



Submission:

General discussion on the right to education of persons with disabilities

March, 2015

The Hallmark Disability Research Initiative at the University of Melbourne, Australia, provides this written submission to the Day of General Discussion on the right to education of people with disabilities, Article 24 CRPD, on 15 April 2015.



Summary of the Submission

The Hallmark Disability Research Initiative at the University of Melbourne, Australia, provides this written submission to the Day of General Discussion on the right to education of people with disabilities, Article 24 CRPD, on 15 April 2015. This submission is targeted specifically towards the panel discussion on “Accessibility and reasonable accommodation for the realization of inclusive education”. In summary, recommendations are made that range from international issues to a focus on students who are deaf or hard of hearing. Specifically, this submission suggests that: (1) there is a need to contextualize the meaning of inclusive education for emerging countries; (2) as part of the United Nations’ post-2015 agenda, it will be important to align thinking about learning and classroom action with an ethic of sustainability; (3) Australian education systems need to increase efforts to provide appropriately resourced, inclusive education to all students with disability, including those students whose profiles do not currently attract funding support; (4) teacher development for inclusive education should position teaching as a clinical-practice profession and prepare teacher candidates to provide learning for all, teaching that matters, and learning that lasts; (5) the concept of universal design be promoted, rather than reasonable accommodations, in future UN documents; and, (6) it be recognised that the achievement of many students who are deaf or hard of hearing in inclusive school settings is facilitated by oral communication support, language accessibility, and assistance from skilled teachers.

Introduction

The Hallmark Disability Research Initiative (DRI) at the University of Melbourne co-ordinates interdisciplinary projects with the involvement of community partners and those with lived experience of disability. Its brief is to develop high-quality applied research, policy and education programs. The aims of the Disability Research Initiative at the University of Melbourne are to:

- enable the development of disability research in collaboration with the wider community;
- bring together people with disabilities and their representative organisations with academic researchers; and,
- foster a rich understanding of how to match research to the needs and desires of the community.

As an interdisciplinary initiative, the DRI Steering Committee has drawn on connections with academics from the Melbourne Graduate School of Education (MGSE) to contribute to preparing this submission.

International context

To be maximally effective, general discussion about the right to education of people with disabilities has to be positioned in a broader discussion of inclusive education, *Education for All* and the Millennium Development Goals. Inclusive

education is important for developing more accepting inclusive societies. Impetus for the implementation of inclusive education in emerging nations has been through UNESCO's *Education for All* (EFA) movement and its comprehensive goals ranging from early childhood care and development to literacy and life skills for youth and adults. There is a need to continue to contextualize the meaning of inclusive education for emerging countries. It is clear, for example, that the role of culture and values cannot be separated from educational beliefs and systems.

The challenge associated with this issue is to consider how to incorporate important lessons and values from existing cultures (e.g., the teachings of Rabindranath Tagore in India and Gross National Happiness in Bhutan) and use them as foundational to advancing inclusive education while still incorporating compatible ideas from a global perspectiveⁱ.

Recommendation 1

In discussing the right to education of people with disabilities, there is a need to contextualize the meaning of inclusive education for emerging countries.

With three *Education for All* goals timed for delivery by 2015 (i.e., providing universal primary education, increasing adult literacy levels by 50% and ensuring gender equality in education), the final report on EFA achievements and remaining challenges due in April 2015, and the Millennium Development Goals also reporting against the target dates in 2015, it is important that the general day of discussion on the right to education of people with disabilities planning consider the United Nations' post-2015 agenda.

Post-2015, the necessity to position *Education For All* in relation to Goal 4 of the *Sustainable Development Goals*, that is, "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all" - and the other 16 *Sustainable Development Goals* - makes it important to consider what policies, programs and strategies will effectively strengthen links between education and sustainability. To this end, it will be important to align a way of thinking about learning and classroom action with an ethic of sustainability. This could be done by equipping learners, pre-service teachers and teachers with the capabilities to enact "learning for all; teaching that matters; and learning that lasts"ⁱⁱ.

For example, all learners and their teachers in sustainable classrooms bear in mind the wellbeing of our planet and care about:

- resources and how they are used;
- relationships in the classroom, school and community environment;

- energy - personal energy for students and teachers and through the use and reuse of physical resources;
- universal design;
- life-long learning; and,
- cooperation, collaboration and meeting shared goals that improve outcomes for all.

Recommendation 2

As part of the post-2015 agenda, it will be important to align a way of thinking about learning and classroom action with an ethic of sustainability by equipping learners, pre-service teachers and teachers with the capabilities to enact ‘Learning for all; teaching that matters; and learning that lasts’.

Australian Context

Despite the Australian *Disability Standards for Education* (2005) (reviewed in 2010), which were established to ensure access to education for people with disabilities on an equal basis, many Australian students with disabilities continue to be placed in special schools or in special classes or units within regular schools. As an example, the Victorian Department of Education and Training suggests that between 8-13% of students in Victorian schools have a disability that requires an adjustment. With an enrolment across Victoria of 900,000 students, this figure suggests that the prevalence of students with disabilities may range from 72,000 to 117,000.

In 2014, the Victorian Schools summary statistics showed the following regarding enrolment of students with disabilities receiving funding to support their educational outcomes. There are also many students enrolled in Victorian (and Australian) schools who are in a ‘grey area’ because their disability may not be eligible for funding or the documented severity of their difficulties may be ‘insufficient’ to attract resources. Prevalence figures based on population health statistics suggest that the overall number of students with disabilities in Victorian Schools could be as high as 32%.

Number (FTE) of students with disabilities in government schools, February				
<i>Year</i>	<i>In regular schools</i>	<i>In special schools</i>	<i>Total</i>	<i>% of total student cohort</i>
2010	11,319	8,950	20,269	3.7
2011	11,525	9,358	20,883	3.9
2012	11,875	9,721	21,596	4.0
2013	12,034	10,247	22,281	4.0
2014	12,218	10,704	22,922	4.1

The figures above are of note because they show how many students are currently educated in special school settings in the state of Victoria and that from 2013 to 2014 this number grew by 457 compared to an increase over

the same period of 184 students with disabilities educated in regular schools. In terms of the availability of verifiable data about the number of students with disabilities in schools across Australia, the Nationally Consistent Collection of Data on School Students with Disability project is continuing into 2015. This project aims to improve access to such data nationwide, however, the issue of 'grey area' students who have mild or undiagnosed disabilities or general learning difficulties but are not receiving adjustments remains.

Recommendation 3

Australian education systems need to increase efforts to provide appropriately resourced, inclusive education to all students with disability. Students with learning needs may constitute around 30% of the school age population.

Right to education is the right to inclusive education

Given that Article 24 specifies that, "States Parties shall ensure an inclusive education system at all levels and lifelong learning" then the right to education of persons with disabilities is actually the right to an **inclusive** education. This has implications in terms of continuing to develop pedagogy that genuinely caters for diversity through actions related to teacher development (teacher education, teacher professional learning); instructional practices (Universal Design for Learning, Clinical Teaching, Learning Interventions); addressing and unpacking 'reasonable accommodations'; and, providing oral communication support for students who are deaf or hard of hearing. Meaningful, effective, quality inclusive education is a vital part of ensuring respect for all citizens and improving the equitable functioning of Australian society.

Relating to the features of inclusive education listed above, this submission provides detail and recommendations on the issues of **teacher development**, **reasonable accommodations** and providing **oral communication support for students who are deaf or hard of hearing** as they are relevant to Article 24.

Teacher development

The Melbourne Graduate School of Education (MGSE) at the University of Melbourne offers a graduate-entry teacher education program that prepares early years, primary and secondary teachers who are interventionist practitioners. Such teachers practice high-level analytic skills and are capable of using data and evidence to identify and address the learning needs of individual learners. The program builds a strong link between theory and practice within a partnership model with selected schools. In essence, this program positions teaching as a clinical-practice profession, in line with many allied health

professions, and prepares teacher candidates for interventionist and inclusive teachingⁱⁱⁱ.

Within MGSE, the Learning Intervention Team supports pre-service and in-service educators to improve their inclusive classroom practices through orchestrating learning in primary and secondary classrooms using teaching and organisational strategies based on strong evidence. Mastering 'intervention' – for some students and when required – is vitally important to supporting diversity in inclusive classrooms because knowing what to do, whether to do anything, and when and how to intervene, or extend, depends on teachers' clinical judgement, their repertoire of strategies, and their collaborative skills. It requires the practice of truly responsive teaching and sustainable learning: learning for all; teaching that matters; and learning that lasts.

Recommendation 4

Teacher development for inclusive education needs to position teaching as a clinical-practice profession, in line with many allied health professions, and should prepare teacher candidates for interventionist and inclusive teaching.

Reasonable accommodations

In education, a 'reasonable accommodation' is the requirement on schools to ensure that students with disabilities can access education and participate in learning on the same basis as all other students. It creates an obligation on education providers to ensure students with disabilities are able to enrol in schools, participate in all activities offered, take part in courses and subjects with appropriate modifications as required, and have their learning recognised through formal qualifications. Embedded within the concept of a reasonable accommodation is that all of this is provided as long as it does not place an undue burden or unjustifiable hardship on the school. In Australia, and many other countries, this has led to tension, sometimes resolved through litigation, on the precise meaning of 'reasonable'.

The concept of making an adjustment is counterproductive to the argument for a universally designed education system. An adjustment requires a teacher to retrofit their teaching program or materials, automatically positioning the student as a burden on the teacher or on the education system. Much of the retrofitting within education (to buildings, programs, resources and lessons) can be avoided if educators are what Pisha and Coyne (2001) call "smart from the start"^{iv}.

While Article 4 of the *Convention on the Rights of Persons with Disabilities* makes reference to Universal Design, when it comes to education rights, these seem to

hinge on the provision of reasonable adjustments, making inclusive education a difficult sell to systems and schools. It is also hard to build agency in people with disabilities, particularly in higher levels of education, when the burden of negotiating adjustments rests with them, and the concept of 'reasonable' is being argued in terms of costs and benefits. Surely the ad hoc provision of adjustments, considered reasonable by the provider, is not the best way to achieve a truly inclusive education system that enables access and participation for all.

There is some argument that it is unrealistic and economically unviable for an education system to be completely universally designed. It is further argued there is merit in maintaining the concept of 'reasonable accommodations' as it allows education systems to place discretionary limits on the level of inclusiveness it can afford. There is no doubt that, globally, the achievement of a universally designed education system is some way off. However, the application of the seven principles of universal design as a template plan for achieving this vision would provide a clear starting point.

Recommendation 5

The concept of universal design, rather than reasonable accommodations, should be promoted in future UN instruments and other documents.

Oral communication support for students who are deaf or hard of hearing

The Melbourne Graduate School of Education is one of only two facilities in Australia that provides a program for the preparation of Teachers of the Deaf. While acknowledging the importance of Article 24's specification of sign language, braille and other measures designed to facilitate communication for students with sensory disabilities, it is suggested that for many students who are deaf or hard of hearing, prosthetic devices and implants have changed their access to oral communication. Such intervention can be controversial in terms of Deaf culture. Whereas this submission values the views of all members of the Deaf community, it is suggested that the panel discussion on the "realization of inclusive education" consider how the needs of the increasing number of students with prosthetic devices and implants can be met.

For these students, the aim of Article 24 to "maximize academic and social growth" may not be advanced through the provision of signing but, instead (as in the case of most students with a disability), afforded by early identification and intervention, medical treatment, and regular school pathways. Specifically, oral communication support, language accessibility, and success in inclusive school settings for students who are deaf or hard of hearing is enabled through:

- access to the expertise of qualified Teachers of the Deaf;
- adequately supported Visiting Teachers who take an advisory role in supporting classroom teachers;

- using technology to support communication, including live captioning, note taking, FM and sound field systems; and,
- ongoing parental/carer guidance and involvement during the school years.

Recommendation 6

In addition to the provisions outlined in Article 24, the achievement of many students who are deaf or hard of hearing in inclusive school settings is facilitated by oral communication support, language accessibility, and assistance from skilled teachers.

References:

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- ⁱⁱ Graham, L, Berman, J., & Bellert, A. (2015). *Sustainable learning: Inclusive practices for 21st century classrooms*. Melbourne: Cambridge University Press.
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