

TO: Productivity Commission Inquiry into the Disability Discrimination Act

RE: Submission from

Australian Association of Special Education South Australian Chapter

The Australian Association of Special Education (AASE) is a research-based, non-categorical organisation that advocates for the provision of quality educational services for students with special needs. Its membership comprises teachers, educational administrators, therapists, university researchers and parents. This submission is written by representatives of the South Australian Chapter of the Association.

3.2 Education

3.2.1 What are the current educational outcomes for people with disabilities in different types of education and training?

Students with disabilities, learning disabilities and social and emotional disorders that impact on their behaviour are able to access all types of education and training depending on the:

- nature and degree of the disability
- culture of the educational institution and
- indirect and direct discriminatory barriers and practices

In order for people with disabilities to achieve educational outcomes in education and training, a planned coordinated approach between schooling

services and the next level educational training institution needs to be established and maintained. The current issues are:

- Centrelink's eligibility criteria for access to services and financial support for people with different degrees of disability.
- TAFE's flexibility and willingness to accommodate people with disabilities is driven by contextual circumstances eg geographical location, the site itself, personnel and historical practices. TAFE's current management and organisational structures are not conducive to statewide or national consistency in how they provide access to and support the ongoing education and training of people with disabilities.
- The current national policy of funding employment agencies appears to have had a significant impact on the schooling sector. For example, caseload management is limited and unpredictable. It has been noted that these practices can lead to inequitable resourcing for some schools – *"first in, best dressed"*.
- Some universities eg Flinders University have personnel who have an interest in and are prepared to lobby for funds for students with disabilities such as students with Asperger syndrome, dyslexia, learning disabilities and sensory impairment.
- 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.
- Although many students with disabilities enroll in accredited courses, completion and/or accreditation is rare.

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
- factors that support students’ health and personal care needs
- social and emotional and behavioural needs of the student
- educational practice in delivering relevant curricula

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.

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.

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
- funding ‘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 and emotional disorders that impact on their behaviour places significant pressures and requires costly reasonable adjustments to be made in all sectors.

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.

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.

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. This requirement would include a rigorous monitoring and review process to be developed to support education communities to address the implementation and ongoing evaluation for the provision of successful child centred accommodations.

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

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.