

Down Syndrome Australia submission to the Senate Education and Employment References Committee Inquiry into “Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support”.

### **Down Syndrome Australia**

Down Syndrome Australia is the national voice for people with Down syndrome and their families.

Down Syndrome Australia is an initiative of the eight State and Territory associations that provide support, information and resources to people with Down syndrome and their families across the country. The associations have come together to represent and progress the needs, interests and aspirations of people with Down syndrome and those that support them. Down Syndrome Australia is self funded by the state and territory associations and does not receive any government funding support as a peak body.

In developing this submission, Down Syndrome Australia established a national Education Working Group and also sought feedback from each of the state and territory associations about their views of current funding and service delivery.

Our submission seeks to outline our strong preference for a “rights’ based” approach to the funding of education and the inclusion of students with disability, our concerns about with the current funding model and an overview from some of our member associations of the current funding arrangements and service delivery in their particular state or territory.

### **A Rights framework for education of children with Down syndrome and other disability**

Australia has specific obligations under various international treaties and conventions to ensure that children and adults with disability are able to realise their human right to education on the same basis as non-disabled children and adults. Specifically, Australia has an obligation to ensure that its education system is inclusive of people with disability. In that sense, an inclusive education system is not a mere educational “philosophy” or “affiliation”, it is a right and the means by which the universal human right to education is realised by people with disability and other groups.

Section 51(xxix) of the Australian Constitution gives the Commonwealth Parliament of Australia the right to legislate with respect to "external affairs" which empowers it to pass domestic laws to give effect to Australia's obligations under international treaties and conventions.

We consider that the current legal framework that exists in Australia is inadequate to ensure that Australians with Down syndrome (and other disability) are, at a real and practical level, able to access education on an equal basis and consistently with their human rights and that current laws and policies across the Australian education landscape must be reformed as a matter of urgency to provide for the implementation of inclusive education across State and Territory jurisdictions. In particular, such reform must acknowledge the barriers that people with disability face in education and provide appropriate measures to overcome them as well as effective mechanisms to guarantee the enforcement of rights by people with disability and families.

As self-advocate with Down syndrome Mia Farah stated at the recent Day of General Discussion on the Right to Education for People with Disability (United, Nations, Geneva 15 April 2005), in her call to States to ensure inclusive education systems:

"How many generations of persons with disabilities have we already lost?"

### ***Right to education for people with disability as an international human right***

The right to education is a universal right of every person and is recognised in several international human rights treaties such as the *United Nations Universal Declaration of Human Rights* (1948) (Article 26), the *International Covenant on Economic, Social and Cultural Rights* (1966) (Article 13) that recognises the role of education in the development of human potential and effective participation in a free society and the *Convention on the Rights of the Child* (1990) (CRC) (Article 28) that expressly acknowledges the right as being grounded on the basis of equal opportunity. Article 23 of the CRC further specifically mentions the right of children with disability to receive education "in a manner conducive to the child's achieving the fullest possible social integration and individual development".

However, the most comprehensive statement on the right to education for people with disability is found in Article 24<sup>1</sup> of the *Convention on the Rights of Persons with Disabilities* (2006) (CRPD)

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<sup>1</sup> Article 24 provides as follows:

"1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning directed to:

- The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
- Enabling persons with disabilities to participate effectively in a free society.

which reaffirms the universal human right to education in respect of people with disability as a group and recognises the specific barriers encountered by them in realising this right, by introducing additional obligations on State Parties, to ensure that people with disability can realise their right to education.

Notably, Article 24 requires State Parties to “ensure an inclusive education system at all levels” and outlines the important principles of equal opportunity, non-discrimination, “the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity” as well as “effective participation”.

To that end, State Parties must ensure that “persons with disabilities are not excluded from the general education system on the basis of disability” and adopt measures that include, among other things, ensuring “reasonable accommodation” of individual requirements, providing

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2. In realizing this right, States Parties shall ensure that:

- Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;
- Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
- Reasonable accommodation of the individual’s requirements is provided;
- Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
- Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

- Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
- Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
- Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.”

support to facilitate effective education for people with disability and the delivery of education in “environments that maximize academic and social development, consistent with the goal of full inclusion”.

Article 24 emphasises the role of education in overcoming societal discrimination, exclusion and segregation of people with disability in all areas of life that prevent them from realising their human rights. Article 8 of the CRPD (Awareness-raising) further requires State Parties to introduce measures for “fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities.”

The effect of Article 24 is to recognise that the right to education for people with disability is realised through an inclusive education system at all levels and, in that sense, it recognises inclusive education as a right<sup>2</sup>. As outlined in more detail elsewhere in this submission, an inclusive education system is one where the educational needs of diverse learners are met and same-age peers with and without disabilities attend their local schools and are taught in the same classrooms, with additional individually tailored educational materials, support and measures as may be needed to ensure accessibility of the physical, learning and social environment. Article 24 also makes it clear that the exclusion of students with disability from the general education system is a violation of their fundamental human right to education.

It is important to appreciate that inclusive education is not a mere educational "philosophy" or "affiliation" to be adopted or discarded as a matter of personal preference or belief and in that sense it differs from, for example, faith-based education or particular pedagogic philosophies that exist across Australia's diverse education system. Rather it is a right or the means by which people with disability realise the universal right to education and a fundamental characteristic of the delivery of education services to students with disability in a way that does not exclude them from general education in violation of their rights, and it forms the basis of Australia's international obligations under various international treaties and conventions.

Section 51(xxix) of the Australian Constitution empowers the Commonwealth Parliament of Australia to legislate with respect to "external affairs" by introducing domestic laws to give effect to Australia's obligations under international treaties and conventions.

While Australia is a long-standing party to the CRPD (and the Optional Protocol to it), we believe that, at best, it is only partially meeting its obligations under it. In particular, based on the poor experience of many students with Down syndrome as reported to us and to our member State and Territory organisations, we do not agree that full inclusive education within the meaning of Article 24 of the CRPD has been widely implemented across the Australian education landscape and we consider that the right to an inclusive education is not realised by many children with Down syndrome and other intellectual disability, a significant proportion of whom continue to attend segregated education settings (either in “special schools” or in “special” units or classrooms or co-located within mainstream school grounds) or experience other forms of exclusion even within general education settings.

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<sup>2</sup> Inclusive education is varyingly described by United Nations treaty bodies and legal and academic commentators as a "right" flowing from the obligations in Article 24 of the CRPD or the means through which the human right to education is realised by people with disability.

The number of inquiries and reviews into the education of students with disability or “incidents” in relation to students with disability, such as this inquiry, held this year at Federal and State and Territory levels, as well as a recent survey report by Children With Disability Australia (May, 2015) that 1 in every 4 Australian children with a disability are refused enrolment in mainstream schools would seem to corroborate this conclusion .

### ***Emergence of recognition of the right to inclusive education***

We set out an overview of the historical recognition of the right to inclusive education.

The right to inclusive education has emerged particularly over the last 25 years, dating back to the Jomtien “World Conference on Education for All” in 1990, the United Nations “Standard Rules on the Equalisation of Opportunities for Persons with Disabilities” in 1993 (which represented a strong moral and political commitment of Governments to take action to attain equalization of opportunities for persons with disabilities and required the implementation of measures for the integration of students with disability in general education) and the landmark “Salamanca Statement” in 1994 (which was signed by 92 Governments committing to inclusive education and the principle that general schools should accommodate all children regardless of physical, intellectual, emotional, linguistic, or other individual requirements).

In 1997 the United Nations Committee on the Rights of the Child further recommended that State Parties to the CRC should review and amend laws affecting children with disability where such laws were not compatible with the CRC and singled out legislation that “compulsorily segregates disabled children in separate institutions for care, treatment or education”.

The Dakar Framework for Action reaffirmed in 2000 the international community’s commitment to inclusive education.

In 2008 the CRPD came into force specifically imposing international law obligations on State Parties including Australia to implement inclusive education, as set out under Article 24 and in line with other general provisions (eg Article 8 on awareness raising and Article 9 on accessibility to information, technologies and systems on an equal basis with others).

In 2013, the Office of the United Nations High Commissioner for Human Rights confirmed that inclusive education has been “acknowledged as the most appropriate modality for States to guarantee universality and non-discrimination in the right to education” (“Thematic Study on the Rights of Persons with Disabilities to Education”).

In April of this year, the Committee on the Rights of Persons With Disabilities held a Day of General Discussion on the right to education for persons with disabilities (DGD) stemming from the Committee’s review of the State Party reports submitted to it and its concern with exclusion in education experienced by people with disability. The Australian government participated in this process through a submission to the DGD and several Australian disability sector organisations and individual stakeholders also made submissions and attended. Down Syndrome International, an international representative organisation of which Down Syndrome Australia is a member, made a submission in relation to education of children with Down syndrome.

Many of the submissions made to the DGD noted the significant gap between formal rights to

education for people with disability through international and domestic laws and the realisation of these rights through poor implementation of inclusive education “on the ground” at a practical level. Many groups also called for the Committee to provide formal guidance to State Parties on the meaning of “inclusive education” through its proposed General Comment on the right to education and to impress on State Parties the need to develop coherent strategies to transition away from segregated education and achieve a fully inclusive education system, agree specific objectives and actions and implement benchmarks and evaluation tools to measure progress on the implementation of inclusive education for all.

In our view, those concerns are also applicable in respect of Australia and the realisation by Australians with Down syndrome of their human right to education.

### ***Education of students with disability in Australia - are rights being realised?***

Australia’s international commitments in relation to the rights to education for people with disability have resulted in the enactment of domestic laws and formulation of policies to ensure those rights.

The Commonwealth *Disability Discrimination Act 1992 (DDA)* makes discrimination against people with disability unlawful, including in relation to education regardless of whether it is public or private education (section 22<sup>3</sup>). It also establishes the framework for the “Disability Standards for Education - 2005” (the **Standards**) as subordinate legislation that clarifies the obligations of providers of education services and the rights of people with disability in relation to education arising from the DDA.

It is worth noting that while the DDA and the Standards together purport to provide for access to and participation in education by students with disability on the same basis as non-disabled students and without discrimination, including access in respect of services and facilities and the obligation on education providers to make “reasonable accommodation” for the needs of students with disability, neither mentions inclusive education. In this regard, the express

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<sup>3</sup> Section 22 of the DDA provides as follows.

“(1) It is unlawful for an educational authority to discriminate against a person on the ground of the person’s disability:

- (a) by refusing or failing to accept the person’s application for admission as a student; or
- (b) in the terms or conditions on which it is prepared to admit the person as a student.

(2) It is unlawful for an educational authority to discriminate against a student on the ground of the student’s disability:

- (a) by denying the student access, or limiting the student’s access, to any benefit provided by the educational authority; or
- (b) by expelling the student; or
- (c) by subjecting the student to any other detriment.

(2A) It is unlawful for an education provider to discriminate against a person on the ground of the person’s disability:

- (a) by developing curricula or training courses having a content that will either exclude the person from participation, or subject the person to any other detriment; or
- (b) by accrediting curricula or training courses having such a content.

(3) This section does not render it unlawful to discriminate against a person on the ground of the person’s disability in respect of admission to an educational institution established wholly or primarily for students who have a particular disability where the person does not have that particular disability.”

language of the DDA and the Standards would seem to reflect the “non-discrimination” and “reasonable accommodation” concerns of Article 24 but they do not go further by seeking to ensure an inclusive education system at all levels and addressing other barriers that prevent the realisation of the right. Notably, the DDA does not provide for robust “non-rejection” provisions to ensure that students are not refused entry to Australian schools on the basis of disability.

Further, the question of what constitutes a “reasonable adjustment” is, in the first instance, left to the interpretation of schools with notably varied and subjective understandings of “reasonableness”, depending on the individual who applies the test and their personal beliefs and perspective on the education of students with disability, including whether they should be able to attend general education. While the relevant school or authority bears the onus of establishing that an adjustment causes undue hardship and their determination of “reasonable adjustment” can be formally challenged, the burden of challenging discrimination and the misapplication of the principles in the Standard is ultimately borne by families, many of whom already face many headwinds in other areas and in most cases do not pursue the issue and instead seek education for their child with disability elsewhere.

Other relevant legal instruments providing for the education of students with disability are the “National Education Agreement” (2008) and the *Australian Education Act 2013* which purport to provide for the opportunity for students with disability to receive a quality education within an equitable schooling system. Similarly, neither expressly acknowledges inclusive education.

The National Disability Strategy 2010-2020 (**Strategy**) draws on the findings in “Shut Out: The Experience of People with Disabilities and their Families in Australia” (2009) and represents a commitment from all Australian governments to a national policy framework to guide government activity. While the Strategy does not contain any detailed statements about inclusive education, it states as an objective “an inclusive Australian society that enables people with disability to achieve their full potential as equal citizens” and expressly references Australia’s obligations under the CRPD and the human rights imperative that people with disability must be afforded the same rights as all other Australians.

### ***State provision for education of people with disability***

Each State and Territory has its own legislation<sup>4</sup> and policies that are applicable in respect of the education of students with disability but is required to comply with the Commonwealth’s framework established by the DDA and the Standards.

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<sup>4</sup> A range of Commonwealth, State and Territory legislation impacts on the education of children with disability. At **Commonwealth** level see: *Australian Education Act 2013* (Cth) (ss15(3), 36, 62, 77), *Disability Discrimination Act 1992* (Cth) (ss 3, 5, 6, 8, 22) and *Disability Services Act 1986* (Cth), s 3, Part III; In the **Australian Capital Territory** see: *Education Act 2004* (ACT) (ss 7(3)(a), 20B(1)(a)), *Discrimination Act 1991* (ACT) (ss 5AA, 7-9, 18, 47, 51) and *Disability Services Act 1991* (ACT) (ss 3-5A, Schedules 1- 2); In **New South Wales** see: *Education Act 1990* (NSW) (ss 6, 20, 95A-95), *Anti-Discrimination Act 1977* (NSW) (ss 49A-49C, 49L) and *Disability Inclusion Act 2014* (NSW) (ss 3-6); In the **Northern Territory** see: *Education Act 1979* (NT) (Part 5: ss 33 - 39 and s 61A), *Anti-Discrimination Act 1996* (NT) (ss 19(1)(j), 29-30) and *Disability Services Act 1993* (NT) (s 2A, Schedules 1-3); In **Queensland** see: *Education (General Provisions) Act* (Qld) (ss 165-167, 420-421), *Anti-Discrimination Act 1991* (Qld) (ss 37-40, 44) and *Disability Services Act 2006* (Qld) (ss 11, 12(f), Part 2 Div 1, 2); In **South Australia** see: *Education Act 1972* (SA) (ss 75(3), 75A(1), 75C), *Disability Services Act 1993* (SA) (ss 2 - 3A, 3B, 5(1), 5A - 5C, 6, Schedules 1 and 2) and *Equal Opportunity Act 1984* (SA) (ss 66, 74); In **Tasmania** see: *Education Act 1994* (Tas), *Anti-Discrimination Act 1998* (Tas) (ss 16, 22(1)(b), 46) and *Disability Services Act 2011* (Tas), ss 5, 10-12); In **Victoria** see: *Education and Training Reform Act 2006* (Vic) (ss 2.2.6, 2.5.11, 5.4.7), *Disability Act 2006* (Vic) (ss 4-6, part 4, division 1 and 2) and *Equal Opportunity Act 2010* (Vic) (ss 3, 6 - 9, Division 3: ss 38-41); and in **Western Australia** see: *School Education Act 1999* (WA) (ss 73, 82 -84, 86, 87), *Disability Services Act 1993* (WA) (ss 3, schedule 1 and 2) and *Equal Opportunity Act 1984* (WA) (ss 3, 66A, 66I).

Some consensus on the approach to education across Australian State and Territory jurisdictions was also reached at the Melbourne Declaration on Educational Goals for Young Australians (Ministerial Council for Education, Early Childhood Development and Youth Affairs, 2008) where all Australian Education Ministers agreed that “Australian governments must support all young Australians to achieve not only equality of opportunity but also more equitable outcomes”. Government also seeks to meet these objectives through the more comprehensive education reform agenda agreed in the “National Education Agreement” (2008) that highlights “participation” of all students in society and employment in a globalised economy.

Broadly speaking, the provision of education services to students with disability is similar across States and Territories although there are some differences in outcomes according to a recent report card on inclusive education across Australia<sup>5</sup>. However, on the whole, as identified by the researchers in the report card, the provision of inclusive education in Australia is broadly characterised as “mediocre” under the current legal and policy frameworks and students with disability continue to face significant barriers to realising their rights to education.

### ***Barriers to realisation of rights to education***

The realisation by people with disability of their rights to education cannot be guaranteed by laws and policies alone - such laws and policies must specifically address, and be accompanied by, effective measures to remove the barriers that impede access to a quality inclusive education.

In our view, some of these barriers include (but are not limited to):

- inadequate teacher support and investment in teacher training in inclusive academic and behaviour instruction;
- failure of school leaders to commit to inclusive education at school level and to develop inclusive school policies and cultures that are vital to sustaining inclusive education;
- issues of accessibility in connection with physical, sensory, communication and other barriers;
- insufficient allocation of resources to support the education of students with disability in general education settings, partly resulting from the inefficiency of maintaining a “dual” education system of “special” and “general” education; and
- general discrimination and attitudinal barriers including insufficient awareness by families, education professionals and the community about the broad benefits of inclusive education.

For children with Down syndrome, historically entrenched attitudes and perspectives have a significant impact on their access to an education that maximises individual development and life-long outcomes. Such attitudes are reflected in low expectations about the capacity of people with Down syndrome to learn, to establish friendships and to contribute positively to the classroom, the school environment and society as a whole.

As detailed in this submission, while extensive practical and theoretical evidence demonstrates the benefits of inclusive education for all students, the formulation of education policies and the delivery of education services to students with disability continues to be hampered by persisting discrimination, exclusionary practices and negativity among professionals and other stakeholders in the education system, including the widespread scepticism about inclusive education and the belief that teaching students with disability together with their same age non-disabled peers will damage the education of non-disabled children.

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<sup>5</sup> Jackson, R and Wills, D (2015) *The 2013 Inclusion Report Card: From failure to mediocrity*, Interaction Journal v28/2/'14, Australian Institute on Intellectual and Developmental Disabilities

In many cases, professionals in education do not see students with disability as the holders of rights to access general education. Rather, they see them as “problems” which are either solved, if the student has the capacity to “integrate” into the existing general school system, or removed.

In this regard, it is important for law and policy makers to appreciate that the mere presence of children with disability in schools does not, in and of itself, demonstrate appropriate access to general education and Australia's compliance with its international obligations to ensure an inclusive education system.

Widespread and frequent reports of poor experiences for students with Down syndrome (and other disability) in many of our mainstream schools are testament to this fact, including reports that some children are being subjected to restraint and seclusion policies that amount to a violation of their personal integrity and human rights.

It is noted that Article 8 of the CRPD expressly requires governments to urgently adopt measures to raise awareness of people with disabilities and challenge negativity including specifically in school settings.

In our view, and in light of the better understanding around inclusive education practice and better appreciation of the nature, extent and degree of symptomatic entrenchment of barriers to its implementation, it is clear that the current legal and policy frameworks that exist at Commonwealth and State and Territory levels are inadequate to manage the transition away from the historical exclusion and segregation of students with disability and towards quality inclusive education for all.

### **The way forward**

Political will is vital to bring about appropriate legal and policy reform necessary for any student with disability to realise their fundamental human right to education.

In our view, this includes strengthening laws and policies to expressly recognise and guarantee access to inclusive education on a system-wide basis through:

- the development of effective and coherent strategies to implement an inclusive education system across the Australian education landscape, underpinned by clarity in respect of what is and isn't inclusive education, and the transition away from the current “dual” system of “special” segregated education and “general” education;
- the introduction of robust “non-rejection” provisions to ensure that students with disability are not refused entry to Australian schools on the basis of disability and accessible and effective legal remedies including by enhancing the capacity for students and families to challenge determinations on “reasonable adjustments” and support levels;
- investment in accessibility of the physical, learning and social school environment, teacher training and support, the development of inclusive school leadership and inclusive school cultures;
- ensuring appropriate funding levels to support students in general education settings (as discussed in more details elsewhere in this submission);
- developing policies and tools for measuring the progress of students with disability and the effectiveness of implementation of inclusive education by schools and teachers with clear standards and benchmarks and a means to identify changes and improvements required to ensure equal access for all learners; and
- extending inclusive education reform to tertiary and post-secondary settings.

We note that it is anticipated that the Committee on the Rights of Persons With Disabilities will

include in its proposed General Comment on rights to education for people with disability, a clear definition of *inclusive education* within the meaning of Article 24 of the CRPD to assist State Parties to meet their obligations to ensure a full inclusive education system.

We also note our concern in relation to changes to the position of the Human Rights Disability Discrimination Commissioner given the important role of that office in respect of compliance with disability discrimination laws. In our view, this has potential adverse impacts for the prospect of rights to education being realised by people with disability by weakening the capacity for challenging rights violations.

We further believe that all laws and policies about people with disability, including people with Down syndrome, must be developed in close consultation with them and their representative organisations.

Finally, governments must also invest in raising widespread awareness of relevant rights and laws among the community, families and educators. This should extend to promoting widely an understanding of the rights of people with disability, the nature of disability, the social model of disability and the strengths and benefits of inclusive education.

### **The current funding model**

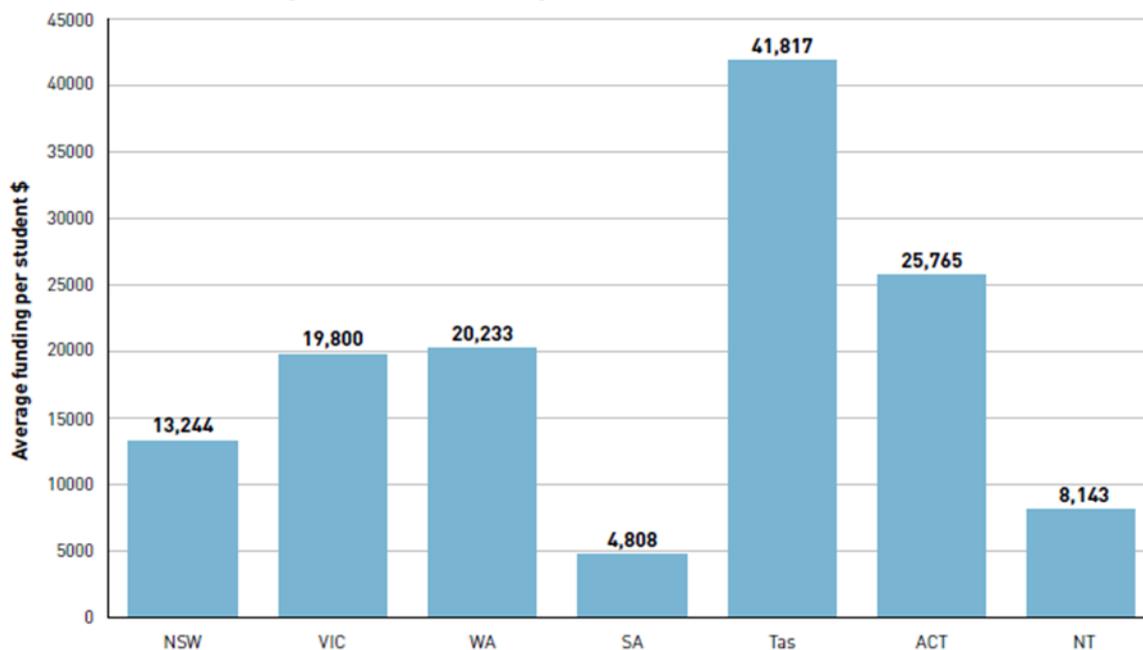
It is well recognised that funding for students with a disability (SWD) lacks both consistency and transparency across all jurisdictions in Australia and that the overall level of funding continues to be inadequate and poorly targeted.

The 2011 Review of School Funding Report (Gonski) identified that '(t)he existing resourcing provided to the government and non-government school sectors for students with disability remains an issue. Students with disability in non-government schools receive substantially less public funding than their counterparts in government schools.' (Finding 22, Gonski, pg 32 and 135).

The 2012 Victorian Equal Opportunity and Human Rights Commission report, '*Held Back: The experiences of students with disabilities in Victorian schools*' also highlights the lack of consistency of support and resourcing across Victorian schools and describes that for students with disabilities accessing a good education and achieving good learning outcomes was a '*lottery rather than a certainty*' (Held Back, pg 2).

The following table extracted from the Gonski Report highlights the significant variances between jurisdictions and funding for SWD in government schools:

Figure 48: Average funding per student for students with disability in government schools, by state and territory, 2009–10



Note: Excludes Queensland as insufficient data was received from the government sector to be included in the analysis.

Source: Reproduced from Rorris et al. 2011.

(Gonski, pg 133)

The Gonski Review made two key recommendations regarding the funding for SWD. The first, Recommendation 26, sought the implementation of a national collection of consistent data on SWD to confirm the number of SWD and to identify the range of educational adjustments required for those students, this was consistent with the November 2008 determination of COAG and the consequent trials of such a data collection in 2011 and 2012. This data could then inform the required level of funding across the range of adjustments. The second, Recommendation 27, set the principles for future SWD funding. These recommendations are included in full below:

#### **Recommendation 26 (Gonski pg 184)**

The Australian Government and state and territory governments, in consultation with the non-government sector, should, as a matter of priority, progress work on collecting nationally consistent data on students with disability and the level of educational adjustments provided to them to enable national data to be collected and reported from January 2013.

#### **Recommendation 27 (Gonski pg 185)**

The National Schools Resourcing Body should work with the Australian Government and state and territory governments in consultation with the non-government sector to develop an initial range for a student with disability entitlement. The entitlement should be:

- provided in addition to the per student resource standard amounts
- set according to the level of reasonable educational adjustment required to allow the student to participate in schooling on the same basis as students without disability
- fully publicly funded and applied equally to students in all schooling sectors.

#### **More Support for Students with Disabilities**

Over the period 2012-2014 the Australian Government provided \$300 million under the *More*

*Support for Students with Disabilities* program. This funding was an interim response to the Gonski findings as well as growing concern such as that identified in the *Held Back* report. While this would seem to be a significant financial investment, given the reported number of SWD at this time was in the order of 175,000 this equates to only an additional \$1,714 per student over the four years of the program. Notwithstanding, the initiative did recognise the importance of increasing the skills and quality of classroom teachers and creating a more inclusive culture in our schools - issues that unfortunately remain current despite this investment.

The program was implemented separately by each of the eight government education authorities and the 16 non-government education authorities with a focus on assistive technologies, curriculum differentiation - with professional development of classroom staff being a key component of both these foci; and the provision of additional health or allied health services.

While this program provided a boost to the provision of assistive technologies available in many schools for SWD and an improvement in the level of professional learning for those classroom staff of the day, the cessation of this funding is likely to see the ongoing benefits of the program diminish within a short period of time. Indeed anecdotal evidence would suggest that staff turnover as well as student progression through the educational continuum has already seriously diluted the effectiveness of professional learning in our classrooms.

It should also be noted that this program did little to address the inconsistency of per capita SWD funding across the jurisdictions or the inequity between the government and non-government sectors.

### **Current SWD Funding**

While the *Australian Education Act 2013* identified the base student resource standards (SRS) as \$9,271 for Primary students and \$12,193 for Secondary students, given the transitional approach adopted by the previous and current Commonwealth governments these standards are in reality aspirational at best. Further, while an interim disability loading of 186% of the respective SRS was implemented for funding from 2014 (until the full implementation and analysis of the Nationally Consistent Collection of Data on School Students with Disability is completed) the reality given the transitional arrangements for each state and territory as well as the Independent schools sector and each of the non-government systems (eg Catholic, Lutheran etc) is that the funding for any individual SWD is at best confused if not unknowable, creating an even greater level of inconsistency and concern for schools and parents than previously.

### **Future Funding**

At this stage it is understood, as recommended by Gonski and reported in various education forums, that the future funding of SWD is dependent on the analysis of results from the Nationally Consistent Collection of Data on School Students with Disability. 2015 will be the first year where all Australian schools participate. Pilot and trial results already suggest that the number of identified SWD is likely to be significantly higher than previously reported as the eligibility criteria are much broader than previous census requirements.

However, while a larger number of SWD are likely to be identified, funding is likely to be linked to the level of adjustment required for each student. Adjustments are identified as:

- minimal, ie support provided within quality differentiated teaching practice;
- supplementary, eg might include modifications to ensure full access to buildings and facilities, specialised technology, programs or interventions to address the student's social/emotional needs and support or close supervision to participate in out-of-school

activities or the playground and might be provided from within school resources or by external agencies;

- substantial, eg generally considerable in extent and may include frequent (teacher directed) individual instruction and regular direct support or close supervision in highly structured situations, to enable the students to participate in school activities; and
- extensive, eg will generally include personalised modifications to all courses and programs, school activities and assessment procedures, and intensive individual instruction to ensure these students can demonstrate the development of skills and competencies and the achievement of learning outcomes.

While Gonski suggested that SWD funding should be provided as one of the loadings within the funding structure (Gonski pg 183), the linking of adjustment to funding at an individual level to determine a loading and then aggregating at a school or systemic level is of concern.

At an individual school level the aggregation with other loadings and then forwarding to the school, particularly under transitional arrangements, as a single payment makes it difficult for the school to identify the actual funding for each SWD. Further, for any school identified as being 'above the model', their funding is effectively frozen at 2014 levels and there is likely to be no adjustment to SWD funding despite NCCD outcomes. For systemic schools (eg government, catholic etc) funds tend to be distributed within the system to ensure all schools receive some equity of funding rather than to meet the specific needs of a single student.

**(policy comment)** DSA considers that any funding or other resources that are determined for a specific individual to meet the required educational adjustments for that student to achieve their identified outcomes should be consistent across all jurisdictions (allowing for real and actual costs given location, ie rural, remote etc), 'tied' to that student, and quarantined from any adjustment at departmental, systemic and school level.

## Education Pro-forma for DSA Submission

### Feedback from NSW

Item	Question	Feedback Response
1	Is the legislative framework in your state or territory in place and up to date?	Yes it is updated regularly and is available through the Department of Education and Communities website.
2	Is “Inclusion” part of the state/territory education language and commitment?	The department states that all NSW state schools are bound by the Disability Discrimination Act and the Disability Standards for Education. The People with Disabilities Statement of Commitment states ‘students with disabilities will be provided with the same opportunities as other people to take advantage of the range of education, training and employment opportunities provided by the Department.’ While they talk about access, rights, accommodations and adjustments, the term ‘inclusion’ does not feature strongly.
3	Are there consultative structures within the government bureaucracy?	no
	Do they include parents, older students and not for profit/representative organisations?	no
	Do they work?	
4	Does current state/territory funding (both received from the Commonwealth and that provided by the state/territory government) meet need?	No. Recent changes in NSW under ‘Every Student, Every School’ means all children without a Moderate IQ classification receive no individualised funding support. This means that there is little transparency in how funding is allocated/used. Specialist Learning Support teachers are spread thinly throughout the system and Specialist teachers are now required to have a broad knowledge of all areas rather than in-depth knowledge in specialist fields. Individualised funding support for children with Down Syndrome is determined by IQ classification, namely a moderate Psychometric test result. This result opens the door to discussions on support needs whereby funding support is built and determined. There is no transparency, regarding the amount, with the families, and the delivery method is determined by the school. The funding amounts are often inadequate or not used effectively to promote optimum learning and inclusion. Schools would almost always benefit from additional funding to support students within the classroom, specialised resources designed to meet their learning needs and teacher education and training.

	<b>Is it absorbed by bureaucracy rather than directed to education assistance?</b>	Depends from school to school. Schools have authority to direct the funds into whatever capacity they see fit, however most families indicate that their child receives teacher's aide support, which would indicate funds are being directed into educational assistance. However there is no transparency and families are not consulted in how the funding will be used.
<b>5</b>	<b>Does enrolment practise meet legislative requirements?</b>	In reality, No not always. The policies and strategies of access for all often do not filter down into practice. Parents are still told that the school cannot adequately cater for the child's support needs. That they don't have the required resources and funding levels and that an alternate setting might be more suitable. Legislation can clash with attitude and it is this attitude that can often determine a successful or unsuccessful school experience.
	<b>Would it be considered to be "inclusive"?</b>	This varies significantly from school to school and again comes down to the attitude of the School Principal towards inclusion.
<b>6</b>	<b>Is there a difference in attitude and practise of "inclusion" between government and independent/catholic approaches?</b>	This varies from school to school and setting to setting. Many catholic schools provide a wonderful inclusive environment. Independent Schools are more likely to use the inequality of funding levels between the state and independent systems, as a reason for an enrolment of a child with Down syndrome not being in the 'child's best interests'.

<p>7</p>	<p><b>Case studies - please give at least one example of good practise and one of a bad experience for your state/territory - and if possible name the school.</b></p>	<p>A survey was sent out to our membership, 80 responses received. See below some cases from across a range of sectors.</p> <p>Mainstream</p> <p>My child enjoys school and is well supported by teacher's assistants but I think he is being withdrawn from the class too much for one-on-one teaching, not participating as much as one might like in whole-class learning. Because he still has issues with toileting he is sometimes seen as a big problem when it comes to excursions, athletics or swimming carnivals etc and at times it seems easier to keep him home on these days.</p> <p>SSP High School</p> <p>Our child's school is trying to settle him to the new school. They are reading his behavior as communication and trying to work out what he is communicating. They are using social stories well, visuals, great use of therapists - OT, physio, orthoptist, speech therapist and audiologist. They are still trying to work him out but are trying. Teacher aide support is dedicated. Our experience trying to get our son into any other High School was traumatic. Schools openly offered nothing and expected us to go away. Catholic schools - mainstream, support classes and Special schools offered nothing. The CEO Sydney said they would not give our son a place. The reality is schools cannot legally say "No" but they do. In other words we have been isolated from our religious community because of the level of our son's disability. Our son has been denied a Catholic High School education because of his level of disability. We learnt that level of disability affects opportunity and access to education and indeed society. Our experience with applying for a place at a State School meant we had no choice and the system would decide where our son would be offered a place. Once again the local public primary school said our son should go elsewhere. Being a parent of a child with a disability who is low functioning with high needs means you do not get a choice about their education. You do not get to choose your community, it comes down to who will accept your child and we have found all but one independent or Catholic School we applied for did not want our son. Level of support is paramount to successful, enjoyable education for our child where he can feel safe, be part of a community for him and us and learn academically and life skills at where he is at - what is also needed is true inclusive education be that within mainstream, support or special</p>
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schools. At this point the only system that has to take your child is the state system where there is no choice. We definitely felt isolated throughout the whole experience of finding a high school for our son. Our son's primary school education at a Catholic Special School was a very positive one.

#### Supportclass - mainstream

They talk a good talk to achieve enrollment but actually babysit rather than trying to assist students to reach their potential. Head teacher has no idea of the potential of students and restricts inclusion even when assessments showed ability to participate in higher standard courses. Students are restricted by IQ score rather than being given opportunities based on personal performances. Unfortunately it appears this treatment, or mistreatment of students with a disability, continues in the TAFE system.

#### Independent school

Lovely support worker that communicates well with me. Tiny class size allows for more teacher support within the class. A special teacher has been running a 'friendship club' once a week during lunch to promote peer relationships - this is really helpful to all the students that attend. As a parent I regularly attend excursions and camps with my child, and while this is sometimes difficult, it is also helpful for everyone.

(NOTE by DSNSW - we commonly find parents/caregivers being required to attend excursions/camps before their child is allowed to attend, we feel this is inappropriate)

#### Support class - govt school

Not communicating effectively. Not providing enough visual support in any area. Not teaching reading in the fashion most suited to people with Down syndrome. Not working in cooperation with our family. Ignoring any advice we give in regard to behaviour triggers. Not providing a playground plan or any qualified support. Not recording any agreements or verbal plans made during meetings. e.g., Learning plan meetings. My child was required to fit in with the way that Teacher's class was already being run and did not make any considerations for his particular learning style or communication needs.

Govt regional central school

My child attends a Central School in the country the whole school is very excepting of him and try to include him in every way possible. What the school struggle with is the knowledge and understanding of the best way to teach him eg how to read, write and how to do simple maths ie (money and time) I have spent many many hours and extrem amount of money get OT's and Speach and any new program's that many help them to have a better understanding of what will work best for him. Unfortunately time is not always on our side to follow through with the recommendations

Catholic system - mainstream

My son just started kindy this year. It is a small catholic school who while dont have alot of experience are extremely supportive and enthusiast. The best struggle is to provide the school with appropriate support to continue to be able to support my son and providing them with appropriate information for adaptions. As a parent I dont know what these things should be in a school environment and because we are in a mainstream setting this is hard. Really need a service that came out to check on the student but equally continue to inform the school about things. The success in mainstream is only going to continue to work if this support is provided to the school/teachers. We do currently get a full time aid as well which is great and ensuring we get the support we need - this will decrease overtime.

Currently ssp but wanted mainstream - discouraged

I was hoping to send my child to the local school but my experience with them was so horrific. I didnt have a choice and they told me as much short of saying we dont want him.

#### **Parent Case Study**

#### **Good Practice**

Chertsey Primary School - Has a strong inclusive program where every child is included in the school community. We were accepted into the school as an out of area enrolment when our previous school had become unsuitable. The Principal listened to our concerns and without meeting us or with any formal

funding said “I’ll have him at our school and have you considered mainstreaming your child”. The difference in attitude was overwhelming and we were waiting for the bubble to burst! As parents we are amazed at the difference in the feel of the school; the positive encouraging language used by the teachers; the given that he will learn and will participate in classroom activities; that he has to do homework, including reading, writing and maths. For the first 2 and a half terms of this school year, our son did not want to go to school. After 2 days at his new school he was so excited to go back and after 4 weeks the excitement still has not disappeared. There should be more Principals like ours who sees each child for their potential.

**Bad practice**

Etalong Public school - As a parent, the school has a feel of a divided school ie mainstream vs support class. Some of the practices associated with the support unit were in my view not appropriate, for example, asking parents to drive vehicles without proper checks or instructions; using a pram to transfer my child instead of addressing the reasons for his high levels of anxiety; spoon feeding him because it was easier to do than the time it took for him to self-feed; referring to him as a baby when he displayed avoidance behaviours like falling asleep or staying for long periods of time on the toilet. My son had a very supportive aid in the classroom who took care of his personal needs but unfortunately his teacher was not teaching him anything and he was becoming more and more anxious and getting him ready for school each day was very challenging. Inclusion for our children at school has to come from the top down. If the head of the school or the department does not understand what real inclusion is then all you get is a bad babysitting service!

## Education Pro-forma for DSA Submission

### Feedback from QLD

Item	Question	Feedback Response
1	Is the legislative framework in your state or territory in place and up to date?	Yes- it is updated regularly and available through the Department of Education and Training website in various formats for both departmental staff and parents.
2	Is “Inclusion” part of the state/territory education language and commitment?	The department states that all Queensland state schools are required to adhere to the Disability Discrimination Act and the Disability Standards for Education and promote the inclusion of students with disabilities. The department states that all schools are required to make reasonable adjustments to ensure students with disability are able to participate in education on the same basis as students without disability.
3	Are there consultative structures within the government bureaucracy?	No
	Do they include parents, older students and not for profit/representative organisations?	No
	Do they work?	No

4	<p><b>Does current state/territory funding (both received from the Commonwealth and that provided by the state/territory government) meet need?</b></p>	<p>In Queensland, funding is not allocated to individual students, therefore we are unaware of the amount of funding allocated to a particular student with Down syndrome. A “bucket” of funding is allocated to a school to support all of their verified/ascertained students and this funding is distributed at the discretion of the school principal. As a result, there is great variance in the support provided to students with Down syndrome within Queensland schools.</p> <p>In some instances, students are being well catered for with sufficient resources and support to ensure successful inclusion within their schools. In other instances, support and resources are minimal and insufficient to support that student. Without knowing the amount of funding at the disposal of the school, it is difficult to say if this is a result of not enough state/commonwealth funding or a result of the way that school has elected to spend those funds. More transparency is needed in this area to ensure that schools really are doing everything they can (with the funds available to them) to support their student.</p> <p>Overall however, students with Down syndrome in Queensland schools would almost always benefit from additional funding to support the wages of para-professional support, specialised resources designed to meet their learning needs and teacher education and training.</p>
	<p><b>Is it absorbed by bureaucracy rather than directed to education assistance?</b></p>	<p>As the system is not transparent, it is difficult to answer this question. Given the significant variance between schools, it would appear that in some instances this funding is being absorbed elsewhere rather than funding direct supports for the student with Down syndrome.</p>
5	<p><b>Does enrolment practise meet legislative requirements?</b></p>	<p>In reality- no. While the policies are in place and schools are aware of their obligations, we frequently see students with Down syndrome “discouraged” from attending their local schools. While it is uncommon for a parent to be told outright that they cannot enrol their child, schools frequently suggest to parents that their child with Down syndrome “would be better off elsewhere” and that “other schools are best equipped to cater for their needs”.</p>
	<p><b>Would it be considered to be “inclusive”?</b></p>	<p>No.</p>
6	<p><b>Is there a difference in attitude and practise of “inclusion” between government and independent/catholic approaches?</b></p>	<p>This varies significantly from one school to the next. Generally speaking, catholic/independent schools are more likely to discourage a student from enrolling in the first place or suggest that they can no longer accommodate for that student due to limited funding. These schools are more likely to speak up about these issues than government schools, however the same attitudes are observed in government schools.</p> <p>In saying this, the overall attitude of catholic/independent schools is (in most part) very welcoming and accepting. They tend to speak a lot more of “inclusion” and the value of that student within their school community. They are also a lot more likely to look for external support (resources, teacher education etc.). Inclusion appears to be more “expected” in government schools however catholic/independent schools appear to have more ownership of the decision to have a student with Down syndrome included in their school.</p>

7	<p>Case studies - please give at least one example of good practise and one of a bad experience for your state/territory - and if possible name the school.</p>	<p>School that demonstrates good practice:</p> <ul style="list-style-type: none"> <li>- ATTITUDE of positivity and acceptance right from the principal down to the classroom teacher.</li> <li>- Constantly reviewing and problem solving to overcome difficulties at all times maintaining an optimistic attitude</li> <li>- Seek input from external professionals (SLP, OT, Education Consultants etc.)</li> <li>- Provide lots of PD for staff</li> <li>- Student spends the majority of their time in class with their peers</li> <li>- Support is provided in the classroom by a para-professional who is there to assist WHEN NEEDED (not hovering). This para-professional also assists other students so they are not seen to be there exclusively for the student with Down syndrome</li> <li>- High level of parental involvement (frequent team meetings)</li> <li>- Student engages in tasks as close as possible to their peers. Tasks are always at the student's level and targeted at their interests. Task modification occurs prior to the lesson.</li> <li>- Student is withdrawn at select times (decided by the class teacher to fit with her timetable) to allow for focused literacy and numeracy instruction. This instruction uses methods and programs specifically shown to benefit students with Down syndrome.</li> <li>- Independence is encouraged (through the use of learned routines, visual supports, high expectations)</li> <li>-</li> </ul> <p>School that demonstrates bad practice:</p> <ul style="list-style-type: none"> <li>- Limited support provided in class. Student withdrawn for all additional support.</li> <li>- Staff feel that the student "would be better off at a special school" and spend a lot of time trying to convince the parents of this.</li> <li>- Attitudes focus on limited expectations, challenges and problems.</li> <li>- Very limited understanding of Down syndrome (many misconceptions about the students' academic ability)</li> <li>- School won't arrange/allow staff PD (staff also did not seem willing to learn more)</li> <li>- Class teacher sees student as responsibility of the special education staff.</li> <li>- Student's desk is isolated from others</li> <li>- Student given "busy work" when other classwork is occurring (not linked to the rest of the class, no modified tasks, tasks not suitable to the ability or interests of the student eg. dot-to-dot worksheet)</li> <li>- Student has a tendency to run away at lunch breaks so she eats and plays in a fenced area with other children from the SEP (school reports that there is not enough staff to supervise her in the general playground)</li> <li>- Unable to take constructive criticism and look at ways of improving their pedagogy and practice</li> </ul>
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## Education Pro-forma for DSA Submission Feedback from SA

### **Is the legislative framework in your state or territory in place and up to date?**

Schools in South Australia are mainly informed by the DDA (1992) and Disability Standards for Education (2005) – Federal legislation – in their practice. SA also has an Equal Opportunity Act which mirrors the DDA.

### **Is “inclusion” part of the state/territory education language and commitment?**

Yes.

### **Are there consultative structures within the government bureaucracy?**

Very few but there is a Ministerial Advisory Committee: Students with Disabilities (MACSWD) with representation from the three education sectors. This committee has cross education sector and some parent, community and student representation.

### **Do they include parents, older students and not for profit/representative organisations?**

Yes.

### **Do they work?**

MACSWD advises the State Minister for Education, therefore has some impact. They also run task groups each year on relevant topics and their findings are reported to the SA Minister for Education and Child Development. At times the Minister might commission some research.

### **Does current state/territory funding (both received from the Commonwealth and that provided by the state/territory government) meet need?**

Most funding is directed by schools to direct education assistance for students ie school assistants. There is a significant academic literature (e.g. Giangreco) literature that says this is not the best way to deliver supports to students with disabilities. Teachers need to be skilled in differentiating the curriculum rather than relying on the least skilled staff to support the students with the greatest educational needs.

### **Is it absorbed by bureaucracy rather than directed to education assistance?**

Teachers do not have adequate training to manage the range of disability in their classrooms and there is an ongoing need for professional development in differentiation, disability awareness and teachers' /schools/ legislative obligations. I don't think in general funds are absorbed by the bureaucracy.

### **Does enrolment practise meet legislative requirements?**

This is a major issue in SA with parents not having their rights adequately explained to them. Part time enrolments, if required, are not fully negotiated, parents often feel that they are directed towards specialist settings when their preference might be for a mainstream setting and teachers often don't have the skills to include some students in their classrooms or make reasonable adjustments. Many times parents are told (usually by admin staff) when they ring to enquire about a school that “we do not have children like that here”. Sectors not having supports in place in a timely manner for the enrolment of a student with a disability is also a huge issue. These issues are happening across

the three education sectors.

**Is there a difference in attitude and practise of “inclusion” between government and independent/catholic approaches?**

The issues that are highlighted are above are occurring in all 3 education sectors.

**Case studies – please give at least one example of good practice and one of a bad experience for your state/territory – and if possible name the school.**

Individual schools do a great job including students with disability but its outcomes are often dependent on individual teachers and other staff. Or the Principal’s approach.

We are not prepared to name any specific schools.

DSSA deals with issues on an individual basis and they can usually be resolved once all parties are at the table. The most frustrating thing is that parents are often not aware of their rights and there is a huge need for parent education in this area.

Libby Burns

Down Syndrome SA

7 September 2015

## Education Pro-forma for DSA Submission

### Feedback from TAS

Item	Question	Feedback Response
1	Is the legislative framework in your state or territory in place and up to date?	Education Act is currently under Review, draft legislation due for comment in March 2016
2	Is “Inclusion” part of the state/territory education language and commitment?	In education policy yes, in the current legislation of the Education Act no.
3	Are there consultative structures within the government bureaucracy?	There are no specific disability education consultative structures, although a Ministerial Taskforce recently conducted a review of the disability education system. There is however a disability advisory panel to the Minister for Human Services and a separate disability advisory panel to the Premier.
	Do they include parents, older students and not for profit/representative organisations?	No consultative forum specifically for education disability. The Advisory panels are made up of community members (I think)
	Do they work?	Not in terms of education
4	Does current state/territory funding (both received from the Commonwealth and that provided by the state/territory government) meet need?	No, it is IQ based and not needs based
	Is it absorbed by bureaucracy rather than directed to education assistance?	Yes approximately \$71 million is allocated for students with disability in Tasmania, with around \$35 million going to staffing costs. The Govt will report that up to \$40,000 will be allocated to a child on the severe disability register, however \$20,000 of this is staff costs.
5	Does enrolment practise meet legislative requirements?	Sometimes, there are still issues with dual enrolments, support school enrolments in some instances.
	Would it be considered to be “inclusive”?	Yes and No, the system is set up for inclusion in that the major of students attend mainstream schools as there are only 3 support schools in the State. The funding model is primarily IQ based and as such does not support true inclusion because support required is not funded.
6	Is there a difference in attitude and practise of “inclusion” between government and independent/catholic approaches?	No, although it isn’t unusual for the Catholic Independent sectors to encourage students to attend mainstream schools because children will be better supported there.

## Case studies

### *Oliver*

Oliver started almost 3 years ago at the public school in Cygnet. There was a lot of enthusiasm to have Oliver. The children were very inclusive and loved hanging out with him. The principal was supportive at first instance. Kindergarten was great, though I wasn't impressed with the academic level of his education. Were other children learned the alphabet, paying attention to Oliver's basic needs to continue his reading program took some effort from my side. Prep started okay as the new teacher had done the Down syndrome PD in Hobart (organised by DSSA?). But soon I run into massive problems:

Oliver had **no teacher time** at all, all his education was done by TAs. When I asked the teacher to test him with reading his words she told me she didn't have time for that (!)

There **wasn't enough knowledge** about how to teach Oliver and as the teacher herself was a young mum and pregnant again she had no time to prepare anything for Oliver. Most was done by me and the TAs.

There was **no vision on inclusion**. Oliver didn't have TA time in the afternoon and therefor was not included at all. Mostly when I picked him up he was by himself with a dinosaur, book, Ipad. Once he sat just outside of the circle of children completely excluded from what was happening although it would have been easy to have him included. No one thought about it!

**No good behavior management strategies**. Oliver was treated as other children: asked to do something and if he didn't understand/obey, he was excluded. And then he could play on the Ipad instead of having another go after 5 minutes, as other children didn't get this chance either.

The **support teacher felt threatened** by me and started to undermine me. She didn't have enough knowledge to oversee Oliver's education. With this situation I lost the support of the principal as well.

The situation became very dysfunctional so I had to look for an alternative. I found this with Peregrine, a small community school close by who already had a child with Down syndrome. They were happy to take Oliver as they thought they would know a lot about it by now. Funny thing was that these 2 children are so extremely different they didn't know a thing about teaching Oliver!

Peregrine is specialized to meet individual needs of children but this only works if home supports their strategies. Both my children have flowered at Peregrine. The difference:

A **strong, developed vision on inclusion**. Oliver and Lexie are seen as part of an important experience for all children, which all children love to be part of. Each child is seen this way, everybody belongs. Oliver and Lexie don't get extra financial support from the government. But they get everything they need anyway.

No TA as a rule, but **very small groups** so Oliver learns to be part of the group, follow instructions, work independently, listen to other children, take turns

Teachers who are giving everything they have to the job. They have an interest in every child and so also in the more difficult children. Sometimes, if groups are combined Oliver will get a TA for a day or part of the day. Or he is part of Lexie's program and they share the TA.

**Open communication between home and school** so what happens at school is supported at home.

Interest in different ways of learning. Oliver's teacher is open for anything new, researches programs and different ways at home, always tries to make his learning interesting. Oliver's program sometimes also works for other children so these children are involved in his learning program. And vice versa.

The **role of play** in learning is bigger than at any other school. This fits well with Oliver as play is mostly very visual.

## ***Finn***

My husband and I have 2 children. Our daughter Niamh is nearly 14 and our son Finn turns 13 in summer 2015. Finn has Down syndrome.

Finn's education commenced in Kindergarten at a main stream public primary school in Launceston, Tasmania.

Finn developed a close relationship with his teacher assistant who worked with him daily.

I remember, before Term 1 commenced I had a meeting with Finn's assistant (Tracey) so she could meet Finn and I could share with her his development milestones before she started working with him. Unfortunately there were no teachers/support staff at this meeting which I remember feeling very disappointed about.

Finn was supported by Tracey being toilet trained at school. She also used sign language until Finn built up his ability to speak clearly.

Moving to Prep from Kinder was a big jump for Finn as it is for all students. Finn worked hard with Tracey's gentle, yet firm support. Tracey worked with Finn for the duration of his time at this school. Finn learned to read and write, his drawings were and still are amazing! Home readers would come home and nightly Finn would read to us. Finn was very well behaved in class.

Throughout the years Finn was at this school I attended a few Down syndrome Professional Development seminars inviting the teaching staff to join me. No one came. I felt so disappointed. Was Finn being misunderstood? Maybe he could be learning more easily with specialised learning techniques in place?

It wasn't until Finn was in Grade 4 did staff attend a seminar with me. Tracey was the only one.

The school's grounds were huge and boundaries wide open compared to the securely fenced area of the Kindergarten.

On 3 occasions between Prep and Grade 4, Finn left the school grounds. He wasn't "doing a runner" as it's called.

On the first occasion in Prep Finn wandered down a track which lead to a bush reserve, with a lake in it!

Thankfully some senior students saw Finn wander off, alerting teaching staff and Finn was encouraged to return to the play area.

I requested that the playground boundaries be securely fenced. Nothing was done.

Finn left the playground on another occasion whilst playing a chasing game with a friend. A staff member noticed Finn hiding in the staff car park.

The final occasion which I think was the most frightening was when I received a phone call from the principal saying the police had been notified as staff couldn't find Finn. They had been looking for him for over 30 minutes.

I arrived at the school to find flustered and visibly upset staff who had been searching through bush land and within the grounds.

Finn was found just after I arrived at the school. He was in his classroom under a pile of cushions in the book corner! Finn didn't want to go to Daily PE so he hid from everyone.

Now, for a start Finn should not have been unsupervised. Secondly, IF the school had been fenced there would have been no need for the staff to search beyond the school perimeter until they had search within the school grounds first.

Five years later, fences were erected around the school!

The fencing doesn't only benefit children with disabilities, it is for everyone's safety.

Each time I approached the senior staff regarding the lack of safety within the school grounds, I felt very unsupported. I felt like they saw my request as being unnecessary and unimportant.

Finn mixed well with the students for the majority of the 5 years at this school and formed a close friendship with a student in his class who also required assistance from Tracey in the classroom.

Finn and his friend sat together, worked together and played together from Kindergarten through to mid-year in Grade 4.

At the end of Term 3 Finn's friend left the school, moving interstate.

My heart sank.

I had a feeling I would see changes in Finn, and I did. These changes were only observed at school so I knew the issue Finn had stemmed from there.

I asked staff to keep a closer than usual eye on Finn in the playground. I wasn't worried about him in the classroom as a learning environment isn't as social.

Finn, on only a few occasions started behaving anti socially in the playground. I feel this was because he felt lonely and any attention from the children/staff, was attention. Someone was talking to him, it didn't matter what about, Finn had company.

I was aware that the social gap within the student body widens around Grade 3.

Finn enjoyed kicking the football on the oval at lunch time. At the end of the day I would ask Finn about his day. One afternoon he told me that he kicked the football. I asked who he kicked it to. Finn told me "to the clouds".

I cried for him. My heart hurt.

Finn is a social boy with a great sense of humour and beautiful manners. But unless he is with people on the same maturation level, these qualities aren't being shared with a friend.

I approached the staff, offering to speak to the students in his class about Finn, about Down syndrome and to offer strategies which may assist them all to communicate with Finn and vice versa.

My offer was ignored.

Feeling deflated but not defeated, I immediately contacted the Northern Support School in Launceston explaining Finn's predicament. I couldn't waste any time, I didn't want Finn feeling lonely any longer.

Two meetings were planned within days of first making contact the Support School Principal, one with each of the principals.

I became upset during the meeting with the mainstream school principal. I didn't feel that they minded that Finn left the school. I felt they didn't take our concerns seriously enough to make changes to accommodate Finn.

During the meeting with the Support School principal I felt the total opposite, calm, supported and relieved that my concerns with being heard. I felt Finn would be supported and more understood as this school specialised in educating children with additional needs.

So, in February 2014 Finn joined 8 class members in Green Group (equivalent to Grade 5) at Northern Support School. I knew this decision was the right one, though I did have concerns (which I have voiced) that the "bar" might not be held high enough.

My expectations of Finn are high as they are for my daughter. Finn is treated as an equal within our family.

I feel Finn's strengths (writing and reading) could be further extended. My husband and I work daily with Finn practicing reading and writing.

Finn happily travels to school on a bus (one of many) provided by the school.

Family members noticed positive changes in Finn soon after he started at this new school: his confidence level rose, he was even more social and Finn was using more language. Finn was happy.

After school Finn would talk about his day without me asking, he would talk about his friends. This, I had never heard before. When Finn spoke of them for the first time, I cried. This time they were happy tears.