

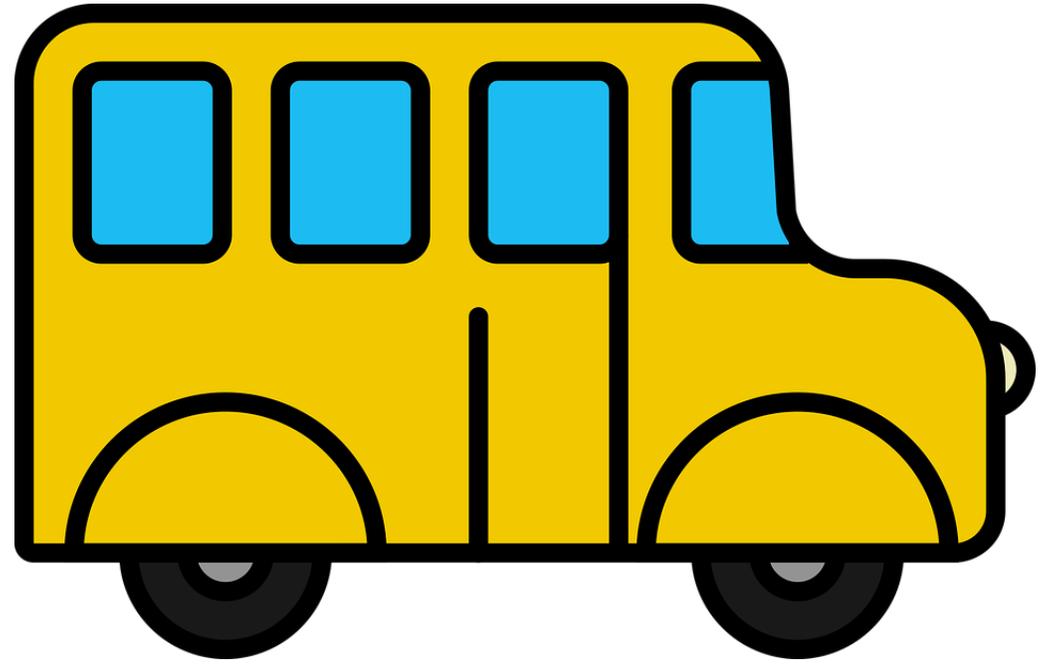


**LA TROBE**  
UNIVERSITY

LIVING WITH DISABILITY  
RESEARCH CENTRE

# **A Critique of the Commission Recommendations for Educational Inclusion – Potential to Reduce Exclusion of Students with Intellectual Disabilities**

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# Special Schools

- Special Schools for day attendance came into prominence in the latter part of 20<sup>th</sup> Century
- Used to teach an adapted curriculum
- Now teach the Australian or state/ territory curriculum – Foundation level
- 11.9% of all students with disabilities are in special schools
  - Lack of data on the proportion who attend mainstream but experience segregation or micro-exclusion
- 19.7% of children with severe-profound disabilities attend special schools
  - Largely those with intellectual disabilities, often with co-occurring disabilities (autism, cerebral palsy) and many with complex communication needs
  - Require substantial and extensive supports (NCCD)
  - Most/ all would be eligible for NDIS individual packages

# Who goes to Mainstream Schools?

- 88.1% of students with disabilities who are not home-schooled
- 80.3% of students with severe-profound intellectual disabilities who are not home-schooled
  - ?? Percentage in special units or classrooms
- Does going to a mainstream school equate with being included?

# Entrenched Exclusion of School Students with Disabilities

- Enrolment refusal / discouragement
  - Partial attendance
  - Failure to provide reasonable adjustments
  - Relinquish teaching to aides
  - Restrictive interventions
  - Harassment & bullying
  - Parents responsible for additional supports
  - Exclusion from NAPLAN
  - Ableism
  - No complaints mechanisms
  - Exclusion from activities
- Victorian Equal Opportunity and Human Rights Commission (2012)
  - Victorian Auditor General Report (2012)
  - Review of Disability Standards of Education 2005 (Urbis, 2015)
  - Senate Standing Committee (2016)
    - Poed et al. (2020)
  - Victorian Review of Program for Students with Disability (2016)
  - .....
  - **Disability Royal Commission (2023)**

# Legislation, Policy, Initiatives

2005

DSE 2005

2006

UNCPD  
Education  
Reform Act  
Vic Disability  
Act

2008

Aust Ratifies  
UNCPD  
Melbourne  
Declaration

2010

2012

COAG Endorses  
NDIS  
Access to Real  
Learning:  
Senate Inquiry  
Submissions  
begin  
Vic Aud.  
Generals  
Report  
Held Back:  
VEOHR  
Commission  
Report

2013

National Plan  
for School  
Improvement

2015

2015

MSSD Reports  
PSD Policy  
Reviews  
Review of DSE  
2005

2016

PSD Review  
Government  
Response to  
PSD Review  
Access to Real  
Learning:  
Senate Inquiry  
Report

2017

# Human Rights and Legislation

- UNCRPD 2006, Article 24 states children with disabilities
  - should not be excluded from primary and secondary education that is free and compulsory on the basis of their disability
  - should not be excluded from the general education system on the basis of their disability
  - must be given access to education on an equal basis as their peers without disability
- Disability Discrimination Act 1992 (Cth.) s 22
- Disability Standards for Education 2005 (reviewed every 5 years)

# Evidence Presented to the DRC

- 3 public hearings in Qld and ACT
- Private hearings and submissions
- Its own and commissioned reports
  - McVilly et al. (2023) – compared outcomes for people across inclusive, segregated and integrated settings – literature review and Delphi study
  - Murray (2021) – analysis of Australian legal and policy frameworks across jurisdictions
  - CoA (2023) – used NDIS data to explore outcomes for participants according to schooling location on transition to work through modelling using the Outcomes Framework
  - Spivakovsky et al. (2023) – review of literature (grey and academic reports) and review of submissions about restrictive interventions
  - CoA (2023) – Australia's compliance with Articles (24 of relevance to inclusive education) following Australia's appearances before the UN CRPD committee

# Key Issues

- Disagreement about what comprises inclusive education, segregation and integration
- Outcomes for people who had attended mainstream versus special schools or other segregated settings – especially in terms of employment
- Stigmatisation arising from *othering* (role of teacher aides and NDIS supports)
- Restrictive interventions
  - Trauma and abuse
  - Coercion and control
- Lack of data on
  - Refusal to enrol, restrictive interventions
  - NCCD in relation to specific characteristics
  - Use of funding
- Complaints mechanisms

# Recommendations (*n*=15)

- Overcoming barriers to safe quality and inclusive education
  - 7.1 Equal access to mainstream education and enrolment – DDA 1992, prevent gatekeeping, keep records, independent review process
  - 7.2 Prevent inappropriate use of exclusionary discipline (except as last resort), use Behaviour Support Plans and Reasonable Adjustments, consider the needs of the child, Principals have duty to report
  - 7.3 Policies and procedures re. reasonable adjustments – understand requirements (DSE 2005), legal compliance requirements, duty of care, funding and supports, equal access to consent, relationships and sexuality education (incl LGBTIQ+, neurodiverse), tools and resources to adapt curriculum and support culturally safe adjustments
  - 7.4 Participation in school communities – co-locate non-mainstream with mainstream schools and create partnerships between the two, participation of non-mainstream in various activities
  - 7.5 Careers guidance and transition support services – post-school options
  - 7.6 Student and parental communication and relationships – updated and clear policies, participation in decision-making, co-design, consult with First Nations, Australian Govt to update DSE 2005

# Recommendations (*n*=15)

- Embedding inclusive education
  - 7.7 Inclusive education units and First Nations
  - 7.8 Build workforce capabilities – embed human rights into teacher professional standards, CPD in inclusive education, lead specialists
  - 7.9 Data, evidence and building best practice – consistent and comparable NCCD data, annual reporting across states/ territories and jurisdictions to the Education Ministers Meeting – publish data and commission the Australian Education Research Organisation to build and translate evidence
  - 7.10 Complaints management – complaints officers (states/ territories)
  - 7.11 Stronger oversight and enforcement of school duties – ensuring workforce understands obligations, complaints procedures, data collection re. exclusion, restrictive practices, funding use for students with disabilities
  - 7.12 Improve funding – NCCD levels and associated funding, review loadings every 5 years, funding transparency
  - 7.13 National Roadmap to Inclusive Education – Education Ministers Meeting – progress in relation to DRC Recs

# Recommendations ( $n=15$ )

- 7.14 Achieve inclusion while phasing out special/ segregated education settings (Bennett, Galbally, McEwin)
  - incompatible with Article 24
  - No new builds to be approved from 2025
  - No new enrolments into existing special schools from 2032 or placements within special classrooms from 2041
  - No students remaining in segregated schools by the end of 2051
- 7.15 Achieving inclusion while maintaining choice (Mason, Ryan)
  - Keep segregated (non-mainstream) settings
  - Improve inclusion by co-location, partnership, facilitation of participation – both directions
  - Encourage and support completion of school and obtaining open-employment

# Critique



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# Evidence is Clear

- Australia has **not** complied with Article 24, which called for

*a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences (cited in CoA, 2019, Oct. 30, p. 2)*

# Failure to document positive practices and explore “why”

- Biased nature of evidence
- Provided examples of *best* practices
  - Without evidence of being best
  - Without details or exploration
  - Echoes old solutions – with varying information regarding extent of success

# Examples of Positive Practices

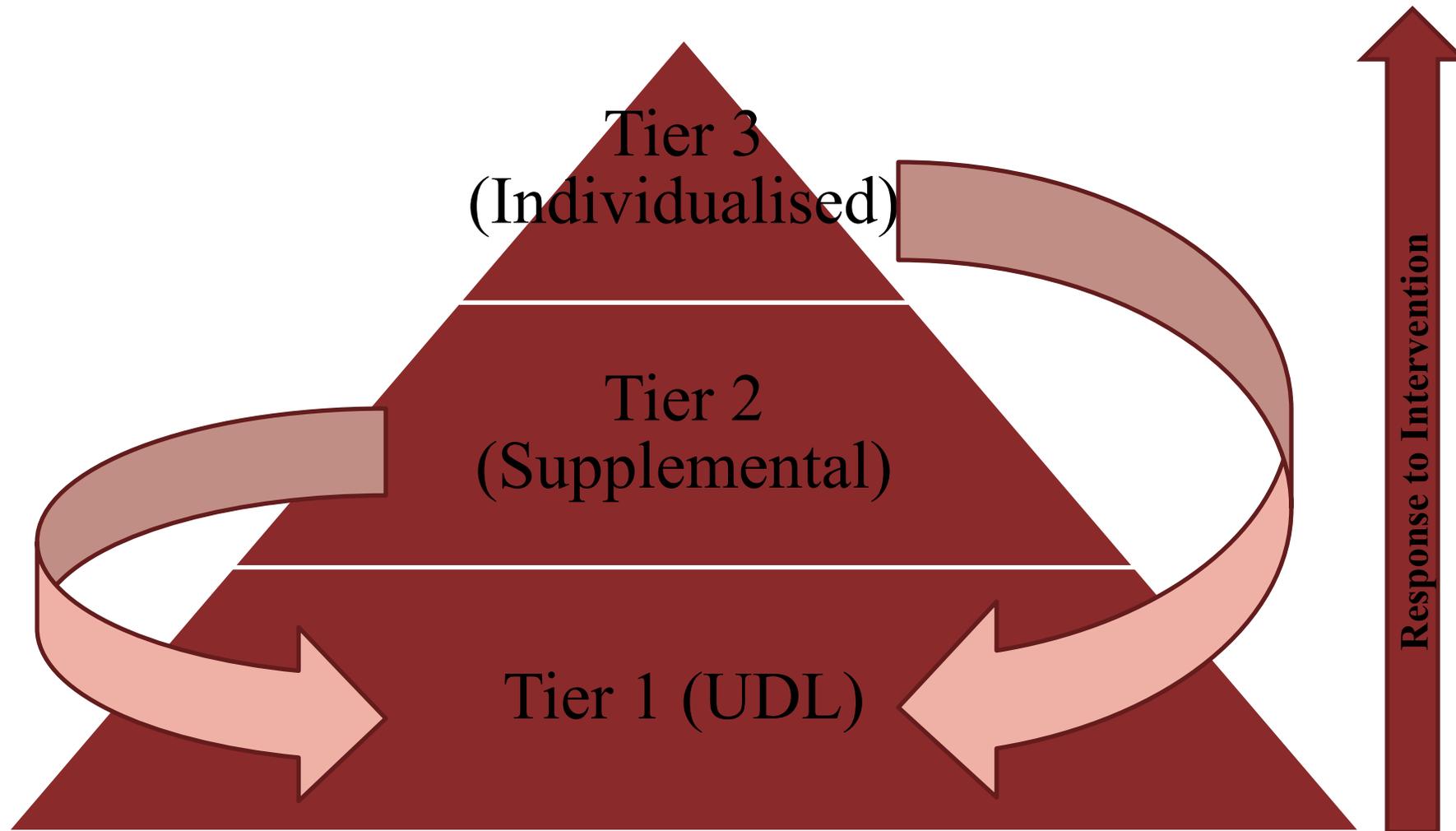
- Allied health professionals to assist ensure adjustments in the classroom are appropriate and effective
- Co-location of specialist facilities on or next to mainstream school grounds
- Investment into specialist teacher roles – help adjust curriculum and address “problem student behaviour”

# Legacy of the More Supports for Students with Disabilities (MSSD)?

- >\$300 million across states/ territories and jurisdictions 2012-2014
  - Evaluation tended to be based on case studies and anecdotal reports (PhillipsKPA, 2015)
  - Some evidence of sustained implementation
    - eLearning program on DSE 2005
    - Abilities Based Learning and Education Support (ABLES)

# Missing in Action: Overarching evidence-based model

# Multi-tiered systems of support (MTSS)



# Nationally Consistent Collection of Data on School Students with Disability (NCCCD)

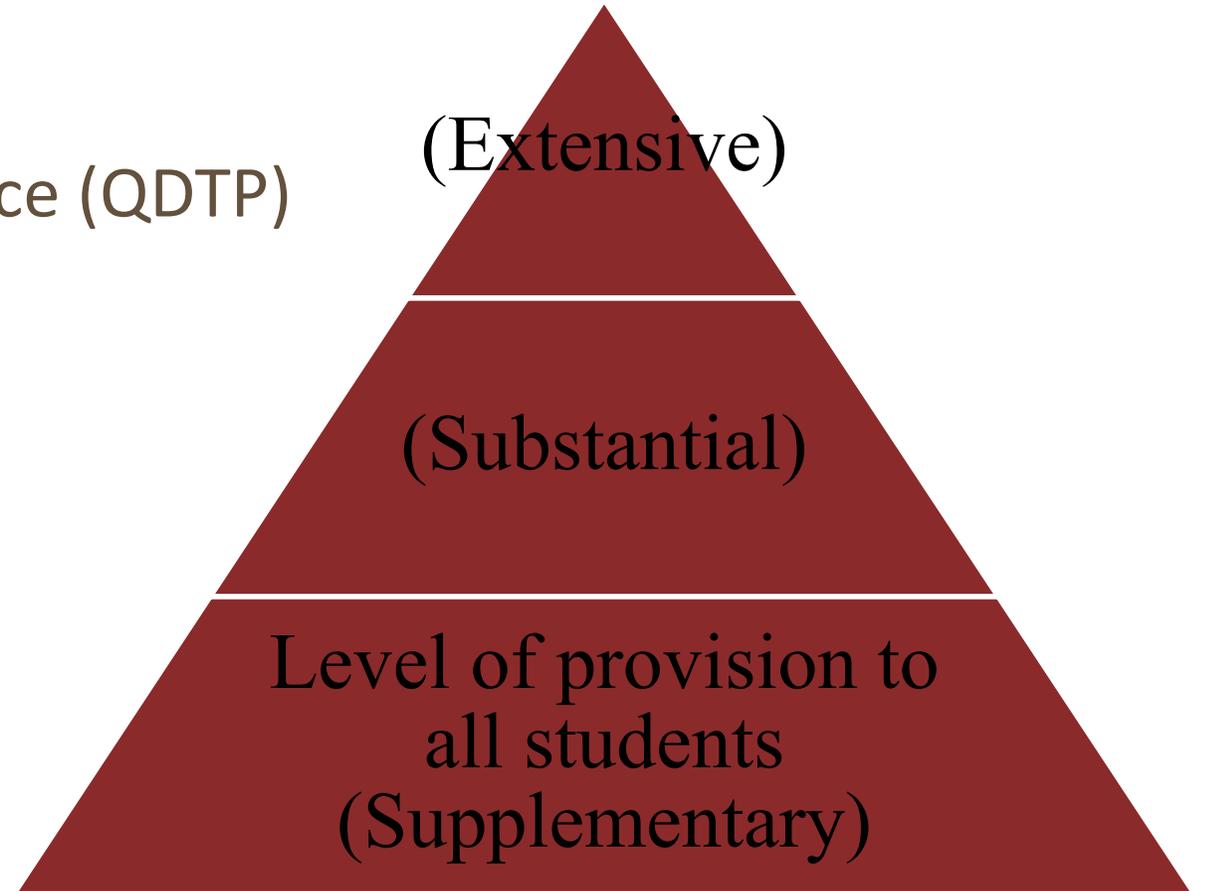
Informed by MTSS

Quality Differentiated Teaching Practice (QDTP)

Supplementary

Substantial

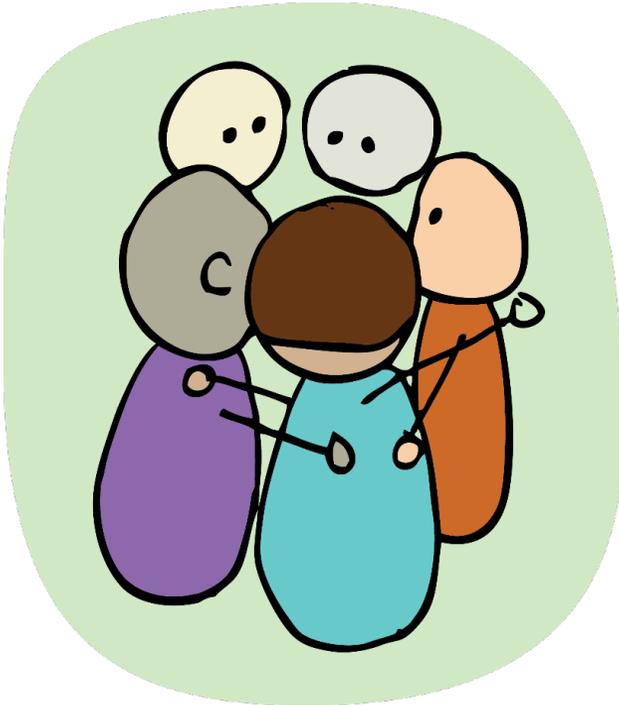
Extensive



# Collaborative consultation and collaborative teams

Parents involved

Teachers supported – but not to  
relinquish responsibility



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Bring into the classroom

- Expertise of special educators and allied health

Student needs assessed and  
monitored to inform

- Adjustments and other supports
- Avoid funding-based decisions
- Integrate NDIS and classroom based supports

# Victoria – Disability Inclusion

Followed the Review of the Program for Students with Disability (2016)

\$1.6 Billion allocated across 3 levels

Level 1: Budget allocation to each school to meet core student learning and equity needs: school infrastructure, specific programs, special initiatives (as previous)

Level 2: Workforce capacity: increased training and professional development, access to expert disability advice, equipment and resources to strengthen support for teachers and other staff (new funding)

Level 3: Support for individual students with high support needs (new funding)

Supported Inclusion Schools: *“a mainstream school with a physical design and an integrated specialist provision that provides additional support to a proportion of students with disability. The schools specifically support students who would usually attend specialist schools to instead attend a mainstream school”* (Victorian Government, 2024, p. 4)

# Conclusions



# Conclusions

Special schools will remain as perceived as *better* options especially for students with severe-profound disability given

- Low student-teacher ratios
- Concentration of expertise – special educators, concentration of allied health supports
- Greater access to technological and other resources
- Societal attitudes that place the blame on students and responsibility with teachers

## The Commission Recommendations

- Lacked creativity
- Failure to consider and explore good models
  - draw on overarching models reflective of a social rather than medical model of disability
  - bring existing expertise and resources into rather than next to mainstream schools

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