

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

Introduction

The following submission has been prepared by the Not-For-Profit advocacy group **Code REaD Dyslexia Network (Code REaD)** to inform the 2020 Review of the *Disability Standards for Education 2005*. **Code REaD Dyslexia Network** is an organisation whose mission is to raise awareness about dyslexia, support and empower those with dyslexia and their families and work with government and other decision makers to improve the education system and workplaces for those with dyslexia.

As stated in the 2020 Review of the *Disability Standards for Education 2005* – Discussion paper (Discussion Paper) “the **key question for this Review is whether, and to what extent, the Standards are making a positive difference** towards students with disability being able to access education and training opportunities on the same basis as students without disability.”

Overarching Comments

While the Discussion Paper has requested that specific questions relating to the review are answered; there needs to be a broader discussion about how disability is recognised in the first instance. A school can only provide information regarding a child with a disability to the Nationally Consistent Collection of Data on School Students with Disability (NCCD) when the following criteria are met:

1. The student has a disability as defined by the Disability Discrimination Act 1992.
2. The student has been counted in the school’s census for that year.
3. The student has been provided with an adjustment/s due to the functional impact of the disability for a minimum period of 10 weeks of school education in the 12 months preceding the data collection reference date.¹

Specific Learning Disorders, as listed in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, include neurodevelopmental disorders such as Dyslexia, Dysgraphia, and Dyscalculia. Children with Specific Learning Disorders (SLD’s) are often not counted in the NCCD as schools often do not “believe” that the child has a disability and secondly the cost of diagnosis is prohibitive. Additionally students with mild to moderate Specific Learning Disorders do not receive any adjustments at school. Parent and carers regularly hear “there is no funding” or that their child “is not severe enough”. Prior to assessing the effectiveness of Standards we would suggested that eligibility to be covered by the Standards needs to be reviewed. All too often **Code REaD** is

¹ <https://www.nccd.edu.au/>

supporting students and parents/carers whose child only started receiving appropriate adjustments for a SLD's years too late.

Comment 1:

Lack of a diagnosis does not make a child less disabled. In order to access the Disability Standards for Education barriers to diagnosis and adjustments need to be removed.

Question 1 Enrolment and Access

The feedback from our key stakeholders is that the disclosure of SLD's is often a barrier to enrolment in both primary and secondary schools. Further, no disclosure, because of fear they will not be accepted into a school, incorrectly places the child below their ability level and ensures they are on the back foot to receiving appropriate adjustments. The barriers take the following form:

- Strong encouragement to look elsewhere as they have no funding/no programs/can't support the SLD's.
- NAPLAN being used as a quasi "entrance test". Students with SLD's are not allowed their usual adjustments (e.g. speech to text, scribe, reader) for NAPLAN which means these results are not indicative of their true ability.
- Entrance exam/placement test do not provide for appropriate adjustments. This is either because the school does not ask the question prior to the exam or when informed of the requirement will say "let's just see how they go" or "we want to see what their baseline is without help."

Parent Story 1:

Scribed for Mrs J: "My daughter goes to the local high school, when it was time for my second daughter to attend the same school I contacted them to see what we needed to do to cater for her severe dyslexia. I was called to the school where it was explained to me that they couldn't offer any assistance with speech to text technology or provide any modification in the way information is presented. I want my girls to go to the same school. What alternative do I have? The Dyslexia Support Australia Facebook group told me that I could take it further but I am a single mum, working full time and I think I might have dyslexia, I wouldn't know where to start."

Parent Story 2: as relayed by Mrs B

My son has dyslexia and anxiety. He went to the assessment exam day for his new school after which there was a get to know you BBQ and a games afternoon. The only way I could get him to the day was to concentrate on the fun he would have in the afternoon. The school had received all his reports and were aware of the accommodations he required. They had allowed me to attend the day with him and had arranged for a reader and a scribe to assist with the testing. When he was about to start the exam the teacher at the front of the hall yelled "That boy at the back can't have anyone help him. It is an exam". My son got up and ran out of the classroom in tears. Needless to say he didn't stay for the "fun" part of the day. His anxiety over the holidays about starting at the school escalated to the point he had to commence on anxiety medication. This school has 30% of their students with a verified or known disability.

Comment 2: There needs to be a simple mechanism for parent/carers to report schools that claim lack of resources as an excuse for blocking enrolment.

Comment 3: The percentage of students identified by the NCCH by school needs to be published and outliers addressed.

Comment 4: Adjustments need to be made for any “pre-entrance testing” with a simple process to report schools that fail to provide them

Question 2 Participation

Support provided by schools to ensure that all students can participate in education varies greatly and is influenced by the following factors:

1. The educational experience of teachers at the school.

No school can make reasonable adjustment that support learning if they have no experience making adjustments. It is a common experience of our stakeholders to hear that teachers don't know how to help. The education that a teacher receives often contains no core subjects addressing disability in education and reasonable adjustments.

Comment 5: All teacher training needs to include core subjects on disability and reasonable adjustments.

2. The presence of an inclusive culture and robust processes and procedures.

The current experience of parents/carers is that schools that recognise what inclusion is and that it is the responsibility of all, have greater success with student outcomes. Sadly this is the exception not the norm. Students with a SLD's are often see as “the support officers” responsibility which absolves subject teachers from having to make any adjustments, even the most basic. Too often it is the parent/carer that makes the first step to seek a meeting to discussion reasonable adjustments. For students with SLD's, the first meeting to discuss reasonable adjustments regularly occurs 4 to 5 weeks into the first semester each and every year. Accommodation are not passed on and when they are they are often not read by the new teachers.

Comment 6: It should be mandated that each school has to publish their policies and procedures in relation to inclusion, development and communication of accommodations and review timeframes for accommodations.

3. The assertiveness/knowledge of the parent/carer.

There is a widely held belief that teachers know how to provide reasonable adjustments in the classroom. Unfortunately this is often not the case. Regularly the appropriate adjustments are provided only after the action of an assertive and knowledgeable parent. The ability of parent to advocate on behalf of their child in an education setting is daunting. There needs to be an independent process that identifies required accommodation and then insist that they are implemented.

Comment 7: An independent body needs to be established that identifies required accommodation and supports their implementation.

4. The level of disability.

SLD's can range from mild to severe. There is often a perception that if a student is passing accommodations are not required. This assumption limits students with a SLD's from reaching their full potential.

Student with SLD's are often well below the age appropriate level for learning. In order to catch up on time lost due to lack of diagnosis or appropriate accommodations interventions must be accelerated. Students with SLD's are rarely given intensive remediation.

Comment 8: There needs to be a greater focus on students with SLD's reaching their full potential not "just" passing.

Comment 9: An intensive program of interventions needs to be available, when appropriate, to accelerate learning where delays have been as a result of lack of diagnosis or lack appropriate evidence based interventions.

Question 3 Supporting Students

Access to support, especially specialist resources is the most significant complaint that Code Read hears. Students with SLD's need assessments and access to services provided by qualified professionals that use evidence-based approaches such as an Educational Psychologists, Speech Pathologist and trained literacy specialists. These are rarely available.

Students are regularly not provided with evidence-based literacy instruction in the classroom based on scientific evidence (Science of Reading). Teachers are not trained to use a scientific approach when teaching literacy. Many students with dyslexia are not being identified early enough.

Comment 10: Mandate interventions that are based on scientific evidence.

Comment 11: Mandate the implementation of the Grade 1 phonics check as an early “at risk” identification tool.

Access to accommodations in senior school are often required to be reviewed in grade 11 and 12. Regularly a bureaucrat that has never seen the student will make a decision about the appropriateness of accommodations based on paperwork provided by the school. It is a common occurrence that accommodation, that have been used throughout a student’s schooling are suddenly withdrawn. Often the withdrawal is related to the quality of the paperwork provided. This advantages students attending private school or families of means, as they often have more resources to complete this paperwork. These families have the means to have their child’s diagnosis updated and reviewed by an appropriate clinician supporting the request for accommodations. Regardless this process needs to occur in grade 10 to ensure time for a proper appeals process and funding should be provided to any clinical assessments required.

Comment 12: Assessment regarding the requirement for accommodations in year 11 and 12 should be made in year 10.

Comment 13: Any clinical assessments required to support need for accommodations in grade 11 and 12 should be funding by the Department requiring the information.

Question 4 Harassment or victimisation.

For students with SLD’s humiliation occurs on a regular basis. Punitive actions such as being kept in and detention, often result when a teacher perceives a child “is not trying” or “is mucking around”. Actions such as these humiliate and intimidate the student causing significant distress. Worse still they can impact their future success due to the negative mental health impact these comments can have.

Parents often feel harassed or humiliated when trying to advocate for their child. All too often a parent will turn up to a meeting to discuss their child to be confronted with 4 or 5 school staff which is exceptionally intimidating.



Code REaD has many stories of harassment or victimisation. A few are listed below.

Example 1

Student X's report card, overall B average. Comment on the front page of the report card "Achievement outcomes in this years report should be viewed in the context of learning and support provisions including extra time, Assistive Technologies, scribe and other target interventions"

Student X's mother reports X's humiliation when taking his report card to an afterschool job interview and the prospective employer asked what the above statement meant.

Example 2

As part of the "Write it Red" campaign to raise awareness of the impact of dyslexia, Grade 3 Student Y wrote a letter to the State and Federal Education Ministers. The letter included his experience of being called stupid by his peers and that a teacher had said "just concentrate on sport and don't worry about learning to read". The name of the school was not referred to in the letter nor was any teacher's names. Although he only included his first name in the letter it was sent from his parent's email address. The Principal of his school was made aware of the letter and sent an email to Student Y's parent stating that the contents of the letter defamed the school and he was considering taking legal action.

Question 5 Compliance

What to do when an education provider is not providing reasonable accommodation is a common question asked by parent/carers? Education providers rarely see the complaint process as a way of identifying areas for improvement. The following are common scenarios:

- Parent/carers how no idea what the complaint process is.
- Parent/carer is too overwhelmed to "complain" about their child's harassment or lack of suitable accommodations. The process is often so adversarial that there is concern that the student may be victimised by any complaint
- Education providers often have their own complaint resolution processes which often takes significant time and effort for the parent/carer to follow.
- Students with SLD's often have a parent with SLD's this can impact their ability to make a complaint.
- The HROEC as the method to mediate compliance issues is intimidating.

Comment 14: There needs to be a Disability Commissioner specific to education

Comment 15: There needs to be a low cost independent education dispute resolution authority that parents, student and educators can easily access.

Question 6 COVID-19

Home schooling during the COVID-19 pandemic has highlighted to many parents/carers just how little support their child had been getting at school. In the majority of cases no accommodation were made and certainly those that were in place at school were not able to be provided at home.

Some parents/carers reported their children thriving in an environment where they had the 1:1 support of their parent. Working parents/carers have reported that their child's education suffered immensely during the lock down period as they were unable to provide the accommodation their child needed and none were provided by the school.

Summary

The key question of the review "is whether, and to what extent, the Standards are making a positive difference towards students with disability being able to access education and training opportunities on the same basis as students without disability?" As an advocacy group that supports students with a disability and their families we have no evidence that they have.