

Review of the Commonwealth Disability Standards for Education 2005

Questions for users of education and training

In order to provide context for your comments please indicate whether you are a:

- Student/prospective student
- Carer or family member of student with disability
- Advocate
- (*) Peak/community organisation
- other

Learning Difficulties Australia

Learning Difficulties Australia is a peak national association of teachers and other professionals dedicated to assisting students with learning difficulties through effective teaching practices based on scientific research, both in the classroom and through individual instruction.

We wish to inform the Secretariat that some members of the current Council of Learning Difficulties Australia have worked toward the establishment of the Standards since the mid 1990s, particularly with regard to the debate concerning the identification of individuals with learning difficulties/learning disabilities and their need for financial support.

The following comments are based on our concern that the current definition of 'disability' does not include the category of 'learning disability'. As a result, many students with severe and ongoing learning problems are not eligible for any form of support or funding to address their learning needs. Although we are cognizant of the problems of definition and identification in the case of this group of students, we would like to propose an approach which recognises severe and ongoing learning problems as a 'disability' which is eligible for special funding under the *Commonwealth Disability Standards for Education*. We propose that the recognition of 'learning disability' be based on the *Response to Intervention (RTI)* model, which has been widely adopted in the United States and the United Kingdom.

Please note that we have not addressed each question posed by the *Review of the Disability Standards for Education 2005*; rather, we have responded to the review in its entirety. In our submission, we use *DDA* to indicate the *Commonwealth Disability Act 1992*, and the *Standards*, to indicate the *Disability Standards for Education 2005*.

The Standards, under the DDA, were meant to clarify the obligations of education and training providers, setting out a clear process to ensure that students with disabilities are able to access and participate in education that delivers comparable opportunities and choices to realise their potential *on the same basis* as students without a disability and without experiencing discrimination. The Standards have raised awareness and increased understanding of the issues affecting people with disability and their rights to access and participate in education and training. This has led to improvements in the provision of education services to students with a recognised disability. However, there remain many students who have severe learning difficulties, including dyslexia, who are not recognised as having a disability and therefore remain outside of the services provided for students with disabilities.

In Australia, categories of disability recognised in the legislation for purposes of funding include intellectual disability, physical disability, vision impairment, hearing impairment, language disorder,

and mental health condition or autism. There is no separate category of 'learning disability' which is recognised for funding purposes although most state education systems recognise that there are students with special needs who require extra learning support in the classroom. This would include students with behaviour disorder and/or learning difficulties, including students whose learning difficulties are associated with external causes such as non-English-speaking background and other forms of environmental, cultural or economic disadvantage. Nonetheless, there is no common understanding or definition of students with special learning needs in Australia and no clearly defined process or program for providing extra support for students in this category who are not presently identified as having a defined disability.

This situation is different to that in the United States, where the category of students with a learning disability is clearly defined for purposes of funding through the US *Individuals with Disabilities Education Improvement Act* (IDEA). For this purpose a learning disability is defined as 'a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. This term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. This term does not include children who have learning problems that are primarily the result of visual, hearing, or motor disabilities; mental retardation; or environmental, cultural or economic disadvantage'. In the United States, it is estimated that from 5 to 7 percent of school-aged students have been identified with a learning disability and that 50% of the students funded under IDEA legislation have been identified as students with a learning disability.

In Australia, it is estimated that between 10 and 20 percent of students have difficulties in one of more areas of learning, most commonly reading. Of these, there is a small subset (approximately 5 percent of the total population) whose difficulties are more severe and long-lasting and are presumed to be due to underlying neurological causes. It is this specific group of students that can be considered to have a 'learning disability' for the purposes of targeted support and funding.

We acknowledge, however, that the debate as to how these particular students can be identified and distinguished from students who experience difficulties with learning due to other causes (e.g., environmental deprivation) continues without consensus being achieved. We also recognise that learning problems associated with a learning disability are distributed along a continuum with no naturally occurring cut-point that can be used to differentiate between individuals with and without a learning disability (see NJCLD, 2011).

A recent and informative approach to the important task of identifying and supporting students experiencing difficulties with learning as early as possible during their years of schooling is the *Response to Intervention* (RTI) model, which has been increasingly adopted in the United States (see NJCLD, 2005) and was also recommended in the UK by Sir Jim Rose in his report on *Identifying and Teaching Children and Young People with Dyslexia and Literacy Difficulties* (2009).

The RTI model, which was designed to improve learning outcomes for all students, is based on the premise that if effective instruction is provided during the earliest years of schooling, fewer students will require more intensive levels of instructional support during their subsequent years at school (Mellard, McKnight & Jordan, 2010).

In the first level (Tier 1), the primary prevention level of the RTI model, teachers work collaboratively with support staff to ensure that they are delivering effective initial instruction; that is, systematic, direct and explicit instruction as required to all students in the inclusive classroom (DEST, 2005). In the second level (Tier 2), the secondary prevention level, the teacher and support staff work

collaboratively to deliver effective small group targeted instruction that supplements level one instruction for the small group of students who require additional support (approximately 10-15% of students). In the third level (Tier 3), the tertiary prevention level, intensive ongoing individual support is provided by support staff in consultation with the classroom teacher for students whose learning difficulties continue despite effective initial teaching and extra small group instructional support. It is this third group of students (perhaps 2-5% of students) at Tier 3, who can be considered to have significant learning difficulties. We argue that these students should be eligible for additional support and funding under the category of having a 'learning disability'. This approach provides an educational solution to what is essentially an educational problem.

References

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