



Australian Association for the Gifted and Talented

Submission to 2020 Review

Disability Standards for Education 2005

Summary

Every child in Australia deserves, and is entitled to, equity of access to the opportunities that education can provide for them to learn, achieve and thrive. The Australian Curriculum, Assessment and Reporting Authority (ACARA) advocates for this fundamental right, stating that *all children are entitled to rigorous, relevant and engaging learning opportunities...aligned with their individual learning needs, strengths, interests and goals*. To enable students who are gifted and also have a learning disability (GLD) to have equal access to diverse, rigorous and appropriate education, it must be understood that

- Giftedness and disability are not mutually exclusive
- Initial Teacher Education degrees must incorporate relevant training in both giftedness and disability.
- Educators must be appropriately resourced to identify, plan for and support GLD students in accordance with the Disability Standards for Education 2005.
- It is the responsibility of the Disability Standards for Education 2005 to ensure that rights, obligations and measures of compliance set out in the Standards (and its Guidance Notes) are clear and appropriate for GLD students, regardless of their intellectual ability.

Contact: Mrs Melinda Gindy *President*

president@aaegt.net.au

Introduction

This submission focusses on **students with disability** who are also intellectually **gifted** (ie, intellectual ability in top 10% of age peers) in early childhood, primary and secondary **education** settings. The submission responds to the Terms of Reference for the 2020 Review in consideration of intellectually gifted students with disability. The submission describes the barriers encountered by intellectually gifted students with disability and by their parents and their educators, with particular emphasis on how little is known by education providers in all three sectors about their obligations under disability discrimination **legislation** (in particular the *Disability Standards for Education 2005*). Furthermore, this submission emphasises how difficult it is for some gifted students with disability to obtain approval for **disability adjustments**, both for classroom activities and in-school assessments and for high-stakes State tests and exams such as NAPLAN and Year 12 final exams. The submission argues that this constitutes **neglect** on the part of education systems to appropriately and adequately provide for the educational entitlement of students with disability who are also intellectually gifted.

Gifted and High Ability Students

Gifted and high ability students are those who have the potential for high achievement, or who are demonstrating advanced achievement. Research evidence confirms that without appropriately challenging and supportive educational opportunities, gifted children may underachieve, dropout and experience emotional disturbance and impaired wellbeing. There are over **400,000 gifted children in schools across Australia**.

Gifted students with disability

Giftedness does not restrict itself to race, gender, socio-economic status, those with a learning disability or any other minority group (Trail, 2011). As such, gifted children are not exempt from any form of disability, apart from an intellectual disability. The co-occurrence of giftedness with a learning disability (GLD) is not a new concept. In fact, Hollingworth (1923) deliberated on the needs of this group almost 100 years ago. It is highly plausible that educators will work with and teach multiple GLD children within their teaching career. Rogers (2010) found that a total of 14% of gifted children in her research presented with some form of twice-exceptionality. Indeed, *'a high IQ is protective against nothing but a low one'* (Barnes, 2015).

Often the greatest challenge for teachers of GLD children lay in engaging their minds at an intellectual level, whilst accommodating and catering for their learning disabilities. Abramo (2015) reflects: *"Twice-exceptional* children are a misidentified, misunderstood, and underserved population. Often their needs are not met because 2E students differ from students with disabilities, students with average intelligence*

and gifted-alone peers". Reis and Renzulli (2004) stated that *"gifted students with learning disabilities often were misunderstood because their giftedness could mask their disabilities and their disabilities could camouflage their talents"*.

* Note: ***Twice-Exceptional*** is a term used to describe students who have two exceptionalities; the first exceptionality being their giftedness, the second being their learning disability.

Education is a basic right of every child in Australia. Every child in Australia deserves, and is entitled to, equity of access to the opportunities that education can provide for them to learn, achieve and thrive. The Australian Curriculum, Assessment and Reporting Authority (ACARA) advocates for this fundamental right, stating that "all children are entitled to rigorous, relevant and engaging learning opportunities...aligned with their individual learning needs, strengths, interests and goals".

Terms of Reference 1:

Are the rights, obligations and measures of compliance set out in the Standards (and its Guidance Notes) clear and appropriate?

The Standards help to make sure students with disability can participate in education and training. This supports people with disability to be able to participate fully in society and have more opportunities throughout their life.

Whilst there exists the myth in our country that 'giftedness' and 'disability' are on 'opposite ends of the spectrum', the rights, obligations and measures of compliance set out in the Standards remain ambiguous in relation to GLD students. *'It's hard to imagine how a child could be actively "yanking your chain" or know "just the right buttons to push" when he's not thinking rationally in the midst of frustration. It's harder still to imagine why a child would intentionally behave in a way that makes other people respond in a manner that makes him miserable.'* (Greene, 2014). With lack of clarity around the identification and needs of GLD students explicitly referenced in the Standards and its Guidance Notes, the intentions behind a behaviour can be misunderstood. The rights of a GLD student under the DSE can be denied due to failure to recognise and provide for disability in accordance with the legislation.

Indeed, it strange that the list of 'circumstances' in paragraphs entitled 'Specific experiences' on pages 6 and 8 of the Discussion Paper feature circumstances such as 'age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, and culturally and linguistically diverse background'. **Why is giftedness not included in that list of co-occurring characteristics?**

The paragraph goes on to invite information about students with disability who have been affected by other circumstances. In our experience, GLD students face sometimes impossible hurdles in the disability space.

A surprising but indeterminable number of intellectually gifted children experience chronic and significant academic underachievement due to disability, especially if their complex learning profile is misunderstood. After repeated failures, unidentified or unsupported children become acutely aware of their difficulties with learning new material and/or with succeeding on limited-time exams. They eventually tend to conclude that they are 'just stupid', and to generalise their feelings of continuing academic failure to an overall sense of personal inadequacy.

The years of academic failure which a GLD student may experience if neither their strengths nor their weaknesses are addressed will invariably lead to poor self-efficacy and self-concept, frustration, anger, lack of motivation, chronic literacy problems, poor peer relationships, disenchantment with school or finally school refusal and dropout. These in turn can have serious long-term damaging effects on academic outcomes, career opportunities, employment, socio-economic status, mental health, family and social relationships, and all aspects of adult life.

Although there is no exemption, express or implied, in the Legislation for GLD students, far too many schools point to a child's associated giftedness to justify a decision to not approve professionally recommended and documented adjustments. Typical statements are, "But she's so clever, surely she'll pass anyway. She'll do just fine." or "But he's not failing – he's doing average... and of course there's nothing the matter with average now, is there?"

In general, schools and teachers rarely know enough (or anything at all...) about the possibility that a child can BOTH be intellectually gifted AND have a disability. They do not understand that all gifted children can, and some indeed do, suffer from any one or more of the disabilities, disorders, dysfunctions, deficits, deficiencies, difficulties, disadvantages, detriments, impairments, impediments and ailments which may befall non-gifted children – except of course intellectual impairment. It is the responsibility of the Disability Standards for Education 2005 to ensure that rights, obligations and measures of compliance set out in the Standards (and its Guidance Notes) are clear and appropriate for GLD students, regardless of their intellectual ability.

Term of Reference 2:

Do students, families and carers, educators, education providers and policy makers know about, understand, apply and comply with the rights, obligations and measures of compliance in the Standards?

Teachers may be unaware of effective strategies for twice-exceptional students or might even deny their existence outright (Foley Nicpon et al., 2011). Few would doubt the coexistence of giftedness with some disabilities (e.g., blindness and deafness as

in the case of Helen Keller), yet they remain sceptical about giftedness coexisting with learning disabilities or attention deficit hyperactivity disorder (Schultz, 2012). As Schultz (2012) stated, teacher professional development is needed, including “tangible, real-life examples of variability in development” (p. 127) to bring about change in meeting the needs of this group. Teachers and twice-exceptional students alike would benefit from research into effective learning strategies.

Failure to recognise and meet the educational and wellbeing entitlement of GLD students constitutes neglect on the part of educators and the education system. Comparatively few schools seem to understand their obligations under the *Standards* to make reasonable adjustments for students with disability so that the student can access and participate in their education and attempt their exams on the same basis as students without disability (*Standards* ss. 3.3 (a), 6.2 and 6.3).

Similarly, comparatively few schools seem to understand that the provisions of the *Standards* are enforceable (*DDA*, s. 32) and, depending on the circumstances and certain conditions precedent having been met, arguably provide entitlements to the child – that they are law, not mere policy, and thus cannot be summarily ignored or explained away by education providers.

Research by Quigly and Vialle (2009) identifies that the teacher is one of the most important elements in an effective education for all students. However, there is a failure to adequately resource educators throughout initial teacher education courses. The identification and needs of GLD students are not being taught in pre-service degrees and therefore early career teachers are inadequately equipped before they even enter the classroom.

Selecting and monitoring the effectiveness of disability adjustments should be an ongoing process, and changes (with the involvement of students, parents and educators) should be made as often as needed. When GLD students appear ‘average’, it is often the result of underachievement. The key is to be sure that chosen adjustments address students’ specific areas of need and facilitate the demonstration of skill and knowledge. In addition, a study by Willard-Holt et.al (2013) on ‘Twice-Exceptional Learners’ Perspectives on Effective Learning Strategies’ highlighted the need to work with the student to understand their thinking, opinion and perspective. The implications for teachers from this study included “allowing twice-exceptional learners more ownership over their learning and more choice and flexibility in topic, method of learning, assessment, pace...”.

Term of Reference 3:

In the 15 years since the Standards were developed, have the Standards contributed towards students with disability being able to access education and training opportunities on the same basis as students without disabilities?

It is most often the case for 2E children that they are not lazy, nor are they purposely meaning to 'waste their talent'. The very essence of the challenges presented when a learning disability works in contest with potential achievement can sometimes give this impression. Regardless of the external achievements of a child, *'his or her own inner realm of experience remains qualitatively different'* (Tolan, in Neville et. al., 2013).

Regardless, an important facet of education is the ability of a student to 'show what they know'. Providing access and support to enable that ability on the same basis as a students' peers without disability remains an significant growth area of the Standards. To comply with the Standards, schools and government authorities are expected to implement, measures which ensure that "the assessment procedures and methodologies...are adapted to enable the student to demonstrate the knowledge, skills or competencies being assessed." (Standards s. 6.3(f)).

Under the Legislation, disability adjustments must be 'reasonable' (Standards ss. 3.4 and 6.2 (2)). As a matter of practicality, determining whether an adjustment is 'reasonable' for a particular student can be a complex process.

It is a matter of:

- looking at not only the professionally diagnosed disability, but also the level of impairment occasioned by it, in light of the child's professionally documented evidence, and
- asking how the child is affected by their disability in the exam context, and what would be a 'reasonable' adjustment for THIS child with THIS disability and THIS level of impairment for THIS type of task of THIS length, and
- asking if the proposed adjustment would allow the child to participate in their education (including assessment tasks) on the same basis as a child without this child's disability (Standards ss. 3.3 (a) and 6.2 (1)).

The legislative test is NOT whether a statutory authority has unilaterally made up its own policy and rules, and placed these on a website which purports to list which adjustments are, and are not, available (or 'possible' – see below). An education department or a statutory authority calling a given adjustment 'reasonable' on its website is neither persuasive nor probative.

What is 'reasonable' will be a question of fact based on the evidence in each case (Standards s. 3.4). It is not a matter of mere assertion by a parent that a desired

adjustment is indeed reasonable, or a matter of mere assertion by a government authority that it isn't.

Crucial to the strength and probative value of the evidence submitted in the applications with respect to what is 'reasonable' are the reports authored by highly credentialed medical and allied health professionals, not only diagnosing the disability, but also measuring and quantifying the level of functional impairment occasioned by it, and making specific and detailed recommendations for THIS child with THIS disability and THIS level of impairment.

About the Author

The Australian Association for the Education of the Gifted and Talented (AAEGT) is pleased to be able to contribute this submission to the 2020 Review of the Disability Standards for Education (DSE). The AAEGT is comprised of members from all states and territories in Australia. They include university researchers/academics, educational consultants, schools, principals, teachers and parents. Furthermore, members represent a diverse population incorporating a variety of cultural backgrounds and geographical locations, including metropolitan, regional, rural and remote members.

The purpose for which the AAEGT is established is to advance education by promoting and protecting the educational entitlement and well-being of the gifted and talented. The AAEGT pursues this purpose through a range of activities and services that may include but are not limited to:

- (a) Providing national leadership in Gifted and Talented Education.
- (b) Advocating on behalf of our members for the educational and well-being needs of gifted and talented students.
- (c) Working with politicians and governments towards legislative and policy inclusion of gifted and talented students to achieve their recognition and inclusion in schools and Australian society.
- (d) Promoting research and advancing scholarship in Gifted and Talented Education.
- (e) Collaborating to provide and communicate evidence about gifted and talented students, their intellectual and affective needs, and appropriate educational provisions.
- (f) Recognising outstanding practice and eminence in the scholarship of Gifted and Talented Education.

References

Abrano, J.M. (2015) "Twice Exceptionality" in the Music Classroom. Music Educators Journal June 2015. VA, USA

Barnes, C. (2015) 'Isn't it time to override 'overexcitabilities', mitigate misdiagnosis, and chuck out checklists?' Published in *Mindscape*, Vol. 35. No. 1. QLD, Australia.

Foley Nicpon, M., Allmon, A., Sieck, B., & Stinson, R. D. (2011). Empirical investigation of twice-exceptionality: where have we been and where are we going? *Gifted Child Quarterly*, 55(1), 3-17.

Greene, R. W. (2014) *The Explosive Child: A New Approach for Understanding and Parenting Easily Frustrated, Chronically Inflexible Children*. Harper Collins: NY, USA

Hollingworth (1923) *Special talents and defects: Their significance for education*. Macmillan: New York, USA

Neville, C.S, Piechowski, M.M, Tolan, S.S. (2013), "Off the Charts: Asynchrony and the Gifted Child". Royal Fireworks Press, New York, USA.

Reis, S. M., & Renzulli, J. S. (2004). Current research on the social and emotional development of gifted and talented students: Good news and future possibilities. *Psychology in the Schools*, 41(1), 119–130.

Rogers, K. B. (2010). Thinking Smart about twice exceptional learners: steps for finding them and strategies for catering to them appropriately [Presentation]. *Minneapolis, MN USA: University of St. Thomas*.

Trail, B.A (2011) *Twice-Exceptional Gifted Children*. Prufrock Press Inc.: Texas, USA.

Vialle, W., & Quigley, S. (2009). Does the Teacher of the Gifted Need to be Gifted?.