victoria to people living with disability provides a similar service. Scope’s mission is “to

⁹Down Syndrome Society of SA Inc. <http://www.downssa.asn.au/services/school.php>, viewed 10th March 2011

support people [living] with disability to achieve their potential in welcoming and inclusive communities”¹⁰. They provide support to the whole school community and work directly with teachers, childcare workers, SSO’s, parents and other specialists to develop each child’s individual strengths. They focus on transition into kindergarten, primary school and secondary school and offer consultation, equipment advice, planning and disability awareness workshops with a strong focus on school inclusion.

The Parents Forum asserts that there should be wider availability of this type of support, as it gives extra assistance for teachers to see and experience what the Disability Standards for Education mean and to succeed within this context.

Recommendation 10

The introduction of an easier, solution-focused process for parents and individuals to make a complaint with support of an independent body if there is a breach of the Disability Standards for Education

We have listened to stories from parents who have told us of how hard it is to make a complaint. Parents are saying that they are feeling exhausted and that the thought of making a complaint about a standards breach to the Australian Human Rights Commission is daunting. There is also fear that if parents do make a complaint then what will happen to their child as a result of this complaint? If their child remains at the school in question, will the child and family be further marginalised because they have made a complaint? Parents are asking for an easier process to make a complaint, and that the process is solution-focused, and with schools viewing the complaints process as an opportunity to discover and grow rather than a nuisance that triggers defence. It would also give schools a more positive role in outlining these complaint steps to a family. One way to assist this is to have an independent body which parents can access through the school, and which the school can also access as a resource, to assist with mediation and awareness raising in relation to the Standards.

¹⁰Scope FOR PEOPLE WITH A DISABILITY <http://www.scopevic.org.au/index.php/site/whoweare/aboutscope>, viewed 18th April 2011

Recommendation 11

The introduction of an independent body to assist with determining 'what is unjustifiable hardship' and 'reasonable adjustment' to accommodate students with disability in the school of their choice

Currently under the Disability Standards for Education, schools are able to site *unjustifiable hardship* as a reason for refusing a child's access to their local school. Typically, this decision is determined by the school itself. The Parents Forum recommends an independent body make this decision, because the school has a significant conflict of interest. This is critical in cases where schools can use the term *unjustifiable hardship* as a means to refuse enrolment of a child for reasons that do not withstand closer independent scrutiny. An independent body's role would be to support the school and parents through this decision and can be used to look at creative ways to support the student in their mainstream education in a way that works for everyone.

Under the Disability Standards for Education, education providers have an obligation to make *reasonable adjustments* to accommodate the needs of a student living with disability. Again there has been concern expressed that the term *reasonable adjustments* is open to interpretation by individual schools. What may be seen as a *reasonable adjustment* for one school may not be seen the same way by another school, therefore raising concern that a student living with disability may not be able to participate *on the same basis* as his non-disabled peers. It is therefore recommended that the independent body mentioned in Recommendation 10 also assist with this process.

Closing remarks

The Julia Farr Association seeks to amplify the stated views of parents who have a child living with disability, and where such views are consistent with the Association's values of personal authority, active citizenship and capacity-building.

In keeping with this, the Julia Farr Association lodges this submission on behalf of the *Julia Farr Parents Forum*, and trusts that the recommendations will be given due consideration in the *Review of Disability Standards for Education 2005*. The *Parent Forum* welcomes further discussion on this important topic and can be contacted via the Julia Farr Association.

Georgina Edwards and Robbi Williams
On behalf of the Julia Farr Parents Forum
104 Greenhill Road
Unley
PO Box 701
Unley Business Centre
SA 5061
www.juliefarr.org.au
admin@juliefarr.org.au

Ph: (08) 8373 8333