



Association for
Children with a
Disability

Submission from the Association for Children with a Disability Disability Standards for Education Review 2020

This year the Association for Children with a Disability celebrates our 40th Anniversary. ACD was established by a small group of parents who came together to advocate for their children with disability. Through their lived experience they knew the service system and the gaps in support and they spoke up to make difference, not only for their children but for all children with disability.

The introduction of the Disability Standards for Education in 2005 was heralded by families as a game changer for students with disability.

However, since the introduction of the Standards many issues remain in relation to the inclusion and education attainment of student with disability. Previous reviews of the Standards have made no significant improvement. Despite the Standards being in place for 15 years, students with disability are not able to access education on the same basis as students without disability.

These entrenched issues warrant a new legislative approach to ensure the rights of children with disability to an education.

The new legislative approach needs to be based around a Human Rights approach and include aspirations, measurable targets as well as clear accountability.

Current experiences of students with disability:

We work with more than 5,000 Victorian families each year, and education is consistently the number one advocacy issue, concerns predominately fit into the following categories:

Enrolment discrimination: This is a regular occurrence and normally occurs informally ie: the Principal recommends a special school as a better option. Zones can also be used as a reason to refuse enrolment even though non-disabled students from outside the zone will gain entry. Most families will not pursue enrolment in a school where a Principal has made it clear their child is not welcome or raise a formal complaint, so there is limited data, but based on anecdotal evidence this is an endemic practice.

No consultation or planning with students and parents: Formal processes such as Student Support Group meetings are not embedded in school operating procedures. Families are unaware that they should be occurring. At times when families ask for Student Support Group meetings they are told they are part of the standard parent teacher interview. Individual Education Plans and Behaviour Support Plans are often absent. Even where processes are in place there is no compliance with best practice. There is no data on the percentage of schools not implementing consultation and planning processes, but based on anecdotal evidence it is a significant percentage that are not compliant.

Limited reasonable adjustments: Reasonable adjustments are not applied systematically to ensure the student can access the curriculum or activities such as camps and school events. During remote and flexible learning many families saw firsthand the incredibly limited adjustments that their students receive. Reasonable adjustments are often put in the too hard basket.

Standards seen as an optional extra: Repeatedly families report educators saying they “will be good and make adjustments” and “not all teachers will do this, but I will do this for your child!” During remote and flexible learning many families reported receiving communication from teachers that reasonable adjustments were not required during remote and flexible learning. In Early Childhood settings there is confusion over whether the Standards even apply to 3 and 4 year old kinder programs.

Families afraid to raise concerns: Even when families are aware of the Standards and their child’s rights they are hesitant to raise issues or pursue matters due to fear there will be repercussions for their child. This is a persistent issue and goes to the power imbalance between schools, students and families and the limitations of the complaints process in relation to the Standards.

As we have indicated the experience of students with disability during COVID has shone a light on the limitations of the Standards. This is reflected in the results of recent surveys undertaken by Children and Young People with Disability Australia (CYDA) and Amaze.

[Children and Young People with Disability Australia](#) undertook an education survey during Term 2 of 2020, of 700 respondents across Australia:

- 21% of students did not have an Individual Education Plan and of those who did have plans only 9% were updated to reflect remote and flexible learning
- 54% of students received curriculum modifications at school, this dropped to 36% during remote and flexible learning
- 50% of students received learning materials in accessible formats during remote and flexible learning

[Amaze](#) undertook an education survey during Term 3 of 2020, of 312 respondents from Victoria:

- More than 50% of students did not have a Student Support Group meetings in place
- Of the 70% of students that had Individual Education Plans only 30% had been updated to reflect remote and flexible learning
- Less than 50% of students received adjustments to the curriculum

In addition to our work with Victorian families and the surveys undertaken by CYDA and Amaze there are numerous recent reports (listed below) which outline how the Standards are not making the required difference for students with disability to be able to access education on the same basis as students without disability.

The issues with the Standards go beyond poor implementation and the practice of individual leaders and teachers. The way the Standards are constructed, and the subsequent lack of reporting, accountability and evidence required by Education Departments, improvement frameworks, national quality frameworks and accreditation processes all fail to ensure students with disability are able to access education and training.

Recommendation:

Replace the Standards with a new legislative approach which ensure the rights of children with disability to an education.

The new legislative approach needs to be based around a Human Rights approach and include aspirations, measurable targets as well as clear accountability.



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Appendix:

Recent reports on the education of students with disability:

1. [Improving Educational Outcomes for Children with Disability in Victoria, Castan Centre for Human Rights Law 2018](#)
2. [Report on Students with Disabilities in Victorian Schools Analysis Paper, Victorian Equal Opportunity and Human Rights Commission 2017](#)
3. [Parliamentary Report on Services for People with Autism Spectrum Disorder 2017](#)
4. [Victorian Ombudsman's Investigation into Victorian Government School Expulsion 2017](#)
5. [Review of Program for Students with Disabilities 2016](#)