

# Review of the Disability Standards for Education

Earlier this year, the Minister for School Education, Early Childhood and Youth, Peter Garrett, invited submissions for the Review of the Disability Standards for Education (the Standards). The most recent version of the Standards came into effect in August 2005 and, as with previous versions, was designed to clarify the rights of students with disabilities to access and participate in education and training on the same basis as students without disabilities. It was also intended that the Standards would give education providers clear guidance on how to meet their obligations under the Disability Discrimination Act (1992).

A major focus of the review was to ascertain to what extent the Standards were understood by education providers and to establish whether students, and their families, were aware of their rights. The Standards are intended to give students with disability, including learning disabilities, the same access to educational programs, as other students. All students, including those with a developmental learning disability, should enjoy the benefits of education and training in a supportive environment which values and encourages participation by all students. Education providers have a positive obligation to make changes to reasonably accommodate the needs of a student with disability.

Mandy Nayton, current President of AUSPELD (the Australian Federation of SPELD Associations), provided the following submission for the review process.

## Providing clarity

AUSPELD is the association of State SPELDs, each of which provides training, advice and support services to teachers and other education providers in their respective state. It is clear from the work conducted in schools through Australia, that many teachers and school administrators do not fully understand their obligations under each of the Standards or the rights of their students. They are frequently unaware of the Standards or, when they are aware of them, do not understand that students with learning disabilities, such as dyslexia, dysgraphia and dyscalculia, should be afforded the same considerations and recognition as students with other disabilities; albeit dependant on the level of functional impact experienced. Learning disabilities obviously vary in severity, with only a small percentage experiencing significant functional impact.

**For those who do experience severe functional impact, life at school can be at best a continuous struggle and at worst humiliating, discriminatory and, in the long term, psychologically and economically damaging.**

Where schools are aware of their responsibilities under the Standards, genuine efforts are often made to address the needs of students. Again, the degree to which this takes place varies enormously, both from state to state, and from school to school. It appears to depend on a number of factors including:

- The school's knowledge of the student's rights under both the Disability Discrimination Act (DDA) and the Education Standards;
- The awareness of the student's family of their child's (and the family's) rights and the school's responsibilities;

- The number of students at educational risk in the school (i.e. ESL, low SES, Indigenous, disabilities other than learning disabilities);
- The resources available (both human and physical) that can be utilised to respond to the needs of the student.

It is this final point that frequently seems to reduce, or even negate, the potential support offered by a school. Even where teachers and administrators are aware of recommendations made (for example by a school psychologist) that would essentially allow that student to participate 'on the same basis' as students without a learning disability, they suggest to parents that it is simply not possible, given the competing demands of the other students for whom they have responsibility.

### RECOMMENDATION 1

The Standards need to state explicitly that they apply to students with learning disabilities, including dyslexia, dysgraphia and dyscalculia.

### RECOMMENDATION 2

Schools need to be better resourced to respond to recommendations made in respect to students with learning disabilities.

## Obligations under the Standards

A majority of teachers and administrators throughout Australia are either unaware of the requirement to provide students with learning disabilities with the opportunity to participate in education and training on the same basis as students without a learning disability, or they believe that it is an impossible requirement to address. The lack of awareness relates, as indicated previously, to both a poor understanding of what the Standards actually mean, and to the fact that many education providers are unaware that the Standards relate to a range of disabilities, including learning disabilities (such as dyslexia, dysgraphia and dyscalculia). It is not uncommon for students at a secondary level with, for example, severe dyslexia to be expected to read large amounts of complex text, with no accommodations made to address the reality that it will be simply impossible; or, for students with severe dysgraphia, to be asked to write long and involved essays (often within a short time-frame) with, again, no adjustments in place that will afford them the opportunity to comply.



It is essentially the case that very few students with learning disabilities are provided with the assistance they need to either access the curriculum or demonstrate the knowledge, skills and understandings they gain (assuming they have the tenacity and support from either home or school that will have allowed them to gain at least some of the information on offer.)

#### RECOMMENDATION 3

Ensure that all schools are made aware of the requirement to provide all students, including those with learning disabilities, with the opportunity to both access the curriculum and demonstrate their knowledge, skills and understandings on the same basis as students without learning disabilities.

This is likely to require differentiated teaching, differentiated assessment and access to assistive technology. Schools must be adequately resourced by the Government, both at a State and Federal level, to comply with this requirement. Teachers must also be appropriately trained to address the needs of their students with learning disabilities more effectively.

## Access to education and training opportunities

There has been an increase in awareness of the responsibilities of education providers to comply with the Standards in relation to enrolment, participation and support services, but little evidence of efforts actually being made to do so. The exception to this is, perhaps, the tertiary sector. The process in place for students at a tertiary level is far more transparent, equitable and

effective. For the students with learning disabilities who successfully navigate the school system, life at a tertiary institution is often significantly better. There are genuine efforts made to address the individual needs of each student and steps are taken to ensure that both access issues and assessment requirements are responded to. In addition, steps are frequently taken to cover the costs of diagnosis (including psychological assessments) and access to ongoing support, particularly in cases of financial hardship. Unfortunately, gaining access to the tertiary sector is often made unnecessarily difficult for students with learning disabilities.

Final year school students, keen to participate in tertiary education, are generally required to sit external exams in order to gain the necessary ATAR score with which to apply for tertiary admission. Students with learning disabilities are subjected to extraordinary levels of scrutiny and frequently denied the adjustments recommended by specialists. These adjustments will not – as is frequently suggested – provide the student with an unfair advantage. Rather they will simply allow the student to compete on a slightly more level playing field, than without the adjustments. The current system – particularly in some states – is blatantly discriminatory and clearly at odds with the Standards.

#### RECOMMENDATION 4

A review of the current procedures relating to the provision of special arrangements for students sitting final year public exams in each state should take place. The review should determine whether compliance with the Standards is being met.

*(A model that does offer a reasonable level of fairness and equity is in place in Western Australia.)*

The Standards need to state explicitly that they apply to students with learning disabilities, including dyslexia, dysgraphia & dyscalculia.

The enrolment processes in place in most schools do not appear to discriminate against students with learning disabilities. There is, however, some anecdotal evidence to suggest that a growing number of non-government schools are using academic achievement tests, including NAPLAN data, to screen students applying to enrol. Students with learning disabilities will generally perform poorly both on NAPLAN tests and timed standardised achievement tests and, therefore, may be disadvantaged by this process. Conversely, it appears to be the case that, as some (usually non-government) schools gain a reputation for responding effectively to the needs of students with learning disabilities, so a disproportionate number of families attempt to place their children (with learning disabilities) at those schools. This would not occur if more schools were meeting their obligations in line with the Standards.

#### RECOMMENDATION 5

Ensure that all schools are aware that they cannot refuse a student entry on the basis of poor academic results, particularly where those results relate to the existence of a learning disability.

## Eliminating discrimination

State SPELDs all provide a significant amount of training in educational settings and, as a component of that training, offer information and clarification of the Education Standards and the rights and responsibilities attached to them. It is hoped that through this process, a greater number of schools (and teachers within schools) are more aware of the Standards, thereby reducing the possibility of discrimination.

**A significant number of school administrators and school teachers appear to be unaware that by their actions (or lack of action) they are effectively discriminating against the students with learning disabilities who attend their school. The provision of information, perhaps in a series of short 'fact sheets', may assist in educating school personnel more effectively.**

State SPELD Associations throughout Australia respond on a daily basis to concerns raised by parents about the rights of children with learning disabilities in school and tertiary settings. Over the past 12 months as many as 50,000 individuals have contacted State SPELDs requesting support, advice or access to services. The majority of these requests have been made by parents and a significant number of these parents are seeking advice about the level of support they should (and can) expect from schools for their children. Many parents report extreme frustration and suggest that schools do not believe that they are required to implement any specific strategies to better meet the needs of students with learning disabilities. They also report that even when schools do acknowledge the need for adjustments to be made, they indicate they do not have the resources to do so.

#### RECOMMENDATION 6

A series of brief 'Fact Sheets' on the Education Standards and associated rights and responsibilities to be developed specifically for schools. These should include case examples (*including some students with learning disabilities*).



## Recognition and acceptance

It is clear that more parents are aware of the Education Standards and many are beginning to demand a greater level of adherence to them. As indicated previously, AUSPELD, through all State SPELD Associations, responds continuously to concerns raised by families about the rights of children with learning disabilities in school settings. Given that most schools are poorly resourced (in terms of their capacity to respond to the individual needs of students with learning disabilities) and therefore struggle to comply, this is beginning to create a more divisive environment. The families with an understanding of their children's rights are lobbying far more persistently (and at times aggressively) for adjustments, while those families with little information are frequently unaware that their child should be receiving access to support, resources and differentiated teaching and assessment.

It is certainly the case that more students from higher fee-paying non-government schools obtain access to support and appropriate adjustments than students from government schools (particularly schools in lower socio-economic areas). This is clearly demonstrated by the numbers of students from each sector accessing special provisions in their final years of schooling. The breakdown is disproportionately favourable towards the non-government sector. This suggests a number of possibilities. Either, a greater number of parents advocate on behalf of their children in non-government schools (thereby suggesting that they are more aware of their rights), or more non-government school staff are aware of their obligations than government school staff, and/or they have greater access to resources with which to respond.

An additional factor is that non-government schools are more likely to either, refer a student for an assessment or, initiate an assessment within the school setting by their own school psychologist.

Given that students should enjoy the same rights regardless of the school they attend, it is essential that the response provided in all schools should be improved to match that currently provided in best-practice schools. This will require the provision of more information for parents, more information for staff and improved resources and support services (including access to psychological assessment) for students with, or at risk of having, a learning disability.

#### RECOMMENDATION 7

A series of brief 'Fact Sheets' on the Education Standards and associated rights and responsibilities to be developed specifically for parents. These should include case examples (*including some students with learning disabilities*).

## Final comments

The number of students with learning disabilities in Australian schools and training facilities, with needs that are not being addressed, is unacceptably high. It is almost certainly the case that most students with learning disabilities, particularly those where the functional impact of their disability is severe, will be disadvantaged in the Australian education system. Schools are not resourced to assist students with learning disabilities and there is no real expectation that they will. Although the Standards do apply to all disabilities, including learning disabilities, it is not something that is either well-understood or adhered to. Adjustments to either the curriculum, or to teaching and assessment strategies, are rarely made.

In isolated instances, schools (and teachers within those schools) recognise the importance of taking steps to assess, remediate and accommodate students with learning disabilities. When this occurs, students thrive and almost always succeed. Unfortunately, resources are

rarely provided and State Governments fail to recognise the need to take steps to adequately resource either individual students with learning disabilities, or the schools and training institutions, in which they are enrolled. The most frequently made adjustment is the provision of extra time (for timed assessments) – sometimes offered in the final years of schooling and frequently offered in the tertiary sector. Unfortunately, within the school system, even this small adjustment is something that has to be fought for, and is often denied.

Due to the nature of learning disabilities, it is within an education setting that difficulties will become apparent. It is also within an education setting that students will experience discrimination, humiliation and, at times, harassment.

Students who struggle to learn should be recognised as being at risk of having a learning disability. They should be assessed; they should be provided with remediation; and, they should be provided with differentiated teaching and assessment. In short, they should be provided with support and adjustments in line with Standards.



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