DISABILITY DISCRIMINATION ACT PUBLIC INQUIRY
AASE (SA Chapter)

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Annotated Submission

SUMMARY POINTS

Social impact in terms of costs and benefits that the legislation has had upon the community in providing for the education of students with disabilities and in ensuring equality of opportunity.

1. **Enrolment, attendance at school and curriculum design and delivery.**

The impact on preschools, schools, services and agencies in relation to time required for:
- releasing staff for planning;
- conducting assessments;
- supporting transitionary arrangements to another site or educational setting;
- finding employees to support students or training staff,
- 'waiting' for decisions to be made
- designing a curriculum delivery approach to include and to accommodate the student's needs. (p. 5)

2. **Access to post school services that support student's transition from school to work, further study or life in the community.**

The dilemma of accessing planned services and support and having directions that will lead to valued outcomes post school
(See P5, Data P.6)

3. **Obligations of competing legislation - OHS - DDA**

In particular, issues related to providing a safe workplace, duty of care, suspensions and exclusions of students, and the effect of these on parents and school communities and the overall loss of productivity due to time in meetings, paid work, or sourcing alternative specialist options or solutions and the student not attending. (See P. 6,7)
Time required to negotiate and put together flexible support packages - wraparound approaches required (See P. 8, 9) Harassment (See P. 10)

4. **Inconsistent funding and support arrangements**

This exists between education sectors, across country districts in SA and nationally - due to definitions of disability and eligibility criteria and the range of services and agencies available -particularly for country. There is an increasing expectation by school communities that they be paid additionally for students with disabilities -'compensation'. Increased SwD in Government schools. (See P. 7 and P. 9)

5. **Increase negotiation and documentation NEP/IEP**

All processes and negotiations require meetings and documentation. It is a significant cost to schools and services to maintain accurate records.

- For people with disabilities who wish to attend university there is often a circuitous route through TAFE and the need to participate in a number of bridging services prior to university entry.

  Students lose impetus,. attend many courses but does not lead to employment eg J's daughter

- Although many students with disabilities enrol in accredited courses, completion and/or accreditation is rare.

  North data - post school destinations for 2 years showed that:

    - *61 %of SWD schooling outcomes did not leave to employment or further training*
    - *14% - Para West re-entry*
    - *20% did result in employment*

Vocational agencies can not link into schools' easily; some schools pay agencies to deliver courses; students have to leave school for agency to get funding - seems that student/people pass from one Government agency to another- with no government agency really assisting with long term outcomes.

3.2.2 How has the term 'unjustifiable hardship' been interpreted in education?

'Unjustifiable hardship' has been interpreted as special measures required for the student to access to participate in an educational setting. Often this is broken down into the following:

- factors that support access to the site
  (enrolment, facilities, programs, vacancies, funding, personnel skills)
- factors that support students' health and personal care needs
  (as above)
- social and emotional and behavioural needs of the student
  (rights of student and employees and *tension between legislative obligations, harassment, victimization, bullying of students and of stafo*

- educational practice in delivering relevant curricula
    (training, site flexibility and availability of appropriate courses/programs)

Major issue is the tension and between and the obligations of OHS and DDA Acts -eg default notice,. OHS risk assessments by employees

3.2.3 What are the costs of 'reasonable adjustments' in education? Who currently bears these costs? Who should bear them and why?

As an Association we are unable to provide the dollar costs for reasonable adjustments. Each education sector currently bears these costs. Members of the Association believe that there should be equitable funding to cover the costs of students with disabilities in all educational sectors.

Movement out of non-Government schools for students with higher needs is evident Different eligibility criteria; different range of options available between sectors and states; different funding amounts between states - can't match SA; NSW has support for students with LD.

It is noted that government schools have a far greater proportion of students with disabilities, in particular those students who have significant and complex disabilities and challenging behaviours. Different funding criteria across Australian states compounds difficulties for parents when moving from state to state and hampers the educational progress of their child.

Students exit non-Government schools because of lack of resources in private system or lack of options; pressure on parents for their child with additional needs to conform to school expectations. Some Government schools becoming schools for the 'disadvantaged'.

Reasonable adjustments under special measures include the following:

- facility and yard modifications

- furniture modifications including specific furniture requirements eg desks, change tables
- acoustic conditions
- SSO support (teacher aide)
- release time for teachers for planning and training
- additional teacher support for individual students
- finding 'expert' consultants, youth workers, other agencies/services
- technology support eg laptops, different switching devices
- transport
- provision of educational options
- differentiated curriculum
- explicit and specific programs eg Picture Exchange Communication System (PECS), sexuality programs, phonological programs

An area of unmet need that has yet to be ascertained in terms of budget expenditure by educational institutions and agencies is the cost of the range of alternative educational options required for the placement of students when suspended, excluded or expelled from their current educational setting. The lack of alternative educational options for students with disabilities, learning disabilities and social emotional disorders that impact on their behaviour places significant pressures and requires costly reasonable adjustments to be made to all sectors.

Issue - ability to put together a comprehensive package of support - need flexible alternative options supported by other services/agencies. For some students full lime attendance in a traditional school system is not appropriate.

Family and community services often stand the cost

Non-government schools have little or no options

Case Studies - students not accessing school - imposition on parents; solutions take time, planning and expertise required; whole of Government agency support is a required for success

3.2.4 How do different definitions of disability for different purposes influence the effectiveness of the DDA in relation to education?

In South Australia there is no common definition of disability for funding purposes between the government and non-government sectors.

State government criteria for funding students with disabilities are different from Commonwealth government criteria for funding.

Commonwealth criteria is loosely interpreted by Commonwealth agencies eg Centrelink, resulting in some parents receiving funding and others not receiving funding for the same disability eg ADHD.

This is one of the most significant issues that impact on communities -
Services/resources and options available within a state are different for access to preschools and schools and the support available from education or Department of Human Services - through its agencies IDSC/CAMHS, and nationally significant differences occur

3.2.5 How effective has the DDA been in reducing harassment in education?

The DDA has increased the knowledge of disability and legal implications, and educational sites are aware of the need to have anti-harassment policies. Active implementation is dependent on individual sites' experiences and interest in this

issue. Some sites have been proactive in addressing this and examples of good practice are evident.

Issues

- *DDA discrimination has become much more subtle and covert*
- *Often there are community pressures not to include or to appease the local community*
- *Shift from non Government schools to government schools and threats from groups from government schools to private schools if difficult/challenging students in a class are not removed*
- *Complaints/grievances have significantly increased as well as the involvement of advocacy services*

3.2.6 What are the advantages and disadvantages of developing disability standards for education?

AASE as an association representing teachers in special education has not been consulted about the disability standards for education.

Standards will support students with disabilities by providing minimal requirements and consistency in funding criteria.

The disadvantage would be that some sites might not aspire to provide the best accommodations necessary for the child to achieve success.

By introducing education standards education institutions would be required to provide awareness raising and professional development to education communities.

By having disability standards administrators will need to develop a planned and targeted approach to funding.

Membership differs on this point
More questions than answers - How will non-compliance be managed?
Education sectors alone cannot accept full responsibility as provisions that may provide the best opportunity for success may require other government agency support

3.2.7 What lessons can be learnt from the process to date of developing the education disability standards?

A piecemeal approach to developing standards is not the most effective practice eg agencies and associations who support students with disabilities need to be consulted in their development.

DDA standards support a national approach to the delivery of education to students with disabilities.

Recommend

- *Training programs for personnel and accreditation of personnel particularly support workers*
- *Consistency, transparency and openness about what is available for students and parents such as funding, resources, services and alternative options/solutions*
- *Timeliness and personnel available for planning/assessments*
- *Support services personnel with education systems that can advise and provide the specialist expertise to pre-school and school communities*
- *Use of other agencies to support the delivery of education and training programs*