

family

A D V O C A C Y

Submission to Review of Disability Standards for Education 2015

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About Family Advocacy

Family Advocacy is a state and federally funded disability advocacy organisation in New South Wales (NSW), founded by families of people with disability. Our goal is to advance and protect the right of people with developmental disability to achieve meaningful lives and enjoy the same opportunities and living conditions as the majority of Australians. The organisation has a high presence and profile across the State:

- building the capacity of families to undertake an advocacy role;
- auspicing a successful ongoing capacity building project, called Resourcing Families;
- developing leadership skills in families;
- making representations to Government regarding legislation, policy, funding, monitoring and practice and the extent to which they reflect the needs of people with developmental disability;
- and providing advocacy related information, support and advice.

Family Advocacy performs a combination of family and systemic advocacy in NSW. “Family advocacy is an independent, community-based model that usually involves family members acting on behalf of a son or daughter or sibling” (Weafer, 2003, p.39), and “systems advocacy lobbies for reform and change of social systems and structures that discriminate against, abuse and neglect people with disabilities” (Seymour and Peter, 2004, p.12). Advocacy is a cornerstone in the lives of people with disability and those that love and support them, ensuring that their rights are protected and they have natural safeguards.

Family Advocacy helps families to advocate on behalf of their child for a good life with the things most of us would expect in Australia: education in a regular classroom at a local school, a place in the community amongst friends and family, and the supports, informal and paid, necessary to make that happen.

Case study

A mum may call Family Advocacy because she is facing difficulty at her son or daughter’s school when asking the classroom teacher to make reasonable adjustments to the curriculum for her child with disability. Adjustments are needed so that he or she can continue to be included in the regular class at the local school. Family Advocacy staff would work through her concerns; provide her with information about relevant policies, including the Standards; support her to be assertive in asking for her child to be included, and to look for a mutually workable solution in dialogue with the school.

Summary of Recommendations

- 1) Family Advocacy recommends that the review of participation, inclusion and educational support referred to in the Terms of Reference include a review of enrolment practices, as this is often where families face initial barriers.
- 2) Family Advocacy recommends mandatory teacher training in the Standards and in the benefits of inclusion of all learners in mainstream education.
- 3) Family Advocacy recommends that the Department of Education & Communities (DEC) improve mechanisms to monitor compliance and that the Human Rights Commission (HRC) and the NSW Ombudsman be empowered to intervene in cases of breach.
- 4) Family Advocacy recommends the following to enhance the educational opportunities of students with disabilities and the inclusive culture of schools:
 - a) that as well as mandatory training on the Standards, training resources should be updated to show positive stories of substantive inclusion in regular settings;
 - b) that the Standards website should also be updated to include positive stories of substantive inclusion in regular classroom settings.
- 5) Family Advocacy recommends further use of the role of the NSW Ombudsman to help track and provide a fuller picture of breaches of the Standards in NSW, and that the Ombudsman be resourced to do so.
- 6) Family Advocacy recommends:
 - a) that information about the Disability Standards be included in all enrolment kits across Australia, and on the enrolment pages of the DEC website;
 - b) that complaints mechanisms, including internal and external, be included in all enrolment kits across Australia;
 - c) that the DEC engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom.

Introduction

Family Advocacy believes in and works for inclusive education. Inclusive education is an approach that seeks to address the learning needs of all children, youth and adults with a specific focus on those who are vulnerable to marginalization and exclusion. The principle of inclusive education was adopted at the Salamanca World Conference (UNESCO 1994) where inclusive education was viewed as a human rights issue and as a means of bringing about personal development and building relationships among individuals, groups and nations. This was stated clearly in Article 2:

Regular schools with an inclusive orientation are the most effective means of combating discrimination, creating welcoming communities, building an inclusive society and achieving education for all.

While the *Disability Discrimination Act 1992* (the DDA) and the *Disability Standards in Education* (the Standards) are part of a broader cultural shift toward recognising the rights of people with disability, the opportunity for students with disability to experience physical, social and curricular inclusion in their local school is still variable. Family Advocacy addresses this below while responding to the Terms of Reference of the review.

1. Consider whether the Standards

- a. **have assisted people with disability to *access and participate in education and training opportunities on the same basis as those without disability*. This will include a review of participation, inclusion and educational support provided to students of all backgrounds, including students in regional, rural and remote areas, students of culturally and linguistically diverse backgrounds, and Indigenous students.**

Family Advocacy focuses on full inclusion for people with disability. We frequently assist parents struggling to have their child included at school by developing the parents' advocacy skills. Education issues constitute over a third of our inquiries from parents, and based on this number and the stories we hear, we conclude that parents continue to struggle to have their children with disability included on the same basis as those without disability.

In response to parents' concerns, Family Advocacy may refer them to the Disability Standards in Education, in particular the Fact Sheets developed out of the 2010 review process. Additionally, in our workshops preparing parents for the process of enrolling in school and the advocacy this will require, we refer to the standards and thus raise awareness of their existence (for an online version of this workshop see Selected References below). However, we suggest that independent awareness of the Standards is still low, although parents might have a general sense of their child's right to an education.

Family Advocacy recommends that the review of participation, inclusion and educational support referred to in the Terms of Reference include a review of enrolment practices, as this is often where families face initial barriers.

- b. **have assisted to *raise awareness and eliminate discrimination (including harassment and victimisation) of people with disability in education and training***

While the Standards may have raised awareness at the school level, it is clear students and their parents are still being turned away at the enrolment stage. This is anecdotally evidenced in our contact with families of school aged children and quantitatively in recent survey research by Children with Disability Australia, which found that one in four students with a disability has been denied enrolment. While in the 1990s, parents who wanted their child to be educated in the regular class of the local school were simply refused enrolment, today most families do not experience such direct discrimination.

Discrimination continues in a much more subtle way. Education providers may not inform families of children with high support needs that they have a choice to be enrolled in the regular class and that there are special measures to provide appropriate support. Research suggests this is often about Principal and teacher attitudes (see Cologon 2013).

Family Advocacy also note that enrolments in schools for specific purposes has increased from 5194 students in 2010 to 5998 in 2014, according to DEC data. This indicates that educators are still encouraging parents to take the special school approach. While data on support unit enrolments is not available, in 2012 there were

more than 1500 support classes in regular schools. As one parent associated with Family Advocacy has noted, the presence of support units puts pressure on parents to further isolate their already vulnerable child.

c. are understood and used by education and training providers to provide a quality education which meets students' needs

While some positives have come from wider awareness of the Standards, successful inclusion is still too dependent on the variable commitment of school staff. A gap remains between the experiences of families and the intent of the Standards. The issues here are:

- teacher education, skills and training in curriculum adjustment;
- innovation in teaching learners with different needs;
- and educational culture.

These issues can only be addressed with adequate paid release time for lesson planning and curriculum adjustment, and compulsory professional development in both accommodating different learners, and the benefits of a school culture which values diversity and welcomes all learners.

Family Advocacy notes the excellent work by the DEC in producing an online education tool for educators about the Standards. While this tool apparently had high take up by schools, it was not mandatory for teachers. Ensuring all teachers have training on the Standards would be one step toward the Standards being more fully utilised by educators to provide a quality education which meets students' needs; however, perhaps more importantly, education on the benefits of inclusion of all learners in mainstream education would provide a fertile culture for the Standards to be received.

Family Advocacy recommends compulsory teacher training in the Standards and in the benefits of inclusion of all learners in the regular classroom.

d. are understood and used by students with disability of all backgrounds and their families to advocate for their rights.

As indicated in the response to question 1a above, Family Advocacy sometimes refers parents to the Disability Standards in Education, in particular the Fact Sheets developed out of the 2010 review process. We also mention the Standards in our material. However, many parents remain unaware of the Standards and complaints mechanisms. Family Advocacy makes recommendations below regarding better ways for the Department of Education and Communities (DEC) to communicate the Standards to families.

While the Standards are of benefit to students with disability and their families, many families would hesitate to approach their school with a rights focus. Relationships with educators are an important part of any child's life, and while many parents may take this for granted, families of people with disability are often conscious of the vulnerability of their child. They will thus be aware of the even greater importance of a positive relationship with teachers. If a negative relationship develops, parents will

often simply face attempting to find a more inclusive school. For this reason, amongst others, Family Advocacy would always suggest a problem-solving approach to school issues. However, this means there is an even greater imperative for policy makers to ensure teachers and schools have the education, culture, and resources to practice inclusion, and that implementation of the Standards is the subject of compliance monitoring.

Family Advocacy recommends that the DEC improve mechanisms to monitor compliance and that the Human Rights Commission (HRC) be empowered to intervene in cases of breach.

2. Identify any recommendations that could improve the effectiveness of the Standards

While the Standards have had some level of success, more can and should be done to increase awareness of inclusion in both teachers, and parents of students with and without disability. Family Advocacy has produced a video about inclusion called 'Jacob's Story' (screen shots below), which shows inclusion in a public high school and gives positive views from different members of the school community, including the school Principal and teachers. Family Advocacy encourages the use of the video, which is listed in selected references at the end of this paper.

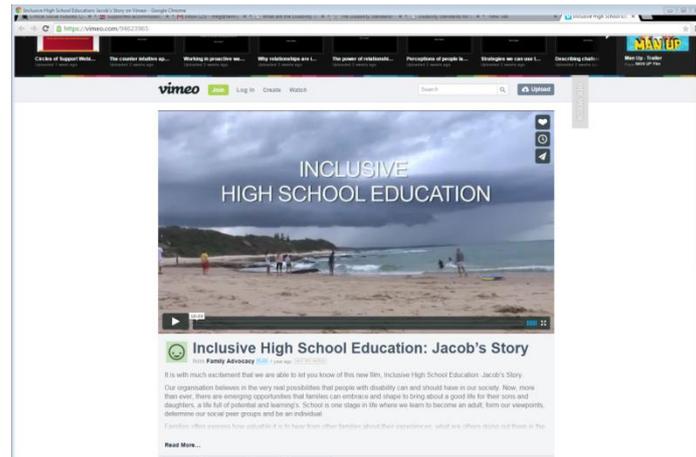


Figure 1 Screenshot from *Jacob's Story*



Figure 2 Screenshot from *Jacob's Story*

Family Advocacy recommends the following to enhance the educational opportunities of students with disabilities and the inclusive culture of schools:

- *that as well as mandatory training on the Standards, training resources should be updated to show positive stories of substantive inclusion in regular classroom settings;*
- *that the Standards website should also be updated to include positive stories of substantive inclusion in regular classroom settings.*

Additionally, while a complaints mechanism is usually the last resort for families, Family Advocacy suggest making further use of the role of the NSW Ombudsman to help track and provide a fuller picture of breaches of the Standards. This would provide a less formal option for family complaints than the HRC. Most parents are currently unaware of the Ombudsman's role in addressing complaints regarding schools.

Family Advocacy recommend further use of the role of the NSW Ombudsman to help track and provide a fuller picture of breaches of the Standards in NSW, and that the Ombudsman be resourced to do so.

3. Examine progress with the implementation of the Government's response to the 2010 Review of the Standards.

While the 'Report on the Review of the Disability Standards for Education 2005' recommended that parents be handed information about user and provider rights in all enrolment kits, in our experience many parents are still not getting access to this information.

Family Advocacy recommend:

- *that information about the Disability Standards be included in all enrolment kits across Australia, and on the enrolment pages of the DEC website;*
- *that complaints mechanisms, including internal and external, be included in all enrolment kits across Australia;*
- *that the DEC engage in a targeted advertising campaign to alert parents of children with disability to the fact that their child has a right to be included on the same basis as other children, including in the regular classroom.*

Selected References

Family Advocacy web links:

- 'Jacob's Story' film available at: <https://vimeo.com/94623965>
- 'Let's Get Started' workshop on starting school at: <http://www.family-advocacy.com/early-childhood/lets-get-started-getting-ready-for-school-and-life-webinar-recording/>

Cologon, Kathy, with Children with Disability Australia. 2013. *Inclusion in Education: towards equality for students with disability*. Available at: <http://www.cda.org.au/cda-issue-papers>