

**SUBMISSION COVER SHEET**



***2020 Review of Disability Standards for Education***

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**Organisation:** INDEPENDENT EDUCATION UNION OF AUSTRALIA

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## Submission 2020 Review of the Disability Standards for Education 2005

The IEUA is the federally registered union representing all employees in Catholic and other faith-based community and independent schools, early childhood education and care centres and post-secondary centres across all the states and territories of Australia. While the majority of IEUA members are teachers, the membership also includes employees engaged as teacher assistants, administrative staff, gardeners, cleaners and caterers. It has a current membership of approximately 75 000 members.

The IEUA played a significant role in the development of the Disability Standards for Education and as such welcomes the opportunity to provide input to the 2020 Review.

The IEUA believes the Disability Standards for Education represents a significant document prescribing students' rights to education, training and a supportive environment.

However, the IEUA strongly believes that, without consistent and appropriate funding mechanisms, support for students with disability in terms of enrolment participation, curriculum development, student support services and the elimination of harassment and victimisation will always be difficult to achieve regardless of the quality and clarity of the Disability Standard and Guidance Notes.

Since 2018, the Nationally Consistent Collection of Data on School Students with Disability (NCCD) has been used to calculate a school's Federal Government funding allocation. This represents a change in the way funding for students with disability is allocated by the Federal Government. Federal Government funding is now based on the estimated costs for reasonable learning adjustments that schools make to meet students' needs.

The IEU recognises the move to utilise the NCCD to collect data on students with disability has been important in developing in schools an improved understanding of the requirements of the Disability Discrimination Act 1992 and the Education Standards.

However, it is abundantly clear that teachers (and schools) do not currently receive the necessary support and resources to ensure they can adequately meet the NCCD requirements or appropriately cater for reasonable learning adjustments to meet students' needs.

Further, while the NCCD is in its third year as a basis for Federal Government funding, there is considerable evidence that cost of "reasonable learning adjustments" is still not being adequately met. This is having direct impact on enrolment, consultation and participation, curriculum development and delivery and student support services offered.

The IEUA believes that a review into the Disability Standards for Education 2005 made without a simultaneous review of the implementation of the NCCD funding for learning adjustments will fail to provide a complete picture of access to and participation in education.

In making this submission, it must be recognised that 2020 has not been 'business as usual' in schools as teachers and learning support staff work to make a new model of remote-learning available and accessible for all students.

The requirement to do so has placed onerous workload burdens onto staff.

Thus, the timing of the 2020 Review is problematic.

The IEUA believes that the 2020 Review into the Disability Standards would have been more effective post-pandemic and thereby being able to better identify the impact of remote learning.

While the IEUA has consulted with members regarding their experiences, we note that the demands associated with the pandemic have restricted some IEU Branches from responding.

Schedule One outlines the IEUA NSW/ACT and IEU SA responses.

### **Early Childhood Education Care**

In previous submissions, the IEUA has made recommendations for the specific inclusion of childcare providers into the Disability Standards. It is noted that the 2015 Review of the Disability Standards had recommended extending the application of the standards to childcare providers and that the Australian Government had noted this recommendation would be referred to the Education Council for consideration.

The IEUA expresses disappointment that the standards have not been extended to childcare providers.

We note that Federal and State/Territory Governments are undertaking work on this issue and we await the consultation and review paper.

## Schedule 1

### IEUA Members Response

The following member responses have been received from the **IEUA NSW/ACT Branch**.

#### Participation Support

Whilst teachers expend enormous amounts of professional time and energy in the service of their students, their efforts to improve the participation of students with disabilities can be hampered by a number of factors.

Teachers frequently struggle to find the time to engage in regular consultation with parents. Since funding may only allow for the employment of learning support teacher/s on a part time basis, the window of opportunity to meet with parents, colleagues and health professionals is reduced. Compliance and paperwork demands, often required as evidence of the fulfilment of the school's responsibilities, sometimes take precedence over the delivery of support. In addition to consultation with parents, time must be found to meet with specialists and other professionals to determine the best adjustments for each child. Researching suitable adjustments, tailored to individuals, can be very time-consuming, overwhelming teachers who are already time-poor. Whilst some standardised training is provided, members believe it is largely superficial. They would welcome more specific training that is mindful of the classroom reality and time constraints face by teachers.

The possibility of on-site therapists, or therapists working within a cluster of schools, was suggested as a way to improve regular access to specialised assistance.

There are specific challenges related to parent consultation in low socio-economic areas or school populations, where language can also be a barrier. Parents in these schools may lack the confidence to communicate regularly with teachers and may not engage with programs to assist their children. Interpreter services can be prohibitively expensive and difficult to arrange on a regular, ongoing basis.

More support during the enrolment process for students with special needs was highlighted. It can be a time of grieving for parents, who may not want their child to be assessed. The classroom teacher is not always included in the process, and so may not be fully informed about the student's needs.

Teachers have identified the need to the schools to structure proper release time for learning support teachers and support staff. One possibility would be the provision of a dedicated day, or days, of release, that would allow learning support teachers to coordinate consultation with parents, interpreter services and other specialists or allied health professionals. This would be a far more efficient use of time, and help to eliminate the miscommunication which sometimes occurs when information is passed from specialist to parent to teacher and vice versa. Parents could receive assistance with application forms to access specialised support, such as speech therapy, during this meeting day.

In addition, a centralised toolkit or repository of curated resources, collated to address different specific learning needs and adjustments, would be especially useful, as would standard guidelines for adjustments and clear guidance on the levels of adjustments.

There are significant issues caused by bureaucratic red tape at a school and system level. Examples include long delays in the updating of personalised plans and insufficient support for teachers, particularly early career teachers, dealing with students with behaviour management issues.

### Harassment or Victimisation of Students

Many respondents indicated that they were aware of harassment and victimisation incidents, in spite of the school's best efforts. Most commented that cyberbullying and bullying on the playground were the major areas of concern.

Schools have implemented a range of strategies, beginning with embedding inclusivity as one of their schools' core values. Others reported restorative justice practices, a system of class or across-grade buddies and initiatives such as providing alternative lunchtime space (such as the library) to provide an additional safe place for students.

Deficiencies in specific training regarding harassment or victimisation of students with disabilities were noted. Some participants commented that, while they had received training to assist students identified with Autism Spectrum Disorder, there had been a lack of strategies provided for students with other disabilities. Training that focused on managing reactions (both by students and teachers) and minimising risks would be helpful. Reference was made to a process that exists in some state schools (not verified) where a nominated staff representative handles issues related to race. It was suggested that it would be useful to have similar processes in place for disability discrimination and inclusion. The opportunity to network with other schools to share experience and resources was offered as a suggestion.

### First Nations Students With Disability

Some members believed that, while the standards should help First Nations students access and participate in education, there was a lack of understanding as to what the most effective support would be. Teachers noted that they were often not informed of the identity or specific learning needs of First Nation students.

More assistance for the families of First Nations students, to help them with accessing support, was raised by several participants. Early intervention is key, so assistance for families even prior to starting school is worthwhile. It was also noted that some specialist Indigenous units have been largely disbanded, and no longer work as a team. Lack of training for teachers and support staff was also flagged as a serious ongoing issue. School - wide professional development to raise awareness of the cultural, social and educational differences that impact on access and participation is desirable, as well as recognition of the intersectionality of disadvantage that would apply to many First Nations students. Some commenters believed that, unless a First Nations student presented with behaviour issues or a diagnosed vision problem, they were often overlooked in mainstream schooling – not out of apathy or neglect, but due to lack of knowledge and understanding.

## Impact of COVID-19

The vast majority of respondents applauded their school leadership teams and colleagues for outstanding effort during the height of the COVID 19 crisis in NSW, and the ongoing challenges as isolated outbreaks continue. The teamwork required to create online learning modules and classroom support packs, modify learning activities for students with disability and make regular wellbeing and academic support phone calls to parents and carers was, and is, extraordinary. Resources compiled by system employers and consultants would have saved teachers vast amounts of time researching resources. Interestingly, some special needs students showed significant improvement in Term 2, mainly those who attended school during the remote learning period. Since all learning was small-group learning in that situation, some made noticeable progress.

However, this was not the experience for all students with disability. Many commenters identified issues that made equity and access for students with disability difficult. Some students had limited support at home when engaged in online learning and others struggled with motivation. Some schools prohibited one-to-one Zoom meetings with students. While this is an understandable safety precaution, it excluded special needs students from the individualised assistance that they desperately needed.

Since the threat of returning to remote learning is always present, some suggested that it would be worth devoting time to developing online skills for students and support staff while they are currently at school. If another transition to online learning is required, then students will be better able to participate and access learning opportunities. Finding ways to maximise the use of technology, whilst maintaining appropriate safeguards, and dedicating funding to bring this to fruition, was identified as a priority. Recognition that students in rural areas often struggle with inadequate internet service is an ongoing equity issue that needs to be addressed.

Overwhelmingly, across all of the areas of enquiry, teachers were very conscious of their responsibilities and obligations. Their appreciation of the efforts of their colleagues, and their earnest desire to do better for the students in their care, was a recurring theme.

### **The following has been received from a IEU SA Member**

#### **Participation Support**

The member has presented a positive response from a school where funding has assisted in building an inclusive structure with higher staff to student ratios.

She has highlighted the structure of the school– with a large learning support faculty, a director of learning support in each sub school, with learning support teachers, education support officers and administration staff - as being positive for the participation support. There are teams that work together and access for support through AISSA and Spec Net.

Her school, while offering access to mainstream classes, also offers an alternative of 4 small classes with a staff – student ratio of 1:4.

**It is emphasised that this structure cannot replicated in many schools due to funding constraints, but where it is, it provides a positive participation support**

#### Harassment or Victimisation

The member has summarised various ways that the school seeks to avoid harassment or victimisation through daily lunchtime programmes for vulnerable students, as well as an 11-week social skills group, run through TAFE with students completing a diploma in Family Services.

School counselling team is available to staff and students.

**It is emphasised that the high staff to student ratio has meant that staff can more easily ensure the safety of students.**

#### Covid 19 Impact

The member has highlighted that the use of regular communications to parents via regular emails, school website, school newsletter and social media has been positive during the pandemic. Sometimes, the updates have been daily due to the constant changes.

Further the member has highlighted that as some students have significant health issues they are particularly vulnerable. As such, while school returned at the start of term 2, some families were apprehensive due to these health issues.

The school offered an individual program with a staff member (who had previously worked with the student) being allocated to each student to offer online learning.

**It is emphasised that this arrangement was successful due to the high staff to student ratio and the structure of the learning support centre.**