

# Submission to the 2020 Review of the Disability Standards for Education

The Catholic Education Commission of Victoria Ltd (CECV) has a rich history of dialogue and collaboration with state and federal government departments and authorities, and we welcome the opportunity to make this submission in response to the 2020 Review of the *Disability Standards for Education 2005* (DSE).

## About the CECV

The CECV was established by the four Victorian bishops to assist them to meet their responsibilities under Church law to provide Catholic education in Catholic schools in Victoria and to ensure the proper governance of, and provide leadership in, Catholic education across the State of Victoria.

Across the Archdiocese of Melbourne, and the dioceses of Ballarat, Sale and Sandhurst, the CECV represents over 211,000 students enrolled in 499 Catholic schools, employing more than 28,000 teaching and ancillary staff.

Nearly one-in-four Victorian students are enrolled in a Catholic school and the system makes up the sixth largest schooling sector in the country.

Catholic education in Victoria is also the recipient of over \$2 billion in government funding per annum.

## Diversity in Catholic schools

Catholic schools uphold the United Nations Convention on the Rights of the Child (1989), and are committed to unified actions designed to provide every child with access to quality education as a fundamental human right and as a prerequisite for human development. Catholic learning communities enact inclusive policies and practices to accurately identify the diverse learning needs of individuals, consider effective approaches of support, provide appropriate adjustments and monitor the progress of all learners. Catholic schools acknowledge that all students with diverse learning needs have a right to access a full and engaging education on the same basis as their peers. Catholic schools seek to empower learners by celebrating difference and providing educational opportunities aimed at eliminating discrimination and focused on growth and progress for all. Diversity in Catholic schools is enacted through a pedagogy of inclusion and a commitment to uphold the rights of all to be welcomed, valued, acknowledged and actively engaged in education.

Catholic schools recognise the role of parents and carers as the first and ongoing nurturers and educators of their child. As the first educators of their children, parents and carers have a depth of knowledge that can make valuable contributions about additional practices and processes that will support their child. Catholic schools recognise the joint commitment of schools and families to establish and nurture an authentic partnership to promote optimal engagement, achievement and wellbeing. Nurturing and respecting this relationship will support optimal outcomes for the student.

The CECV acknowledges the important role of the Commonwealth *Disability Discrimination Act 1992* (DDA) and DSE in articulating the rights of families to access education for students with disabilities and the associated responsibilities of schools. The [CECV Intervention Framework](#) provides an inclusive and culturally responsive context in which Catholic schools develop policies and practices that recognise and value diversity to provide an effective education for **all** students. The CECV remains committed to building communities of learning that provide safe, nurturing and academically stimulating environments for all children.

## Growing challenges

The CECV notes that this review occurs at a time when there are a growing number of students requiring support and special education teachers who are able to provide specialised support.

Data from the NSW Government's 2019 [Disability Strategy: A living document](#) suggests that the demand for disability support in schools is growing at twice the rate of enrolment growth. Modelling from Boston Consulting Group suggests that the number of students with disabilities could increase by around 50 per cent over the next seven years.

### Recommendation

The DSE review should consider the impact of an increase in the number of students with a disability and the capacity of existing school systems to provide suitably qualified teachers and targeted supports for an increased cohort.

## Cross-sectoral collaboration

The CECV acknowledges the initiatives undertaken since the 2015 review to strengthen awareness and understanding of the DDA and the DSE, particularly through the work of the Joint Working Group to Provide Advice on Reform for Students with Disability (JWG) and the implementation of the Nationally Consistent Collection of Data on School Students with Disability (NCCD). The JWG provided a highly valued opportunity for senior representatives from state and territory government education authorities, the Independent Schools Council of Australia (ISCA), the National Catholic Education Commission (NCEC) and the Australian Curriculum, Assessment and Reporting Authority (ACARA) to work collaboratively to consider disability-specific issues in education and to implement the NCCD.

### Recommendation

The national cross-sectoral approach to disability and the creation of opportunities for close collaboration on future capacity-building activities should be continued even though the JWG has been disbanded.

## Professional learning and teacher development

Close cross-sectoral collaboration facilitated through the JWG provided avenues for a strengthened collective understanding of disability, the functional impact of disability on access and participation in education, and the need for reasonable adjustments. A suite of professional learning resources was developed as a key component of the JWG work plan, including case studies that highlight the link between the functional needs of students and the provision of adjustments, and professional learning modules to support understanding of the DSE. The findings of the 2015 review noted the significant improvement in accessibility and implementation of the DSE since the previous review in 2010. It was also highlighted that further effort and support tools were still required to promote community and teacher awareness of the rights of families and students, and the obligations of schools and educators. The CECV has promoted the online portal to all school leaders and teachers, both through communications with schools and through face-to-face professional learning opportunities. Since 2018, 20,458 Victorian Catholic school employees have completed the DSE modules.

The Australian Institute for Teaching and School Leadership (AITSL) has published the Australian Professional Standards for Teachers to articulate the career stages for teachers from graduate to proficient, highly accomplished and lead. The standards acknowledge the learning progression that supports expert teaching. Teacher training and development are critical to ensure that all teachers, at all stages of their professional career from graduate to lead teacher, have ongoing opportunities to build skills, knowledge and understanding to effectively support the diverse educational needs of all students. Expert teacher knowledge and skill are particularly important when seeking to support the development of educational programs for students with complex needs and behaviours of concern, and those requiring augmentative and alternative communication (AAC) and/or specialised medical support.

### Recommendations

- It is imperative that the focus on teacher training is further enhanced through credentialed learning to ensure that every Australian school has a lead teacher to support diversity and inclusion across all year levels, but with particular consideration for key transitions from pre-school to school and from school to post-school options.
- As a highly skilled teacher workforce is clearly required to meet the diverse needs of students, a national workforce training strategy with a disability-specific focus should be designed and implemented.

## Impact of the National Disability Insurance Scheme

Since the 2015 review of the DSE, the rollout of the National Disability Insurance Scheme (NDIS) has significantly changed the demand for access to school settings by external providers. While specialised support and products funded by the [NDIS](#) are designed to assist 'a person in their daily life and help them participate in the community and reach their goals', the request for service providers to access school premises can pose difficulties. Schools have an obligation to deliver an appropriate educational program for enrolled students and maintain child safe practices. Requests for NDIS or external providers to be on site pose a number of difficulties that can disrupt educational programs, for example, where:

- the school has multiple students on NDIS plans and is asked to accommodate multiple providers, providers seek access to the school, classrooms or the school site to deliver their services. The school must supervise external providers
- providers seek to unduly influence the delivery of the school's program or seek to take responsibility for the delivery of educational services at the school
- the credentialing of the provider is not validated by an overarching registering body such as the Australian Health Practitioner Regulation Agency (Ahpra), Speech Pathology Australia (SPA) or the Victorian Institute of Teaching (VIT).

While the NDIS or external provider is focused on their area of specialisation and the specific client, the school has responsibility for the delivery of the education program for the student with disability and all other students at the school, as well as supervision of visitors to the school, and compliance with broader child safety, duty of care and WorkSafe responsibilities. Principals must have a clear understanding of the DDA and the DSE, as well as the wider range of legislated obligations under a variety of Acts.

## Fee-for-service providers

The partnership with the school can also be affected by fee-for-service providers engaged to act as an intermediary between the family and the school further complicating the relationships and communication pathways. In some cases, providers have sought to replace the parent/carer in the planning process, effectively removing the ability of the school to communicate directly with families. When consultation between the school and the family is eliminated, the exchange of communication is often limited to specific areas of focus of the fee-for-service provider. In these instances, the fee-for-service provider's capacity to consult directly on the student's school experience is constrained and, as a result, consultation regarding appropriate reasonable adjustments is often reduced to generic responses connected to commercial products or programs.

### Recommendation

The role of fee-for-service providers engaging with schools on behalf of parents/carers needs to be clearly defined, particularly for those who seek to replace the parent/carer in the communications or operate without the validation of an overarching registering body.

## Reasonable adjustments

The implementation of the DSE requires an understanding of 'reasonable adjustments'. The [NCCD website](#) indicates that: 'An adjustment is reasonable when it is the product of consultation and seeks to balance the interests of all parties.' In considering the interests of all parties, the needs of the particular student, and the views of the student and their parents/carers are considered alongside the interests of affected people such as the staff and other students, and the integrity of the course or program. While, in the majority of cases, the collaborative partnership between parties is effective and the educational planning process is effective in agreeing on reasonable adjustments, there are some occasions where resolutions are difficult. There is no requirement to make an unreasonable adjustment and yet an 'unreasonable adjustment' is not clearly understood.

### Recommendation

There may be an opportunity to consider the development of resources, such as a decision tree, to support the process and case studies to illustrate how a decision as to a reasonable or unreasonable adjustment is determined.

## Nationally Consistent Collection of Data on School Students with Disability

The NCCD has provided the opportunity to reinforce the existing obligations that schools have towards students with disability under the DDA and the DSE. The CECV has welcomed the chance to engage all schools in the data collection process, as it has provided the opportunity to dialogue with schools regarding their obligations to identify students with disability, identify the functional impact for the student and design adjustments tailored to the student's needs. Since 2018, the NCCD has been used to calculate a school's disability loading under the Australian government funding allocation. The NCCD adopts the broader definition of disability defined in the DDA and has increased the number of students with disability attracting Australian government funding.

The CECV has welcomed the NCCD as it has presented schools with opportunities to provide educational adjustments to support the needs of a wider group of students with disability. While the CECV has appreciated the additional resources that have accompanied the implementation of the NCCD, it acknowledges the comments made by the National School Resourcing Board (NSRB) in its 2019 review that cross-sector collaboration should continue to be facilitated by the Australian Government to ensure a consistent approach to the NCCD. The NSRB also noted that there was a general consensus that funding at the substantial and extensive levels could be enhanced in recognition of the resources required to provide the necessary adjustments for students with complex needs.

### **Recommendation**

The NSRB's recommendation that the Australian Government refines the design and delivery of the post-enumeration process for quality assurance of the NCCD should be implemented to ensure it is consistent and responsive to school context, but calls for an approach that is transparent and uniformly adopted across sectors.

## **Impact of COVID-19**

COVID-19 has had a significant impact on the educational experience of students, including students with disability (Sonnemann & Goss 2020). The CECV has noted the varied experience of students with disability, with some students with complex needs requiring high levels of support experiencing significant difficulty in accessing remote learning opportunities and families reporting significant levels of distress. Principals of Catholic schools were particularly attuned to the needs of students with disability and their families. Catholic schools provided access to onsite education for vulnerable students in accordance with the advice of the Chief Health Officer to ameliorate the impact for children and families. Schools have provided access to devices and school equipment during remote learning, with the CECV partnering with Telstra to provide portable wi-fi to 1,200 students with distribution focused on vulnerable populations.

Schools have also reported that some students with disability seemed to benefit from their remote learning experience, with some students with selective mutism verbally engaging in the online forum for the first time, and reports that some students with autism readily engaged in the online environment and families have requested opportunities to include remote learning as an element of their ongoing educational plan. As Victorian students begin to return to onsite learning, consideration will need to be given to assessing and then redressing the impact of remote learning for disadvantaged students, including students with disability who have fallen further behind. A carefully considered plan will need to be resourced noting the Grattan Institute recommendation for a 'national catch-up strategy over six months for disadvantaged students hardest hit by the shift to remote schooling during the COVID-19 crisis' (Sonnemann & Goss 2020, p. 4).

### **Recommendations**

- A national approach should be designed and implemented to assess and redress the impact of remote learning for disadvantaged students including students with disability.
- A cross-sectoral approach should be taken to create opportunities for collaborating on the provision of access to distance education for components of educational plans in response to student needs.

The CECV acknowledges that the DSE has been effective in elaborating the DDA requirements for the educational context, providing a basis for education authorities to develop resources that guide schools to enact equitable processes that support access to education for students with disabilities. While the DSE has been effective, the standards could be enhanced to provide greater clarity for school leaders, teachers and educational authorities about how they:

- intersect with other legislative requirements pertaining to duty of care and privacy
- can be applied in practice particularly in determining what is a 'reasonable' adjustment and what may be considered 'unreasonable'
- can be effectively enacted to support educational programs by 'expert teachers', able to design effective learning opportunities and implement positive behaviour supports
- reinforce the partnership between families and schools, and clarify the role of third-party providers seeking to enter into the educative process.

The CECV acknowledges the work that has been undertaken in response to the previous review of the DSE and the resulting opportunities to strengthen awareness of the standards, community collaboration, teacher knowledge and practice, and broader school practice and looks forward to the 2020 report that will inform future actions.

## Reference

Sonnemann, J & Goss, P 2020, 'COVID catch-up: Helping disadvantaged students close the equity gap', Grattan Institute, Carlton.