

2020

DISCUSSION PAPER

# Students with Disability Review



The South Australian Commission for Catholic Schools has commissioned a review of the programs and arrangements for students with disability in Catholic education in South Australia.

Catholic Education South Australia is committed to a culture and practices where each student:

- belongs, is valued and is included
- has access to core curriculum with adjustments and support as needed
- learns and is cared for, without fear of harassment, to achieve their best outcomes.

At the heart of this commitment is the dignity and worth of each person.

Catholic Education South Australia (CESA) has a long history and culture of providing learning and care for students with disability. However it always wants to learn how it can best improve.

The CESA Students with Disability Review has been commissioned to identify and recommend improvements for the programs and processes in schools and the system as a whole that support the learning and wellbeing of students with disability.

The purposes of the Review are to:

- identify improvements that will strengthen the learning and wellbeing of students with disability
- identify improvements to the operational processes and structures for students with disability
- consolidate and enhance recent improvements in the management of the Nationally Consistent Collection of Data (NCCD) for students with disability at both the school and system levels
- recommend strategies that will progressively implement the above improvements in both the immediate and ongoing timeframes.

The CESA Students with Disability Review is seeking the perspectives of the following groups to contribute to the review:

- students with disability
- parents/carers/guardians of children with disability
- community members
- school principals
- staff: teachers, school support staff, leadership positions, Catholic Education Office staff
- agencies and organisations with responsibility for disability services.

The following Discussion Paper provides information about the context in which the CESA Students with Disability Review operates. It outlines key matters the Review is to address. The paper finishes by explaining how you can contribute.



## Setting the scene

In the past five years the Australian government, most State and Territory governments and other school sectors have commissioned reviews of their education provision for students with disability.

These reviews have generated reports that are in some cases over 200 pages in length. The reports address the full range of matters that affect the learning and wellbeing of students with disability, including policy, inclusion, leadership, curriculum, teaching practices, teacher training, school procedures, school structures, and funding.

If you care to go back further than five years you may come across a report of a review that the Australian Government commissioned into identifying the changes that might be necessary to improve existing services for people with disability.

For this review close to 1700 submissions were received and over 5000 people participated in an unprecedented program of open public consultation, covering 65 cities and provincial centres throughout Australia. In addition, Review staff presented papers or gave oral reports to numerous conferences, seminars and workshops, attended by over 3500 people.

The Review produced a comprehensive report that addressed all the areas, including education and early years services that directly impact on the lives of people with disability.

The name of the Report? *New Directions*. The date of the Review? 1985.

What does all this tell us? Well it draws attention to a number of things:

- the issues and challenges facing people with disability, including students with disability in schools, have been known in Australia for at least 35 years
- policy makers in government, as representatives of the Australian community, genuinely strive to address these issues and challenges
- schools and their education systems are integral to these processes and are committed to making a difference for students with disability
- and ... the fact we continue to have reviews points to the reality we still need to be more successful in what we do.

## How can the CESA Students with Disability Review make a difference?

The CESA Students with Disability Review will listen to the views of students with disability, their parents/carers/guardians, community members, school leaders, staff in schools and the Catholic Education Office, and disability agencies.

The Review will identify what Catholic education in South Australia is doing well, what it should do less of, and what it should do better.

These views will be sought through a survey reflecting the five standards from the Disability Standards for Education, in addition to interviews with students with disability (with permission).

The Review will look at CESA's policies, procedures, and support arrangements to analyse the relationship between what should be happening and what people are experiencing.

From this consultation and analysis, the Review will identify key themes and issues. The Review will then establish focus groups of parents/carers/guardians and school leaders and staff to analyse what CESA should change and the reasons why, and to then identify how best the needed improvements can be achieved.

Based on this input, the Review will present a Report with recommendations to the South Australian Commission for Catholic Schools by the end of 2020.



## Some key concepts and terms

In the United Nations 2016 Report on progress under Article 24, the report gave clear definitions to current systems. It highlighted the importance of recognising the differences between exclusion, segregation, integration and inclusion.

**Exclusion** occurs when students are directly or indirectly prevented from or denied access to education in any form.

**Segregation** occurs when the education of students with disability is provided in separate environments designed or used to respond to a particular or various impairments, in isolation from students without disability.

**Integration** is a process of placing persons with disability in existing mainstream educational institutions, as long as the former can adjust to their requirements.

**Inclusion** involves 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 environment that best corresponds to their requirements and preferences.

The report notes that placing students with disability within mainstream classes without accompanying structural changes to, for example, organisation, curriculum and teaching and learning strategies, does not constitute inclusion.

United Nation reports also point to the importance of two other terms: “Ableism” and “Gatekeeping”

**Ableism** is used to describe the process by which people are excluded, viewed and treated as ‘not one of us’. Ableism is used in the same way as ‘racism’ and ‘sexism’ to describe the process of negatively stereotyping individuals or groups on the basis of a perceived ‘difference’ and, often, discriminating based on such stereotypes at individual and systemic levels.

Barriers to inclusive education prevent children and young people who experience disability from learning and participating fully in curriculum and general school activities can have far-reaching and lifelong implications.

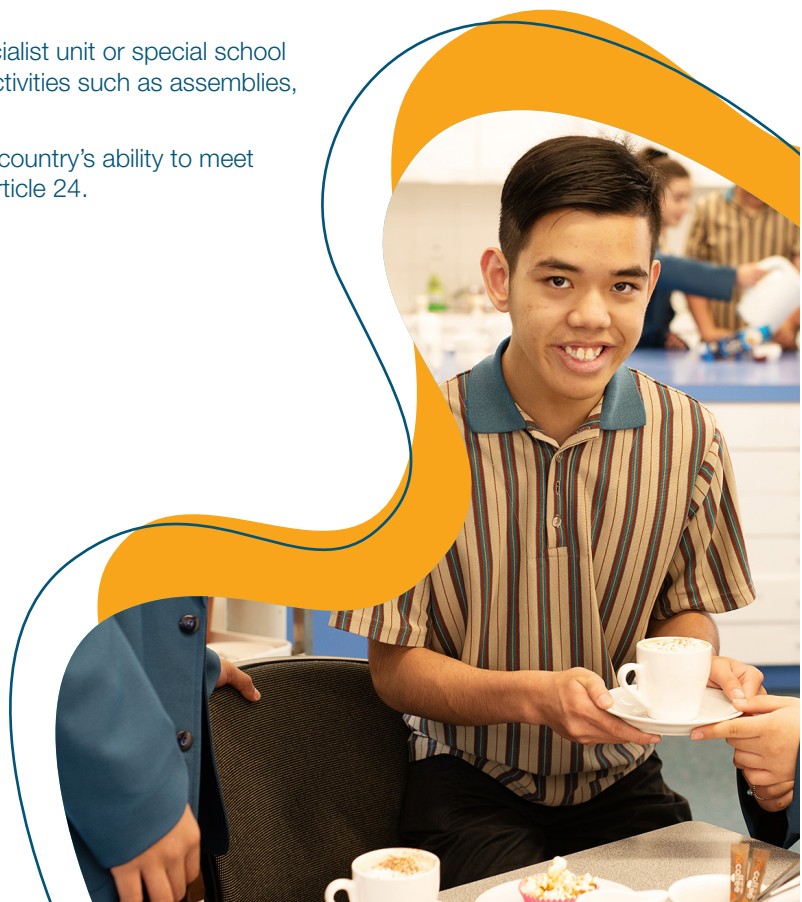
Major barriers include negative attitudes and stigma around ‘difference’ and ‘disability’, inadequate education and professional development for teachers and specialist support staff, and systemic barriers, such as inadequate funding and support from education authorities. Underpinning these barriers is ongoing ableism.

**Gatekeeping** is known as the process of placing limitations on the access of students with disability to general educational environments, or participation in the broader activities within a school. It can also relate to the process of controlling the rate at which students progress to more advanced levels of study.

It can take many forms including:

- refusal or discouragement of enrolment
- offers of part-time enrolment
- encouragement to enrol or transfer a child to a specialist unit or special school
- preventing children from participating at school in activities such as assemblies, sporting activities and excursions.

Both “ableism” and gatekeeping” are considered to inhibit a country’s ability to meet their responsibilities under the United Nations Convention, Article 24.



## What is our legislative framework?

All CESA schools are bound by State, Australian and international law to provide inclusive education for all students.

### Internationally

Australia has an obligation under the *United Nations Convention on the Rights of Persons with Disabilities (2006)* to acknowledge that education is a human right of all children and adolescents and that inclusive education is at the heart of this human right. This convention champions the right of students with disability to participate in a quality education program.

Specifically, Article 24, Part 2 of the Convention states that:

- 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 maximize academic and social development, consistent with the goal of full inclusion.

### Australia

At the federal level in Australia, the *Disability Discrimination Act (1992)*, and associated *Disability Standards for Education (2005)* provide the legislative context in which the human rights of children with a disability are protected.

The legislation provides the framework to ensure that students with disability participate in a quality education program on the same basis as their non-disabled peers.

Under the *Disability Discrimination Act*, a school or other education authority is not permitted to discriminate on the grounds of disability:

- in deciding an application for admission in the terms or conditions on which it is prepared to admit a student
- by denying or limiting a student's access to any benefit provided by the school
- by expelling a student
- by developing curriculum content that will exclude a student from participation
- by subjecting a student to any other detriment.

The legislation makes an exception where the adjustment will cause "unjustifiable hardship"; it is up to the school or other relevant educational authority to prove this.

The *Disability Standards for Education* were made under the *Disability Discrimination Act*. The Standards clarify the obligations of education providers, and the rights of students with disability and their families.

A primary objective of the Standards is to make rights and responsibilities in education and training easier to understand. The Standards cover:

- 1) enrolment
- 2) participation
- 3) curriculum development, accreditation and delivery
- 4) student support services
- 5) elimination of harassment and victimisation.



Each part of the Standards sets out the:

- rights of students with disability in relation to education and training to help people understand what is fair and reasonable under the Standards
- the legal obligations or responsibilities of education providers
- measures that may be implemented to comply with the requirements of the Standards.

Under the Standards, education providers have three main types of obligations. They must:

- consult
- make reasonable adjustments
- eliminate harassment and victimisation.

Under the *Disability Discrimination Act*, it is unlawful for a person to contravene a Disability Standard.

## South Australia

The South Australian *Equal Opportunity Act (1984)* is designed to promote equality of opportunity between the citizens of South Australia and prevent certain kinds of discrimination based on sex, race, disability, age or various other grounds.

Part 5 of *the Act* specifically addresses the prohibition of discrimination on the ground of disability. It states that it is unlawful for an educational authority to discriminate against a person on the grounds of disability by:

- refusing or failing to accept an application for admission as a student; or
- in the terms or conditions on which it offers to admit the person as a student.

It is also unlawful for an educational authority to discriminate against a student on the grounds of disability:

- in the terms or conditions on which it provides the student with education or training; or
- by denying or limiting access to a benefit provided by the authority; or
- by expelling the student; or
- by subjecting the student to other detriment.

The South Australian *Disability Inclusion Act (2018)* is designed to:

- promote the full inclusion in the community of people with disability
- assist people with disability to achieve their full potential as equal citizens
- promote improved access to mainstream supports and services by people with disability
- provide for the screening of persons who want to work or volunteer with people with disability
- prohibit those who pose an unacceptable risk to people with disability from working or volunteering with them
- provide for a community visitor scheme
- provide for responsibilities of the State during and following the transition to National Disability Insurance Scheme.

Under the *Disability Inclusion Act* the South Australian Government has produced *Inclusive SA: State Disability Inclusion Plan 2019-2023*.

The *Disability Inclusion Act* also requires State Government departments and local councils to produce Disability Access and Inclusion Plans (DAIPs). DAIPs will align with the State Plan and incorporate practical measures relevant to each organisation to improve access and inclusion at the local level. They will focus on improvements in mainstream services through key priority areas.

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## What does research tell us?

In the 2016 Report to the United Nations Convention, Australia received a low rating for its current responses to the needs of people with disability.

Generally, the United Nations report found that barriers impeding access to inclusive education for persons with disability can be attributed to multiple factors, including:

- low expectations about those in mainstream settings, allowing prejudices and fear to escalate and remain unchallenged
- lack of knowledge about the nature and advantages of inclusive and quality education, and diversity, including regarding competitiveness, in learning for all
- lack of outreach to all parents/carers and lack of appropriate responses to support requirements, leading to misplaced fears, and stereotypes, that inclusion will cause a deterioration in the quality of education, or otherwise impact negatively on others
- lack of disaggregated data and research, necessary for accountability and program development, impeding the development of effective policies and interventions to promote inclusive and quality education
- insufficient education of all teaching staff
- lack of legal remedies and mechanisms to claim redress for violations.

The report highlighted the importance of consulting with and actively involving persons with disability, including children with disability, in all aspects of planning, implementation, monitoring and evaluation of inclusive education policies.

In 2016 Hehir et.al. (*A Summary of the Evidence on Inclusive Education*, ERIC No. ED596134) completed an international summary of evidence on inclusive education based on more than 280 studies conducted in 25 countries. They found consistent evidence that inclusive educational settings - in which children with disabilities are educated alongside their non-disabled peers - can have substantial benefits for the cognitive and social development of those children.

The research also suggests that inclusion can have important positive benefits for all students, because including a student with disability requires teachers and school administrators to develop a better understanding of the individual.

At the same time, data from the Australian Bureau of Statistics demonstrates that for the period 2010 to 2019 the number of special schools across Australia increased by 69, whereas the total number of schools increased over the decade by only 35. In 2010 the total number of schools in Australia was 9,468 of which 414 were special schools, which is 4.4%. In 2019 total schools numbered 9,503 of which 483 were special schools, which is 5.1%.

Taken together the research points to the importance of understanding the relationship between inclusive education and the different settings in which it is provided.

Overall, the research highlights the importance of:

- collaboration and mutual partnerships between children, parents/carers/guardians and schools
- inclusive learning for students with disability in all settings in which they learn
- appropriate teaching methodologies, support and adjustments for students with disability
- clear and appropriate policies and procedures
- the capacity, commitment and resources to implement policies and programmes that support inclusive education
- profession learning and training
- methods of appraising and monitoring student progress.



## How are the needs of students with disability identified and supported?

Catholic schools in South Australia provide adjustments to students with disability, in consultation with parents/carers/guardians, to support the students in accessing and participating in education on the same basis as their peers.

School teams make professional judgements based on the levels of adjustments provided, the categories of disability and the evidence to support the decisions made.

The adjustments can apply to a range of disabilities, which can be physical, cognitive, sensory, or social/emotional in nature. They can include learning disabilities.

A disability diagnosis is one piece of evidence used to make a professional judgment on the need for adjustments. However, a diagnosis alone does not provide strong evidence about adjustments to support participation in an education.

Schools keep records and evidence of the adjustments to address the functional impact of a student's disability for a minimum of 10 weeks each year.

They record the adjustments that are made in the Nationally Consistent Collection of Data on School Students with Disability (NCCD). The NCCD is a collection of information about Australian school students with disability that is collected by the Australian Government every year.

In the NCCD, there are four levels of adjustment:

- **Support provided within quality differentiated teaching practice:**

Students with disability are supported through active monitoring and adjustments that are not greater than those used to meet the needs of diverse learners. These adjustments are provided through usual school processes, without drawing on additional resources, and by meeting proficient-level Teaching Standards

- **Supplementary adjustments:**

Students with disability are provided with adjustments that are supplementary to the strategies and resources already available for all students within the school.

Adjustments occur for particular activities at specific times throughout the week.

- **Substantial adjustments:**

Students with disability who have more substantial support needs are provided with essential adjustments and considerable adult assistance. Adjustments to the usual educational program occur at most times on most days.

- **Extensive adjustments:**

Students with disability and very high support needs are provided with extensive targeted measures and sustained levels of intensive support. These adjustments are highly individualised, comprehensive and ongoing. Adjustments to the regular educational program occur at all times

The 2019 NCCD data for Catholic schools in South Australia recorded the following number of students with disability:

- Quality Differentiated Teaching Program: 3,396 students (7.4% of students in SA Catholic schools)
- Supplementary: 4,031 students (8.8% of students in SA Catholic schools)
- Substantial: 1,018 students (2.2% of students in SA Catholic schools)
- Extensive: 230 students (0.5% of students in SA Catholic schools)





## How you can be part of the CESA Students with Disability Review

We encourage you to respond to this Discussion Paper by completing the survey.

Please go to the SWD Review section of the CESA website at [www.cesa.catholic.edu.au/SWDRReview](http://www.cesa.catholic.edu.au/SWDRReview) and follow the links.

Otherwise, specific responses to this Discussion Paper can be provided by:

- email to [SWDRReview@cesa.catholic.edu.au](mailto:SWDRReview@cesa.catholic.edu.au)
- letter to PO Box 179, TORRENSVILLE PLAZA SA 5031
- making a time with you to take your response over the phone.  
Please send an email or phone 08 8301 6600 (between 9:00am to 5:00pm Monday to Friday) to make a time to do so.

Responses can be in writing, an audio recording, or a video recording. Responses can be in any language. The SWD Review will translate the response to English.

Responses will inform the work of the SWD Review. They can be made anonymously. We may refer to your response in the work of the SWD Review but will not identify or name you individually. Responses may be published on the SWD Review website and referenced in any document prepared by the SWD Review, for example, our interim and final reports.

**Thank you.**

24 June 2020

**Have your say!**

catholic  
education  
south australia

complete the online survey at:  
**[cesa.catholic.edu.au/SWDRReview](http://cesa.catholic.edu.au/SWDRReview)**