



Special Schools and the Australian Government Education Reform

Policy Paper

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1. INTRODUCTION

This paper addresses a range of issues about how special schools will be treated in the National Plan for School Improvement and the range of education reforms being negotiated by the Australian Government. It is intended to assist the Department of Education, Employment and Workplace Relations (DEEWR) in considering a number of policy issues in discussions of this topic by education stakeholders.

It presents key issues raised by members of Children with Disability Australia (CDA) about their experiences at special schools across Australia. The quotes from members of CDA throughout this paper are taken from a number of CDA consultation projects, including the 'Hear our Voices' project that asked students and families to describe their educational experiences.

Special schools currently form an important part of the education landscape for students with disability. There are, however, significantly divergent views and expectations amongst CDA members and others about the value of special schools, the quality of provision and their place in the wider education sector vis-à-vis mainstream schools and how the new funding model will affect these schools.

In looking at the funding regime for special schools, there needs to be a greater level of transparency around the use of funding, educational expectations, programs and student outcomes.

CDA has regular dialogue with its members about special schools. In many cases choice is constrained by poor information or discrimination, resulting in students with disability having no choice but to attend special schools.

Special schools have not had the policy attention that other parts of the education system in the current reform initiatives have received. There are significant numbers of students enrolled in special schools in Australia. The Review of Funding for Schooling identified that *around nine per cent of students with disability aged 5 to 14 years attend special schools. There are currently 416 special schools, 332 of which are government schools.* In 2011, 4.3% of students in mainstream schools were students with a disability receiving support funding¹.

The Review recommended

"The National Schools Resourcing Body should undertake work to determine the resourcing needs of government and non-government special schools catering for students with disability" (Recommendation 28).²

With the education reform program progressing it is timely that analysis of the role and context of special schools in the wider education system is undertaken so it is possible to develop a cohesive funding and accountability framework for special schools across all education systems. This is work that is required to inform the design of the recommended disability loading. It also needs to be done to enable the construction of a funding model for the full funding non-government special schools in 2014, as recommended in the review of funding for schooling.

In order to achieve these outcomes, it is essential that a dedicated project must be undertaken to examine the role, educational requirements, funding and accountability of special schools. The Review was not able to drill down to this level of detail in its work. However, to establish a funding model for non-government special schools as recommended, this research and policy work must be completed. This is important not only to establish a funding model, but to define more clearly what part special schools play in the wider education system in Australia.

This work is critical to ensure that the special school sector is not the residual part of the reform in the National Plan for School Improvement progresses.

¹ Productivity Commission 2013, *Report on Government Services*, Canberra, Australia (unpublished).

² Australian Government 2011, *Review of Funding for Schooling Final Report*, Canberra, Australia, p. xxvi

2. POLICY CONTEXT

Any discussion of special schools needs to take place in the context of contemporary education, disability and human rights policy commitments. The following statements specifically refer to inclusion and equality of opportunity for children and young people with disability in education. While the subject of the educational setting is always prominent when discussing education for students with disability, it is now important to also discuss how segregated educational settings can fulfil the intent and obligations of these commitments.

2.1 Salamanca Declaration 1994

The Salamanca Statement stated that the future for people with disability is in inclusive societies. Inclusive schools were seen as the foundation of inclusive societies.

2.2 Melbourne Declaration 2008

The Melbourne Declaration talks about the challenges facing Australia and its education system in the 21st Century and underscores the need for schooling to equip young Australians with the requisite skills, capacities and understandings to embrace these challenges as citizens.

Its goals are to promote equity and excellence and to work towards young Australians becoming successful learners, confident and creative individual, active and informed citizens. This includes statements that all Australian Governments must provide access to high quality schooling that is free from discrimination (including on the basis of disability) and that provides 'individualised learning that aims to fulfill the diverse capabilities of each young Australian.

2.3 The United Nations Convention on the Rights of People with Disabilities

Article 24 – Education

The Australian Government has ratified this UN Convention and it has shaped the 2011 National Disability Strategy, to which all Australian government are partners. Article 24 pertains to the obligations of Parties in regard to including people with disability in education systems:

With a view to realising this right without discrimination and on the basis of equal opportunity, Parties shall ensure an inclusive education system at all levels and lifelong 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.*

This article makes it very clear that equality of opportunity in the general education system is paramount:

- *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 individualised support measures are provided in environments that maximise academic and social development, consistent with the goal of full inclusion.*³

2.4 The National Disability Strategy

The National Disability Strategy (NDS) is a 10-year plan to improve the overall citizenship of people with disability in Australia. All First Ministers in Australia signed up to the NDS in 2011. It responds to the UN Convention on the Rights of People with Disabilities and details six policy action areas:

- Inclusive and accessible communities
- Rights protection, justice and legislation
- Economic security
- Personal and community support
- Learning and skills
- Health and wellbeing

The *Learning and skills* area concerns education and lifelong learning, and its central policy direction is to:

*Strengthen the capability of all education providers to deliver inclusive high quality educational programs for people with all abilities from early childhood through adulthood.*⁴

3. INCLUSION AND SPECIAL SCHOOLS

Inclusion in education is a much debated term, with many interpretations. It is used regularly in documents and discussions, often without being clearly defined. The degree to which inclusion in education is approached and achieved in mainstream settings is dependent on many factors that have been widely canvassed in the literature.⁵ Inclusion per se is not the subject of this paper, however it is an important reference point in relation to obligations and commitments of education systems to the UN Convention of the Rights of People with Disabilities and the National Disability Strategy.

The alternative to inclusion is segregation, which has a strong and definite implication in the wider disability sector. Special schools are segregated settings by definition and there is a legitimate

³ United Nation General Assembly, *Convention on the Rights of Persons with Disabilities: Resolution Adopted by the General Assembly, 24 January 2007, A/RES/61/106*, <http://www.un.org/disabilities/default.asp?id=284> (Accessed 12 November 2012), Article 24.

⁴ Australian Government 2011, *National Disability Strategy*, Canberra, Australia, p. 54.

⁵ See: Tony Booth, Mel Ainscow 2011, *Index for Inclusion Developing Learning and Participation in Schools*, United Kingdom, www.csie.org.uk/inclusion/what.shtml (Accessed 12 November 2012).

question about whether they can realistically be said to be part of an education system that is fully inclusive. Much depends on the definition and practice within special schools, however the use of the term 'inclusion' in a segregated setting is logically problematic if there is no regular contact and connection with mainstream education programs.

Special schools across Australia have restrictive eligibility criteria that are tied to the support programs for students with disability. CDA members have different views on the merits of special schools, however the choice between mainstream and segregated schools is one that confronts many parents at some point.

There are strongly held views in the disability community about special schools being stigmatising environments that have historically failed to deliver quality educational programs.⁶ CDA members regularly report experiences of low expectations in special schools, leading to patchy educational programs for students. There are others however who believe that special schools have an important place in the system and choose to enrol their children there in order to access specific supports or because they believe their children will experience a better social environment (with less potential for bullying) or a better matched educational program. The debate about whether special schools are segregated and limiting environments or whether they are settings that provide a specialised program that cannot be delivered in a mainstream school is still argued strongly in parts of the education and disability sectors. The advice provided to parents about school choice can be compelling on both sides and in many cases confounding.

The large variability in special schools makes working through these choices difficult. Some come highly recommended and others have poor reputations, but there is little objective or useful information available. There are numerous approaches used by special schools in Australia. Some special schools have program sharing relationships with local mainstream schools so students can have some learning activities with their age peers. Some mainstream schools 'host' annexe programs operated by special schools on their sites where students with disabilities attend but are accommodated in a separate building. The most common approach however is one where students are in a segregated setting. The degree to which there is a structured connection between a special school and mainstream schools appears to be a function of school leadership.

CDA has previously recommended that incentives should be given for special schools and mainstream schools to form partnerships to provide better opportunities for all students with disability to be included in mainstream programs. There are examples of this, however feedback is that many of the current annexe or base room arrangements within mainstream settings provide very little opportunity for inclusion.

A student in year eight spoke of students who are in a base room at his secondary school.

"These kids are referred to as 'the (name of school)'s. I have two brothers with disability so I could guess that these kids had disabilities as well. I was upset and worried because my mates laugh at these kids, tease them and have nothing to do with them. No-one has ever talked to us about these kids and explained what's going on for them or said what extra support they need. I'm pretty used to disability but to be honest I'm scared of these kids. We just need the opportunity to talk and some support to get to know these kids."

Other members have reported that their experiences of special schools have been positive in comparison to poor experiences at local mainstream schools. Some express concerns about the stark differences in approach and difficulties with the transition to a mainstream setting.

Our son was diagnosed with autism in the year before he started school and on advice we placed him in a school for children with autism. We thought this was the best option for him as his language was severely delayed. I did not want him to sit up the back of the class in a regular primary school

⁶ See: Craig Wallace, 'Special Schools; Why aren't we asking those who know?' *Ramp Up*, Australian Broadcasting Association, 5 July 2011, <http://www.abc.net.au/rampup/articles/2011/07/05/3261260.htm> (Accessed 26 April 2013).

⁷ Children with Disability Australia 2011, *Submission to the Review of Funding to Schooling*, Melbourne, Australia.

not understanding, communicating and being ignored. He had three years at the school for children with autism and was happy and productive. They felt he was ready to move on. After much deliberation we decided to try a special school as we were still concerned about his language and comprehension compared to his peers and he was eligible according to his IQ score.

Our son has blossomed at the special school. With the small class sizes his confidence is much higher, his social skills more developed and he is a very happy boy. At grade six, the children are retested to evaluate their IQ. He has done so well that his IQ is now too high to stay in the specialist setting and he will receive no funding. He will have to attend a regular school. All of this should be good news, because he has improved and learnt so much, but I am quite scared at the thought of him fitting into the mainstream school without support.

As we move forward with the National Plan for School Improvement, it is important to properly distinguish and differentiate the offerings of mainstream and segregated settings and establish clear funding and accountability mechanisms for each.

CDA members have said that they need this information to enable their choices and dealings with schools and authorities need it for accountability, and have said they think there should be a better way of reporting the types of educational programs, expertise and specialisation being offered by special schools. Members would also value qualitative and quantitative evaluation data on the relative performance of special schools.

4. SETTINGS AND MEANINGFUL DATA

Currently some states' disability support programs data collection are not sensitive to the application of the funding and the adjustments that it is purchasing from schools, including special schools. In practice this funding is used in a range of ways in special schools from implementing smaller class sizes than mainstream schools, utilising multi teacher classrooms to employment of integration aides or allied health staff. These are local school decisions (as are adjustment measures in mainstream schools) but are not subject to any meaningful data collection.

The nationally consistent data collection initiative in 2013 will include special schools. However, the meaning of adjustments for each student in a specialised setting will be very different to special school teachers and teachers in mainstream schools. The context of making adjustments to the mainstream program to ensure that particular students can undertake the curriculum or activity is fundamentally different to that which occurs in a segregated setting.

The report on the first trial of data collection in 2011 reported that special schools did have difficulty selecting the appropriate level of adjustment for their students.⁸ This difference of setting and understandings of the notion of adjustment in special schools is an issue that will need to be resolved in the design of the final data collection process in 2013.

5. KEY ISSUES

5.1 Educational progress and outcomes

Many families have major concerns that educational attainment at special schools is not a priority and that transition to mainstream education or integrated post school life is not always well managed.

CDA members regularly report that individual education plans are not routinely devised or implemented, either in mainstream or special schools. In some cases families have had to buy private services to continue to assist their children to develop basic skills.

⁸ PriceWaterhouseCoopers 2011, 'Trial of a Model for Collecting Nationally Consistent Data on Students with Disability,' *Final Report Prepared for the Department of Education, Employment and Workplace Relations*, Canberra, Australia, Section 8.5.

I am very happy with the school that my son attends, however I am concerned with the lack of resources and that these seem to decrease each year as the student progress through school. There are speech pathologists at the school as well as an occupational therapist consultant. My son gets one term of speech pathology in the school year that involves the speech pathologist going into the class for an hour each week and doing a session with the whole class. This may be useful for the students' social skills but does nothing to assist with individual language development.

My son has been seeing a private speech pathologist regularly for the past nine years. This year he will see her weekly and she will also be working with him on his reading. With no funding available to us this year, we can expect to pay somewhere between \$6000 and \$7000 for the year on speech pathology.

In the last year my son's handwriting has not improved at all. As I would like him to be able to write to a level where he can fill in forms or write lists, I have organised for him to see a private occupational therapist this year. At this stage I expect to be paying a similar amount to speech pathology.

This means I will be paying close to \$20,000 for private therapists this year because I want my son to be able to read and write to a level of being able to live an independent life. I am confident that this wouldn't be achieved if we existed on the resources of school alone.

I will be spending time driving my son to these appointments, organising for my other child to be looked after while doing this and having to reorganise my work hours. There will be no holiday for our family this year as we will be on a very tight budget to afford all of these private therapies. By the end of my child's education I hope that he will be able to read and write and hold down some kind of employment. If he does achieve this I will have saved the government money since they won't have to pay him a disability pension. It will be because he has proactive parents that have supported his specialised educational needs where the department of education has not.

In 2008 Professor Robert Jackson conducted a review of international literature comparing outcomes for children with disability in mainstream education to those in segregated settings. Examining the evidence from a number of countries over a 40 year period, he found that that children benefitted socially and academically from participating in mainstream education programs and that full inclusion is by far the preferred option overall. He also reported a neutral or positive effect on other students and teachers of being in an inclusive school with students with disability.⁹

Jackson found that many segregated settings focus more on life skill programs aimed at social and vocational goals than academic learning. While this may be appropriate at various stages of a student's school career, the lower priority on academic learning in special schools is a common complaint made to CDA.

Members also report that they are surprised and disappointed that there is not as much special education expertise in special schools as they would have expected. This is particularly the case for parents who had been advised by mainstream school leaders that their child would have their needs better met in a special school environment.

The percentage of staff in special schools with special education training is variable across Australia.¹⁰ With the rise in the numbers of students with autism attending generalist special schools, CDA has had reports of a 'one size fits all' approach to students in special schools that does not tailor the educational program to the particular needs of the student. The most common example raised in this context is the student with ASD who has high academic potential that moves to a special school because of difficulties experienced with social skills and is offered only a life skills program as the educational offering.

⁹ Robert Jackson 2008, *Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say?*, Queensland Parents for People with a Disability, Salisbury, Australia, http://www.include.com.au/wp-content/uploads/2011/11/Inclusion_Seg.pdf (12 November 2012).

¹⁰ Tony Thomas 2009, 'The Age and Qualifications of Special Education Staff in Australia,' *Australasian Journal of Special Education*, Vol. 3.

My son was diagnosed with autism when he was almost three years old. From the age of three he went to a special education unit at a special school. He was in a program for children with autism for three days a week on a two year placement and two days at the special school. He still cannot talk but has improved in so many ways by being with people who are fully aware of the needs of a child with autism.

He is now eight yrs old and attends the special school full time. I believe he has come along much further at the special school than he would have if he had attended a mainstream school. I am worried now that he is there full time that he is not going to progress very much. The teachers and staff are trained in caring for students with additional needs but not necessarily in autism. I frequently get calls asking why he is upset or angry as he is usually a happy little boy. As I am not there, I can't answer their questions. He could have a headache, some other child may be yelling which is upsetting him.

5.2 Bullying and abuse of students with disability

Bullying and abuse are serious and ever present issues for students with disability across all school types. The impact of bullying and victimisation on young people with disability cannot be underestimated.

There are numerous definitions of abuse in this context, however it is important that it is properly understood. It can be defined as non-accidental behavior by adults or peers that cause harm to the student with disability. This can be intentional or an act of omission.¹¹ Abuse can occur in specialist settings as a result of a professional misunderstanding or misreading of the impact of a student's disability by school staff.

*The definitions of abuse and neglect we use are not just semantic. They are important in how we understand the maltreatment that children and young people with disability experience.*¹²

In the school setting, abuse and neglect needs to be understood in the context of professional practice, duty of care and transparency. It can include bullying, denial of human rights, unreasonable behaviour management techniques and denial of educational support.

CDA members regularly report experiences of verbal and physical bullying by peers and school employees. The example below is typical of this and is representative of the situations that lead students to leave the mainstream system.

*For me the worst thing is the bullying. There are just so many kids that are freaked out by disability and some teachers are as well, to be honest. This year I have been hit in the head, punched, called a retard just too many times or on a not so bad day just told I am not normal. I sometimes overreact to the bullying and then I get detentions for my behaviour. Once I had to wear my uniform to parent/teacher day because I had a detention. I then had to empty rubbish bins for 90 minutes. It didn't make me think about my behaviour, it just made me incredibly sad. How does that help someone learn? All this stuff really impacts on a kid's self-esteem you know.*¹³

Robert Jackson quotes a review by Freeman and Alkin (2000) of over 100 studies that showed that while students with disability had better outcomes in academic and social competence in mainstream settings, that they received a lower social acceptance rating than their non-disabled peers.¹⁴ This is a long standing issue for the inclusion of students with disability, but is absolutely relevant for the current education reform agenda in Australia.

Frequently, students with disability are forced to leave mainstream schools because of bullying, some going to special schools because parents feel they offer a safer environment.

¹¹ Children with Disability Australia 2012, *Enabling and Protecting – Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability*, Melbourne, Australia, p. 4.

¹² *Ibid.*, p. 4.

¹³ *Ibid.*, p. 15.

¹⁴ Jackson 2008, *Inclusion or Segregation for Children with an Intellectual Impairment: What does the Research Say?*

However, bullying is also prevalent at special schools and students and families report that it often goes unchecked because it is not identified as bullying. When this occurs, families express dismay that they can occur in environments that they thought had specific experience in the management of children with disability.

There is a lower standard of acceptable behavior at our special school than we had at the high school. The kids can gang up on individuals and there are always fights. My son is sick of the taunting he gets because he is small and doesn't like football. The insults he gets are highly sexualized and he gets really anxious and sometimes doesn't want to go to school. When I complained to the principal, she said that this is to be expected when you get disabled kids with behavior problems together in a group. She just won't address it for what it is.

It is essential that the issues of bullying and behaviour management be addressed as key issues in special schools. Firstly there is the basic duty of care to students that is not consistently observed through behaviour management practices. Secondly, the mainstream sector and education authorities have an expectation that special schools are experts in this area. Indeed the Victorian Government has cast special schools in the role of expert secondary consultants for mainstream schools on students with disability as part of their More Support for Students with Disabilities National Partnership. At the time of writing this role is yet to be fully developed.

I believe that the current special school system is babysitting at best. So much more could be done to teach children and help them to progress... Many parents I know home school their children in preference to sending them to these schools where neglect is prevalent. There are some great staff in many of the schools, but, as I have unfortunately experienced, there are also some staff who get away with terrible, neglectful behaviour.

In the school setting, abuse and neglect needs to be understood in the context of professional practice, duty of care and transparency. It can include bullying, denial of human rights, inadequate provision of behavior support techniques and denial of educational support.

A sample of recent reports to CDA of abuse and neglect in schools include:

- Students being physically restrained by school staff
- Students being physically restrained or assaulted by bus drivers
- Students being locked in outside fenced areas
- Students being denied food and fluids
- Students being locked in cupboards as behavior management
- Students being forcibly restrained and sat on by more than one adult¹⁵

Physical restraint can be defined as a form of abuse, and there are regular reports to CDA from members about instances where physical restraint, seclusion and coercive behaviour management practices are used in special schools.

The recently released report *Held Back – The experiences of students with disabilities in Victorian Schools* cites an example where special school staff are trained in martial arts techniques to restrain students. It also reports that 77% of educators at special schools reported they had physically restrained a student with disability. Only 66% of teachers felt they had adequate training, and 34% did not. This is of concern as it shows that much of this practice is done outside a properly constituted and agreed behavior support plan for particular students.¹⁶

¹⁵ Children with Disability Australia 2012, *Enabling and Protecting – Proactive Approaches to Addressing the Abuse and Neglect of Children and Young People with Disability*. **Page 10 of 15**

¹⁶ Victorian Equal Opportunity and Human Rights Commission 2012, *Held Back – The experiences of students with Disabilities in Victorian Schools*, Melbourne, Australia, p. 114

It is urgent that guidelines around abuse, neglect and behavioural interventions in special schools be developed and built into accountability arrangements at State and system levels. Provisions exist in State disability legislation in Victoria for restrictive practices in disability services to be sanctioned by a State-appointed Senior Practitioner. There have been calls for the Senior Practitioner to have jurisdiction over education settings to ensure that there are safeguards put in place that can apply to schools in that State. CDA supports these calls and believes that it is an appropriate model to be used in education settings.¹⁷

5.3 School choice

School choice is a fraught and dynamic issue for parents of children with disability. Information to inform this choice is patchy, and it's often a live question throughout their child's school career, particularly at transition times, or at times of crisis or failure of provision. Families look to both peers and experts to inform their choices, however opinions are highly subjective and individual. In the absence of clear information about what to expect from schools (mainstream or segregated), student rights, standards and provision, these choices are difficult.

A key dilemma for some families is whether to enroll their child with disability in a special or mainstream school. This choice can be forced on families by the leadership of mainstream schools and/or by health professionals who maintain that the student's needs will be better met in a special school. Often this recommendation is made without full knowledge of what special schools offer. There is also the strongly held view that special schools would not need to exist if mainstream schools were more inclusive, better equipped and better funded.

Others view special schools as a niche environment that can better meet the educational and developmental needs of students with disability. In the case of children with multiple and complex disability, some families believe that a multi-faceted approach that can incorporate high levels of personal care and therapy with an educational program is a more desirable choice.

Other families choose special schools because they are exasperated by the resistance and sheer difficulty they experienced with mainstream schools and choose to move their child to a special school because they do not believe that a resistant mainstream school will deliver the educational program that their child requires. Many families become exhausted through providing constant advocacy, information and support to mainstream schools. The extremely high intensity and time commitment which is often required is incredibly taxing on families.

Many families rely on what they consider to be the professional judgments of school leaders. CDA is aware that it is common for enrolments to be refused and students referred to special schools without full educational assessments taking place. The Victorian Human Rights Commission's *Held Back* report referred to participants in their research with these experiences:

*I think the assumption that kids with a disability should go 'somewhere else' leads to a lot of isolation and schools not taking responsibility for the kids in their area.*¹⁸

One CDA member reported that:

My nine year old child with cerebral palsy had his aide funding at his primary school reduced this year. Since then I have been called to the school at least two-three times per week to take him to the toilet. At other times I am asked to take him home because either he is 'having a bad day' or his aide is sick. I can't look for a job because of the uncertainty this creates for me and am now having trouble with Centrelink as a result.

My son has barely two full days in a row at school and he is not learning at the rate he should be. I have been up to the school to demand that they fix the problem but they say that they are not

¹⁷ See: Victorian Government, Department of Human Services 2006, *Disability Act 2006*.

¹⁸ Victorian Equal Opportunity and Human Rights Commission 2012, *Held Back – The experiences of students with Disabilities in Victorian Schools*, p. 34.

funded to meet his needs. The principal has suggested I take him to a special school where his personal care needs would be met. I know that's a decision I may have to confront sometime in the future. They shouldn't be giving up so easily.

Some families report to CDA that they are unclear about how special schools are different from mainstream schools. It is important that better information is available about the programs and adjustments made in special schools that can not only inform families, but also mainstream school leaders in giving professional advice. It is usually assumed that school leaders have detailed knowledge and expertise of different school settings. The fact that referrals are made without proper educational assessment and knowledge of what particular special schools provide is not acceptable.

Educators also have concerns about the place and perceptions around special schools compared to mainstream schools.

Special schools are now seen as a second-rate option for the education of students with disability rather than acknowledging the high quality of educational programs and teaching expertise (and sometimes facilities) available in these settings. When a parent apologises for selecting a special school as the school of choice for their child, one wonders at the 'value-lost' from rigorous implementation of the Standards for all children. All parents have a right to feel they have made the best choice in education for their child.¹⁹

Publically available practice and performance data on special schools is greatly needed to enable parents to make good choices. There is currently nothing available to track individual student progress because of the lack of data management and accountability in this sector. As indicated earlier, CDA members have stated their desire for more comprehensive information about special schools to be available to them. This is expressed as a need for more than academic standing through the NAPLAN scores, but also about skills, school culture, capacity for transition planning, relationships with mainstream schools and the integrity of educational programs. To this extent, the quantitative information currently provided through MySchool is insufficient. The information members say they require needs to be qualitative in nature and constructive.

5.4 Transport

Attending a special school often means that extensive travel to school is required. As they are not local schools, part of the logistical arrangement for families who do choose a special school is transport.

To deal with this reality all states have a scheme to manage the funding and provision of transport for students attending special schools through direct provision or other funding.

A common problem reported to the CDA is the unreasonable amount of time that students spend on buses as the routes made to pick up geographically dispersed students can be time consuming.

Current transport regulations in most states have policies that consider travel in buses for up to two hours each way to get to and from school (four hours a day) to be reasonable, which CDA believes is extremely problematic and can involve serious breaches of human rights. Excessive time spent on buses is not just an issue for students in rural areas where distance is a major factor – it is a regular occurrence in urban areas where distance is less a factor than bus routes and timetabling. CDA representation on this issue has encountered major inter-governmental dissonance in that it is at once a commonwealth and state issue to resolve, but neither level of government has seriously addressed it.

¹⁹ Department of Education, Employment and Workplace Relations 2012, *Review of the Disability Education Standards*, Canberra, Australia, p. 31.

These long trips at the beginning and end of the day often create an additional set of problems for students. These include instances of:

- Inadequate training of bus chaperone
- Inadequate background checks of bus staff
- Unchecked bullying
- Fatigue and boredom for students
- Physical restraint and abuse by bus staff who are untrained in behavior support
- Incontinent students being denied access to toilets if the need arises whilst travelling.

My eight year old son used to spend up to four hours a day travelling to and from his school which was less than 10km away from our home. He is now attending his local primary school. There he is a valued member of his school community and now has much more time to play and hang out. No child should be stuck on a bus to get to school for four hours a day.

These transport issues are fundamental to the school experience and there has been a distinct lack of attention to resolving them by jurisdictions. Transport has not been a high priority for governments, and funding to transport continues to be inadequate. Casting transport simply as a funding issue ignores the human rights dimensions of the significant issues of concern that currently exist.

CDA has previously called for a detailed review of transport arrangements across the country for students with disability.²⁰

School transport is one area that the NDIS interface agreements will need to incorporate, however as the full scheme rollout is some five years away, this issue needs to be fully addressed by education authorities.

5.5 The Disability Standards for Education

The 2012 review of the Disability Standards for Education (DSE) reported that the level of awareness of the DSE across all education sectors, parents and students is low, and that assistance and information about their practical application is difficult to locate.²¹ This is particularly true in the special school sector where the notion of 'reasonable educational adjustments' in a segregated (specialist) setting is a difficult one to interpret.

While the standards are tools to guide practice and to check discriminatory practice in a mainstream setting where the provision of education services to a student with disability 'on the same basis' as students without disability is able to be measured, they are problematic in special school settings because they are segregated settings.

While we believe that the standards should be universal for all education providers, they cannot ever be a substitute for measurement of the quality of provision or the observance of human rights in special schools.

The concerns about these areas raised by CDA members about special schools are about standards of practice rather than discrimination. There is certainly a need to introduce standards of quality and accountability for special schools. Such a framework needs to be part of an overall reform of the sector.

²⁰ See: Children with Disability Australia 2011, *Submission to the Review of Funding for Schooling*, Melbourne, Australia.

²¹ Department of Education, Employment and Workplace Relations 2012, *Review of the Disability Education Standards*, pp. vii-viii.

While these issues around the import of the DSE and whether or not they are sufficient in driving good educational practice have been seen as trivial by some special educators, they are highly relevant in determining whether Australia is in fact complying with Article 24 of the UN Convention on the Rights of people with disabilities by maintaining a segregated education system.

6. CONCLUSION

The role of special schools in the Australian education system in general, and their treatment in the National Plan for School Improvement is a complex policy area that needs urgent and detailed investigation. The objects of excellence and equity in the Australian Education Bill²² apply to all education providers, however it remains unclear how they will be applied to special schools via funding and educational expectations. There are no simple answers to many of the policy dilemmas involved in the special school debate, as they relate to long standing, structural factors across education systems in addition to community expectations.

The Australian Government has initiated strong policy attention to improving education processes and outcomes for students with disability as part of its education reform commitments.

Much of the focus has rightly been on making mainstream education more inclusive and effective, however a major review of the role, function and practices of special schools is required.

The sometimes fiercely contested debate about the merits of mainstream and segregated settings needs to be better informed if it is going to result in constructive outcomes. It has gone on for many years without delivering substantial policy guidance to students, families or school authorities. The debate cannot nor should not be avoided, and in the context of the National Plan for School Improvement, it is important that this area is closely examined.

Some of the reform initiatives such as the More Support for Students with Disabilities National Partnership and the Nationally Consistent Data Collection have included special schools in their design and implementation, however much more needs to be done to define a rigorous funding model for special schools in Australia.

Many of the issues raised in this paper need separate and deliberate attention as they relate specifically to the special school sector. CDA believes that a detailed review of the special school sector should cover the following areas:

- Compliance with the UN Convention on the Rights of Persons with Disabilities and Convention on the Rights of the Child
- The teaching workforce – skills and competency requirements in special schools
- Funding models – identification of reform opportunities in state and territory disability support programs to distinguish special school expectations and reporting
- Accountability requirements
- Educational practices employed in special schools
- Relationship to the mainstream sector – capacity for the special school sector to provide secondary and tertiary consultancy to mainstream schools
- Information needs of students and families
- Requirements to effectively address bullying, abuse and neglect – including frameworks for regulating behaviour management.

²² Parliament of Australia, House of Representatives. Australian Education Bill 2012, S3, p3
http://parlinfo.aph.gov.au/parlInfo/download/legislation/bills/r4945_first-reps/toc_pdf/12229b01.pdf;fileType=application%2Fpdf

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