
Submission

Review of the Disability Standards for Education 2020

██████████ on behalf of ██████████, autistic student with an intellectual disability, eight years old, in grade one.

I am a parent, carer and advocate of a student with a disability, my son ██████████ is 8 years old and is currently attending a specialist school in grade one, he has previously attended childcare, 3 year old preschool, two years of four year old preschool, and before the COVID-19 pandemic, he attended in a dual enrolment between a specialist school and a mainstream school, we do plan to return to a dual enrolment once the risk of his contracting COVID-19 is reduced here in Victoria.

My son is remarkably autistic, (his diagnosis is level 3 severe deficit) and he has a diagnosis of intellectual disability. Those who educate my son do not have a full appreciation and understanding of how my sons autism and intellectual disability affects him, how it impacts his everyday living, and how they can support him in his education.

Three of the five learning and educational facilities my son has attended, and one we attempted to enrol at, do not have a meaningful understanding of the Disability Standards for Education or The Disability Discrimination Act, they do not understand that the Disability Standards for Education are an extension of The Disability Discrimination Act...therefore the Disability Standards for Education are standards under the law, and a piece of legislation itself.

Educators or education support workers believe they don't discriminate against or disadvantage my son, they do not understand what discrimination against an autistic or intellectually disabled student is. They often mistake equity for equality and fail to put supports in place for my son to have the same educational experience and outcomes as his peers, when I ask for supports I'm told that he is being treated equally to his peers, and therefore is getting the same experience, they do not identify this to be indirect discrimination. He is not having the same experience as his non-disabled peers, he is not learning at the rate he could be, adjustments are made only to have him at the school, but they do not foster his learning, and some accommodations and adjustments the school makes end up making a task much more difficult for my son.

School leaders and principals should not be able to alter or spin the supports my son needs to be a "bonus for all the students", this disrespects disabled students needs for them and diminishes their importance and necessity for their education. They often see adjustments as huge undertakings and are celebrated by schools and posted on social media, and the schools publicise supports and adjustments as extra efforts and generous expenses that should be celebrated, they are represented as acts of kindness and generosity to those "who have additional needs", adjustments are not represented a right and a matter that should simply be part of education.

Schools shouldn't be able to exploit and benefit from disabled students needs and supports like this, and the Disability Standards for Education and The Disability Discrimination Act should protect them from it.

His suitable toilet is all the way across the other side of the school, it takes a while to walk to it, they pass another toilet block on the way to the only disabled toilet in the school, where my son needs to wait until another staff member is ready to supervise his education support worker to assist my son to use the toilet. My son has a documented continence support plan, as required under Department of Education policy, this was the schools reasonable adjustment.

My son simply needs to have someone supporting him to clean himself and to prompt him to use the bathroom, he does not need two people in the toilets with him, yet that's what the school needs to do to comply with Department Policy for Child Protection, how can The Education Department think its ok to have this many people supervising my son to use the toilet? This is not done discretely, and it does not take his need for privacy into consideration...how would anyone else feel having to have such a long walk and so many people involved in using the toilet?

School leaders often do not have a needs first approach, and principals, early childhood educators and preschools need to understand the standards are not a choice they need to merely consider for a student with a disability, they need to understand that The Disability Standards for Education are there to uphold disabled students rights under law, and that the standards are a piece of legislation and not the guidelines they seem to treat them as.

I thank you for the opportunity to contribute to the review of the Disability standards for Education in 2020, and I do hope that my contribution helps to improve them for the students with disabilities in Australia.

My answers to the discussion papers questions to students and parents or carers....

Enrolment and access: the enrolment process could have been improved for my son, It should also be noted that his first preschool and his first mainstream school were obligated to enrol my son under the DDA and the DSE as he had siblings previously attend at the preschool, and he had a sibling at the mainstream school. The schools and one of the two preschools (his specialist school excluded), did not ask the right questions about my sons abilities and how the school could best support my son, *given that most initial enrolments take place when a child is starting education, parents and carers do not know how their child will fare in the school or preschool environment because their children have not been in that environment before, yet most of the information that is required needs to come from the parent or carer themselves, so a much better form, with the right questions would serve as a better guide for supports and*

resources needed to provide the supports for an equitable education for disabled students. **There needs to be clearer sections in the enrolment and planning forms for students with disabilities that can give the school and parents specific information about supports that are required for disabled students, these questions need to specify to the school supports needed and specialist resources, what kind of qualifications and training education support staff and teachers should have, safety needs, toileting, hygiene and personal care, (and the school needs to have disabled students classroom closest to their most suitable bathroom), they should have the supports recommended by the independent assessor for PSD mandated and documented into their enrolment. Parents, carers and advocates need to know what supports are available to the students at the school. There should be a section in the enrolment form and in the students learning plan, that indicates whether or not the school has checked that all of the supports a student needs are in place, and that the schools plan and actions are in line with the DSE and the DDA (there should also be a section for parents to sign and there should be contact information for parents/carers, should they feel the student is not being supported and/or the school is not complying with the DSE or the DDA).** Not one of the schools or preschools (his specialist school included) informed me of my sons rights nor did they inform me about the Disability Standards for Education, nor did they inform me of my sons rights under The Disability Discrimination Act. I have had one experience of gatekeeping when attempting to transfer my two boys to another primary school, my son in grade 4 does not have a disability, my son in grade one does. Both were denied enrolment at a school in my local area mid-year this year after the principal at the school we were enquiring at, contacted my disabled sons current mainstream school (without my prior consent or knowledge) and learned (from his current mainstream school without my prior consent or knowledge) about the profound nature of my sons autism and intellectual disability. The school we were enquiring at changed its welcoming nature to my enrolment enquiry and simply used the local school rule under the DSE, to inform me that they were not enrolling students outside of their zone due to the number of students they currently had attending at the school. It should also be noted that there are two schools in [REDACTED], and the school I enquired at is the most suitable for my son, and it would be in his best interests for him to attend at that school. The closer (less suitable) school to us is on a main road...which has a speed limit of 80kph at non-school speed limit times, it does not employ as many education support staff as the other school, the more suitable school has speech pathologists on site, a therapy dog and much smaller class sizes. Yet the appropriateness of the school and its ability to meet my sons needs, a school that is only a short distance further away for us, was not a factor that was considered when I was denied enrolment. **I would recommend the review take "local school" out of the wording in the DSE and the DDA, and replace it with "school in the students local government area, irrespective of residential proximity and government school zone area", the local (or closest) school is not always the most appropriate school for students with disabilities, and students with disabilities should be given a broader pool of schools to choose from when looking for the most appropriate school to attend, give them the equity of choice rather than the lack of choice they currently have. Suffice to say I was not happy with that particular outcome, the school we attempted to enrol at denies that my sons disability had anything to do with their decision, and it's disappointing that they have the local school loophole to hide their discrimination and exclusion of my son behind.**

Participation: At his first preschool no adjustments were made to activities, as most were play based, some of the craft activities could have been adapted so he could do the same work as his class mates but his kinder teacher didn't think of these things when she was planning the activities for the kinder sessions. At his second preschool adjustments for alternative forms of communication such as picture cards, and sensory play as well as dedicated staff who were trained and supported to include my son in the play-based learning activities were the norm and he blossomed both developmentally and socially during his time there. At his mainstream school he was removed from the classroom often or taken to a different area of the classroom and given different work to do, even when he could have been doing the same work as his classmates like tracing letters and making a poster. He was often removed from assembly for being too loud and disruptive, even though the noises he was making are involuntary. I needed to be his aide so he could participate during the swimming program because his education support worker was unwilling to accompany him into the water. He was excluded from participating in the end of year concert practice, because they assumed he wasn't capable or interested in participating, the school had no-one there to assist him or support him when I presented with him at the end of year concert along with the rest of his class, he had no prop to hold, all the other students in his class had a prop they had made during class, and all the other students had a part to play, the school offered no supports for him at the concert and it was obvious that they were not expecting him to come and participate on stage with the rest of his class. I believe that because my son was only there for one or two days a week, and because his disability is intellectual, the expectation for his learning outcomes were not high. The only adjustments that were apparent was the provision of an education support worker, and the differentiated work that his education support worker delivered away from the rest of the class, he was included in mat time but did not participate in the work and activities that were explained and demonstrated to the students at mat time. His education support worker revealed to me during his foundation year that she had no formal qualification in education support and that she had not worked with a child who is non-verbal and as remarkably autistic as my son, she also confessed that she had little support to learn how to best support my sons learning. My son shows competence in many aspects of learning literacy, maths and motor skills in a therapy environment, but the school made no attempts to contact his therapy providers or to train school staff to apply the methods his therapists used to communicate and facilitate his participation in lessons and learning activities. Both his first preschool and his first mainstream school believed that by simply having him at the school they were supporting him to participate in education, but the participation was not planned to have a meaningful educational outcome, and neither education provider fulfilled its obligations to my son under the DSE. They did not understand that they needed to constantly plan for and provide supports to make my sons education **equitable** to his peers, and that providing him an **equal** but **differentiated** experience did not take his disability into appropriate consideration and is a form of indirect discrimination. I believe the school assumes that because my son's disability is intellectual, they cannot be held accountable and there is not a way of proving that they do not take his participation in education seriously. **The DSE need to be clearer about what participation means and give examples of participation and examples of exclusion. Principals, teachers and education support staff need to have their understanding of the DSE and the principles that govern them taught to them, to keep them informed about the standards from those who understand their meaning, which can maintain the interpretation of the standards by schools to be current and correct. (which would mean that after an amount of time their certification in this competency**

becomes out of date and in need of refreshing, this could be done online individually or to a school group by a certified trainer)

Supports: some of the supports put in place have supported my son to participate, but even some of these supports were not acceptable and adequate, and some supports have not been provided at all. His education support workers have all varied in qualification, ability and some have even been unwilling to help him with aspects of his hygiene, his participation in school gatherings and excursions. The most valuable resource for my son is a competent and trained teacher and a highly skilled education support worker who is experienced in behaviour support and communication for autistic and intellectually disabled students, which to date only his specialist school has provided. At his mainstream school he and other students are taken into another room by his ed-support worker at various times throughout the day where he has no access to, or the support of his classroom teacher, while his non-disabled peers benefit from access to their teacher at all times, my son does not always access education on the same basis as his non-disabled peers. I have had to provide a picture exchange communication book and schedule board, both preschools didn't use these to help him learn to communicate during his time at preschool, stating that they were not trained in picture exchange, and were not willing to engage in the training for only one student. At no time during preschool was any form of communication adjusted from what was already in place at the preschool to support my son, and his support workers did nothing to ensure my son was supported in a communication style that he could use and refer to. His picture exchange book is used at both of his schools and is used most effectively at his special development school. I have made specialist readers for my son, using a format that his specialist school uses, his mainstream school have embraced the format and his education support worker and myself make these readers. His picture exchange communication folder and his strip schedule have both been provided by myself because when I discussed them with the school upon enrolment the school dismissed using them by telling me that they would manage to get through the day without them, without considering the need for them in relation to my sons communication difficulties, autism and his intellectual disability. My sons need for continence support was not supported by his mainstream school initially and I had to refer the school to The Education Departments policy. All of the education support staff at the school except for one refused to assist my son to clean himself after a bowel movement stating that it was not in their job description to do so, the schools proposed means of support for my sons continence needs was for my son to wait for me to travel to the school and to clean him up when I arrived...at first they did not see the problem with this. I had to point out to them that it was unacceptable for them to have my son excluded from class and left to sit in his own faeces, while he waited for an undetermined amount of time for me to arrive and clean him up. Only upon mentioning his dignity and rights, and an attachment of the Department of Education policy did the school agree to come up with a better plan to support my son. In regards to specialist support from specialists such as Speech Therapists, Occupational Therapists and ABA Therapists , the mainstream school used the reports I provided them with from my sons own therapists, and his education support worker came to a few of his ABA clinical meetings, and my sons speech therapist visited the school.

Harassment and victimisation: I cannot be sure as to weather of not my son has experienced harassment or victimisation while in an education setting as he is unable to tell me or anyone who may be caring for him in an educational setting if this has happened to him. He is also unable to speak up and advocate for himself, which makes my son particularly vulnerable to harassment and victimisation. I have witnessed one incident where my son was treated unfairly by his 3 year old kinder teacher, I received a

voice message from his teacher snapping into the phone at me that they had already changed my son twice that day and that they were not willing to do so again, so I would need to come to the preschool immediately to pick him up. When I arrived at the preschool the teacher did not notice I had entered the room and I witnessed her snapping at my son, ordering him to stand up, wash his hands dry them and to put his paper towel into the bin, she paced around the bathroom area, in clear earshot of his peers, clearly seething at the need to help my son in the bathroom. When I suggested that this was the reason I had not returned to the pre-school, the teacher understood and was clearly aware that her behaviour was unacceptable, my son then resumed attending. I as [REDACTED]'s parent and advocate have experienced some harassment and what would be described as victimisation in preschool and at his mainstream primary school. Half way through my sons first year at 4 year old preschool we wanted to apply for a second year at 4-year-old preschool, but his preschool teacher did not want to have him in in her class for another year, she used language and statements that were offensive to my son, statements such as:

"I've never taught a child who doesn't speak before, I've come from the private sector and children like that were weeded out in the application process"

"He's not learning anything, he doesn't even like me, he's still not toilet-trained and I don't see the point in having him here, I don't see the point in another year...what is he going to learn?"

The preschool teacher went to great lengths to sabotage any attempts we made to keep him at preschool for another year, without being obviously discriminative of our son. She failed to fill in sections of our 2nd year application and was clearly unsupportive of our application to the Department of Education when they contacted her for further information. She even went as far as to have the Anglicare district support nurse come and interview us at the preschool about sending our son to a specialist school, instead of having him in therapy so he could be better prepared for a part time mainstream environment after an additional year in preschool, we sat there in the preschool office while his preschool teacher and the Anglicare worker told us we had our son in the wrong kind of therapy, and that we should accept the fact that our son has limited capabilities so he may not ever have the ability to communicate, or be able to participate in education in a meaningful way. After explaining our choices and advocating for our son the Anglicare worker came to realise she had been brought in to support the preschool teachers desire to exclude my son from another year of preschool, and she began to question the preschool teacher about her doubt in my sons capacity to learn, the Anglicare worker and myself had to convince the preschool teacher that our son was indeed learning, by the end of the meeting it was painfully obvious that she did not want my son in her class the following year based upon his autism and intellectual disability, even though she did not outright say it. My partner and I were shocked after the meeting and didn't really know what to do afterwards, I then proceeded to enquire at other preschools about a place for my son for the following year, we understood it was his right to attend that preschool, but we didn't want him in an environment where he was not wanted.

I experienced indirect discrimination from The Education Department, when they failed to take the profound nature of my sons disability into account when we applied for a second year at preschool, I am still not sure if this was a direct result of the previously mentioned teachers attempts to sabotage my sons second year application, but being The Department of Education I expected them to treat us with respect and give full regards to my sons application. Instead I received a phone call from the department informing me that my son was of age and that he needed to attend school, without asking me about my sons

disability and why I thought that another year at preschool was in his best interests. I explained my sons disability to the representative on the phone, advocated for him and explained the need for another year of intensive therapy for my son. When I asked what I needed to do in order for my son to be able to attend preschool for another year, the representative explained how unlikely it was he would be allowed an exemption and proceeded to warn me that my behaviour and co-operation would be taken into account when making this important decision for my son. We then had to go through the process of getting reports from his specialists, The Department of Education taking little regard for my sons needs and his best interests, given his disability. During this process, which took place in November, we were unsure about whether our son would be attending preschool or primary school the following year and were told to prepare for both, as we may not hear back from the panel until after Christmas. He and us his family seemed to have no rights in this process. When I asked for dates and times of the panel hearing, and asked for the opportunity to attend, I was told that there was no timeline The Department of Education was responsible to adhere to and that I would be told when the panel was meeting possibly the day before, and that it was not appropriate for myself or an advocate for my son to be at the panel discussion to advocate for my son, a right he has everywhere else in his life, the Department told me that the DSE only applied to my son in an educational setting and that The Department of Education offices were not an educational setting. **While I do understand the need for process and proof, and the need for documentation, there needs to be a standard for how disabled students and their advocates are treated by The Department of Education, students with a disability have the need for them. Parents and advocates can help determine the opportunities and supports disabled students have while at school, and they shouldn't be subjected to victimisation and direct or indirect discrimination when ensuring their children and students get what they need in order to reach their full potential. The standards need to address this issue that affects parents, carers and advocates. If it already does then parents, carers and advocates and those who interact with them at The Department of Education, need to be aware of them too.**

At school I am subjected to comments from teachers, staff and other parents at the school who ask me what my sons disability diagnosis is, and then comment on how that explains his behaviour. While I support awareness, it is not my responsibility to explain my son's diagnosis and disability to everyone at the school. Whenever there is a student struggling to behave or making a lot of noise in my sons' classroom, the teachers in the other classrooms assume it is my son, and even comment to me about it when I'm leaving the junior school area, they do so often with an audience of other students, normalising and demonstrating this behaviour to students.

I attended a focus group for [REDACTED] inclusion initiative, where an education support worker attending the group informed me that my son did not belong at a mainstream school because of the profound nature of his autism and intellectual disability. This opinion came from a staff member who should have been aware of my sons rights. [REDACTED] did not discuss the DSE or address this discrimination while I was participating in the focus group.

All this happens to my son and to us his family, he and his family are treated this way, and yet we still don't know who we can turn to who will take us seriously, educators are not reminded often enough of a parents right to be treated with respect, and our rights as his family and carers, not to be subjected to offensive comments and unfair assumptions of our son.

The DSE should protect his family and carers and specify this in the DSE, the standards should also specify and give examples of unwanted comments regarding disabled students diagnosis and make staff at school aware of what discrimination and unwanted comments about an intellectually disabled student are. They need to understand that disability should be seen as any other part of the whole student, and that the student and their family and carers should not be subjected to comments about any part of something that makes up the whole of that person.

When a student with a disability is starting school, schools should inform teachers and the families of the student's class they are learning in, about the school policy on harassment and the rights of students with disabilities, and their families, to be in an environment free from unwanted comments and discriminatory behaviour.

I'm not entirely certain about how what I'm about to describe fits in to harassment and victimisation, rather it's a kind of exploitation of my sons disability for the schools gain, the mainstream school my son has attended used my sons disability (and other students disabilities) to qualify for a grant application to obtain funding for a new school playground and courtyard sensory area. My son was in his foundation year at the time, and the proposed playground was going to replace the grade 3 and 4 playground, which my son had no access to while at school. I find it unacceptable that the school can use the presence of my son and his disability to gain financial advantages, extra supports and resources that do not contribute to my sons education, they use the disabled students access to the supports they need, to the advantage of the whole student body, when they don't even provide the disabled students they were intended for access to the playgrounds and equipment.

This diminishes the importance and necessity of the supports my son and students with disabilities need, it doesn't recognise their need for appropriate supports that relate to the student's disability, safety and care while at school. The DSE and The DDA should protect disabled students from having their disability exploited like this, and ensure that supports the school gets from the department of education under PSD, or from anywhere that specifies supports are for disabled students, are in place primarily to support the needs of disabled students to give them an equitable education. They should be protected from schools using the funding they get for having a disabled student at the school at their own discretion, and schools should be held responsible to use the money that has been allocated to support a disabled students learning, for the students the funding was allocated for.

Compliance: we have had issues, again with the mainstream school regarding, supervisory requirements, safety planning, and communication of behaviour support and safety issues regarding my son...failures of which to do so, led to my son being left unnoticed for long enough to wander from his classroom, through a fence and into a body of water which runs alongside his school. Upon enrolment I had only one or two brief meetings with his teacher, neither of which discussed a safety plan, we didn't discuss how they would support my son during an evacuation, or how they would handle an evacuation drill other than to inform me that his support worker would stay with him. I did inform them that there would always need to be eyes on my son as he did have a tendency to slip away when he knew no-one was watching him. The only staff member who understood the importance of constant supervision of my son was his regular ed-support worker, and no attempt was made to document this or to have this information passed on to other

staff at the school to ensure everyone understood the safety risk this information minimised. Then his regular ed-support worker went on leave, the ed-support worker who was with him, and his classroom teacher...who should have been aware of this risk, somehow failed to supervise my son effectively, and my son slipped out of the classroom or he was left outside after a quick trip out of the classroom, (the details have not been made clear to me), and headed towards the wetlands that ran alongside the school. Another teacher teaching a class on the basketball courts noticed him and called out to him, and promptly sent a student to my sons classroom to alert them, why the teacher or even another student didn't approach him still baffles me to this day, we are talking about a profoundly autistic child who has an intellectual disability, it is documented an understood that he has communication difficulties, was headed to the wetlands an unsafe place...yet this teacher expected him to listen to her directions and react like a child without his disability. If the school had have understood and communicated how my sons disability affects him, how staff should approach and supervise my son, and filled in a safety plan that had been made with his family, and shared this information with all the staff who would be responsible for my sons supervision, I believe this incident would have been avoided. The manner in which the incident was handled was less than satisfactory, following the incident I was not shown an updated safety plan, nor was in involved in the process. The school then proceeded to protect itself and the staff involved in the incident and proceeded to complete a behaviour management plan that had been copied and pasted from another students at the school (and still had the other students name in the document). The school suggested strategies that were in direct violation of the DDA and the DSE such as placing my son in a high visibility vest while he was at school so he could be easily identified, and even placing an electronic monitoring device on him and creating an electronic boundary on him while he was at school, I informed them that these suggestions were unacceptable and in direct violation of the DDA, and the suggestions were then taken off the table as possible strategies to help with my sons safety, it is unacceptable that the school did not understand this before I brought this to their attention. I purchased a resource for the school, and I had a program added to his ABA therapy to help address his wandering behaviour, as the school had proven to have very little understanding regarding how to help my son learn about school boundaries, and were clearly only protecting themselves, without considering my sons vulnerabilities because of his disability, and their responsibility to keep him safe because of his disability.

This school also took until term two to provide me with an individual learning plan for my son, stating that because he was only there for one or two days per week that they could not teach him much while he was there, and while I understand that time spent at school is a significant factor in their ability to educate my son, it does not excuse their lack of willingness to make a learning plan based on his social outcomes, behavioural abilities and to have at least some small and achievable educational outcomes as a goal. To have no plan for such a significant amount of time is unacceptable and does not uphold his right to an education.

In both situations I did not know who to make a complaint to, after the wetlands incident I called The Association for Children With a Disability, and they provided me with some advice and they sent me some links to resources the school could use to ensure my sons safety and how to plan for it. I shared this information with the school, but I did not get any updated information or plans, I did ask for the plans and documentation, but it was never provided to me. The Association for Children with a Disability informed me that I should take up my complaint with the school first, then take it further if I was not happy with the outcome, but the school and its failure to plan keep my son safe was what I was to complain about, I

would be complaining to the very people who were responsible, the same people who were already keeping me out of plans and protecting themselves and their staff. At no time did the school inform me of my options regarding action I could take, or how they had taken responsibility for their failure in their duty of care to my son.

The complaints process needs to be independent of the school; parents, carers and disabled students need to be confident that their complaint will be taken seriously, that the person they are taking their issue to will not try to minimise their experience in order to protect themselves or their staff and colleges, or try to convince them that they have not been discriminated against, or convince them they have been treated fairly and that their rights have been upheld when they have not.

Transition: when my son transitioned from preschool to school his specialist school did an amazing job and had him into the school several times when we were in the assessment process for his Program for Students with Disabilities funding, the school could see that he was comfortable in the school environment and the transition process was very smooth, they had all the relevant information in order to supervise him and teach him when he started at school. The mainstream school on the other hand had gathered no information, they had not asked me how he would cope when attending transition days, they did not ask if he would need support during the transition sessions they held at the school, and when I arrived with him I was told to simply leave him with the teacher and the group with no support at all. I put him in the line with the other students and told the teacher that he would need someone to help him stay with the group, the teacher again answered that he would be fine, I went in to the parent session but I noticed him wandering off and left the parent session to return him to his group, the teacher clearly had no information about my son and his needs, and she simply dismissed me as an over protective parent. I accompanied him to the transition sessions to support him as I didn't want him left to the side and not participating. This meant that I missed meeting and becoming acquainted with the parents of the other students in his class, and I missed the parent information session that was given to the other parents. They didn't give me any information from the parent sessions that I missed. The deputy principal had left the application for my sons PSD funding and planning with his specialist school, his mainstream school did not take into account that his specialist school is a different environment, and that there would need to be the planning work done for EACH school...Therefore, my sons disability was not given the consideration it deserved and he was indirectly discriminated against because of that lack of consideration.

COVID-19: COVID-19 has profoundly impacted my sons experience and opportunity to participate in education. My son was not included in accessing attending onsite education at both his specialist and mainstream school in Victoria during the first period of restrictions in March of this year, even though he is in the category of a vulnerable student because of his intellectual disability and should have been offered a place learning onsite. Vulnerable because he is very limited in his ability to learn at home, and have a meaningful education in a non-school setting without an education provider delivering his learning. His mainstream school ceased all remote and home-based education support for PSD students when prep and grade one students returned to class, leaving my son and other disabled students without education support. He was not offered online learning at all during this current phase of lockdown by his specialist school, and I have had to ask for online lessons from his teacher. Neither school made any specific plans

available to us regarding his remote and home-based learning, no readjusted independent learning plans were made. We have returned to his specialist school only, we have since had my sons enrolment at his mainstream school cancelled, and my position on the school council as Vice President, after ten years of service has been rescinded.

What I think about the standards: I am familiar with the Standards, and what their purpose is. I found out about the Standards when I was confronted with situations of concern regarding my sons' preschool teachers and did some online searching. None of his preschools or schools has informed me about the Standards and their relevance to my son and his disability. I believe I understand my sons rights when it comes to being able to access and participate in education, I have completed the online training on the NCCD website for The Disability Standards For Education for Education Support Workers and this has helped me to have a better understanding of them from an education setting perspective, but there is no education opportunity designed for parents, only for teachers, ed-support workers and schools. I believe the standards do help students' access and participate in education, but they seem to contain a lot of language that puts the need to balance things for all parties involved on the same priority as providing supports and adjustments for disabled students, which schools and preschools use as an excuse not to provide effective and meaningful supports and adjustments for disabled students. Students with disability are still far more likely to miss out on the supports they need and be discriminated against, than schools would encounter unjustifiable hardship due to a disabled student's needs. Teachers and principals often use lack of funds for supports and unjustifiable hardship as a reason not to obtain material resources and pay for additional training or for better qualified staff, I know from school council meetings and the reporting on the financial position of our sons mainstream school that they often finished the month with plenty of funds in the bank, more than enough to train his teacher and ed-support workers to support my son. The access, choice and participation of disabled students in the most suitable education settings is limited and varies from school to school, dependant on the school leadership and their interpretation of the standards and how they apply the standards at their school. The standards need to be applied consistently across all schools, and the needs of disabled students needs to be the most important consideration education settings and their leading staff take into account, when considering enrolment and supports.

How the standards can be improved:

Barriers do still exist for students with a disability wanting to access and participate in education and training, particularly in mainstream settings where disabled students are in a minority, and attitudes towards accepting and teaching profoundly disabled students is still seen as the job of specialist schools, we can help the standards address these barriers by:

- Take the wording of "local school" and change it to "school in students local government area, irrespective of residential proximity and government school zone area" To give disabled students the ability to choose, enrol at and attend the most appropriate school based on the individual needs they have because of their disability.
- Incorporate, or make schools, parents, advocates and carers aware of rights to advocate for, and be in an environment that is free of discrimination, harassment and victimisation directed at them

about the disabled student in their care, and they are not to be discriminated against, harassed or victimised as parents, carers and advocates of disabled students.

- Incorporate that the act of advocacy itself is a right that disabled students have in their day to day experience as students, and that right to advocacy is not just limited to support meetings, official communications and interactions. Because discrimination, harassment and victimisation are more likely to take place in the day to day experience a disabled student has, and less likely to take place in an official meeting, documented communication or a planned interaction.
- The Standards need to protect disabled students and their parents all of the time they are at school and at interactions conducted by the school, to protect disabled students and parents at school activities, school council meetings, school fetes etc
- Disabled students, parents', carers and advocates should have the schools inclusion policy, and other relevant policies for the disabled student included in the letter of placement for the student, upon starting at the education setting.
- Schools need to be independently monitored and assessed for DSE standards compliance, The Education Department shouldn't be left to monitor itself and the schools it governs, the compliance reports need to be made accessible to the public and the school community.
- The standards need to have mandates for adjustments and supports to meet criteria before they can be applied, so adjustments do not take away disabled students' access to other supports, and they do not make a task or a need a student has harder than it needs to be.
- Schools need to be mandated to use the supports given to them to support disabled students, to support disabled students. Extra financial supports need to be allocated and used to fulfil the school's obligations to provide adjustments and supports for disabled students, those supports need to be relevant to the needs of the students who have disabilities and need to make a meaningful contribution to the disabled students education. To ensure schools are supporting disabled students in a meaningful way, and financial, staff supports and resources the school is allocated because they have a disabled student enrolled, are there to support the disabled students they were intended for, instead of having disabled students miss out on supports and adjustments they need in order to have the same educational outcomes as their non-disabled peers.

We could improve awareness of the standards by having them included in school information and enrolment packs. Staff at schools could have their awareness raised by being required to do the NCCD online DSE professional development training, or training that is developed by this review team. Schools could also be made aware of their obligations under the Standards when an independent assessor comes to the school to complete a compliance check.

I am aware of the guidance notes for the DSE, they are helpful, but when I read them it's hard for me to know which section I need to refer to when I have an issue, there is no search option to search within the digital document available online. Even better would be the ability to search within the standards or on the government website relating to a particular issue a parent, advocate or caregiver is having...so I could go to the standards at the education department website, or the human rights website and search "my child has been denied a support" or "someone is bullying my disabled child" without the need for formal legal language, and the website would direct me to the section of the Standards or the DDA that is relevant to

this issue AND highlight the students' rights and the action that could be taken to address this issue, in plain language. Then it would be clear to both schools and education settings and to students, their families, advocates and carers what the acts cover and how to move forward with an issue.

In conclusion, schools are in a position of advantage. Disabled students and their parents feel obligated to the school and to the staff who work with disabled students. Disabled students, parents and caregivers are expected to be grateful that the school enrolled them, grateful that they have them there to begin with, grateful that the school and its staff go to such great efforts to accommodate and work with them each day at school. There is no such expectation of non-disabled students and parents of non-disabled students. This puts disabled students, parents and caregivers of disabled students in a vulnerable position, and this position makes them less likely to report about issues of discrimination and failure to meet obligations under The Disability Standards for Education. They do not want to have to convince another school to enrol their disabled child, or may simply have no other choice than to send their child to a school that does not meet the standards. They may not have the time or the financial means to go through the process of transferring their child to another school, or go through the process of making a complaint to The Human Rights Commission, because discrimination and a lack of supports are open to interpretation, and often what is best for the disabled student ends up being the last consideration of the educational setting in these matters, by experience I have seen educational settings go to great lengths to protect themselves when they have failed in their obligations to my disabled son.

Disabled students and their families lack the ability to choose a school that is best suited and inclusive of their individual needs than non-disabled students. Non-disabled students, can go to almost any school they choose, schools by design both structurally and their curriculum are designed for the education of non-disabled students and teachers are taught primarily to teach non-disabled students.

Discipline policy and behaviour expectations and supports at schools are written primarily for non-disabled students and only parts in the schools' primary behaviour management policy relates to disabled students.

It is common knowledge that disabled students, their parents and carers are more likely to have fewer options and choice to select a suitable school to attend. Disabled students need to consider many things such as:

- Speed limits of roads surrounding the school
- Accessible carparking
- Suitability of the school grounds and playgrounds
- Potential dangers surrounding the school like lakes and wetlands.
- The student to teacher ratios and the number of education support staff at the school
- The inclusive culture of the school, and the school community
- The qualifications and abilities of the teachers and education support staff
- The curriculum delivery model, and the availability of onsite specialists such as speech therapists, occupational therapists and behaviour analysts.

Therefore, disabled students should have MORE choices to make their opportunities equitable to their non-disabled peers, this inequality through lack of options and choice is so well known it is even documented in textbooks. The textbook "Supporting Education" (Karen Kearns 2nd edition 2016) states on page 3 of chapter 1: "in most regional and city areas, families have some choice when it comes to selecting a school that fits the needs of the family and the child. Families in rural and remote areas, families who are socially and economically disadvantaged, and families who have a child with a disability are more likely to have fewer options when selecting a school for their child"

Disabled students are far more likely to end up in specialist settings where their needs are met. This means that disabled students are the minority and are underrepresented in mainstream education settings, (particularly profoundly disabled students) this demonstrates a false representation of disability in society itself to the non-disabled community. Children develop their sense of what their community is and who is a part of it while at school, and if non-disabled students do not see and interact with their disabled peers while they are growing and understand how to interact with them without being discriminative, excluding disabled people or have an understanding of indirect discrimination, then the inequity that leads to inequality of people with disability will never truly be addressed.

I also support the application of The Disability Standards for Education to childcare settings, my son attended at a childcare setting, and many childcare centres also incorporate kinder. The potential for discrimination, harassment and victimisation is the same in a childcare centre than it would be in any other educational setting and disabled children should have the protection of the DDA and the DSE when in these settings.

I thank you for the opportunity to make my submission and contribute to the review of The Disability Standards For Education in 2020.

Should you need any further information or wish to discuss my submission I can be contacted by email :

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Warmest regards

██████████ and ██████████