

Catholic Education Office (CEO) Diocese of Wollongong
2020 Disability Standards Review
Submission

Recent system-level consultations regarding the effectiveness of the Disability Standards for Education 2005 (DSE) in achieving for students with disability access and participation in education on the same basis as students without disability have yielded the following observations:

1. Enrolment and access:

In recent years, the Standards have contributed to the reshaping of Catholic Education, Dioceses of Wollongong (CEDoW) enrolment documentation and procedures that align more explicitly with the obligation of schools to take reasonable steps to ensure that prospective students are able to apply for enrolment on the same basis as prospective students without a disability, and without experiencing discrimination. In accepting enrolment applications CEDoW schools work to dispel any prevailing myths in the community about Catholic schools discriminating against students with disability. This has resulted in less reticence on the part of parents/carers/guardians to identify disability in prospective enrollees and supply diagnostic reports that will, upon enrolment, inform adjustments.

One area targeted for further development is the support of parents/carers/guardians with disability in navigating the enrolment process. Several initiatives have been identified as key to this support:

- The availability of simple English and image-based enrolment literature as well as enrolment flyers in various languages,
- Digital enrolment literature that allows for text-to-speech access,
- A school based enrolment officer to assist in the completion of the enrolment application,
- Advertising the option of involving a community support person in enrolment interviews.

2. Participation:

The annual NCCD with its associated imperatives around evidence gathering in the areas of: consultation; assessment of individual need and the provision, monitoring and review of personalised adjustments, has led to improved knowledge at school and system levels of the obligation to make reasonable adjustments to ensure all students with disability can participate in education. The implementation of a new Diocesan Diverse Learning Needs Policy has also reinforced the need for schools to regularly review their practices to ensure equity and access for all students.

An area that has been identified as requiring system-level review is the provision of a range of Stage 6 courses in Diocesan secondary schools.

3. Supporting students:

CEDoW currently employs a number of system-level specialists in inclusive and special education who work closely with teachers to ensure that students experiencing functional barriers to participation due to disability are appropriately supported. In each of the 29 primary, 8 secondary and one K-12 systemic schools in Diocese, teachers are expected to collaboratively plan and

regularly review personalised adjustments with students with disability and their parents/carers using an online tool provided by Catholic Schools NSW. Supports and adjustments are available to students in the context of regular class and specialist settings. The majority of students with disability in CEDoW schools access adjustments in the context of regular or “mainstream” classrooms.

Placement of a student in a CEDoW specialist setting is considered a special measure in that it is “intended specifically for the benefit of students with disabilities, and can take the form of programs or initiatives that afford students with disabilities, or with a particular disability, benefits, grants, programs, goods, or access to facilities, services or opportunities to meet their special needs in relation to education and training” (Australian Government Department of Education Skills and Employment 2020b, p.28). Discerning the appropriateness of a specialist setting for a student with disability is a lengthy process involving assessment, evidence gathering and extensive collaboration and consultations with teachers, parents and students. At the core of deliberations about the appropriateness of specialist settings are the concepts of “least restrictive environment” and “self-determination”. The goal of placement in a specialist setting is that the student will transition into regular class placement when equipped with the social and learning skills that will facilitate greater agency. All CEDoW specialist settings operate under Principles of Operation that have been individually developed for each setting and are subject to annual review. Students in specialist settings are included in all school activities within the host school and participate with the age peers in excursions, retreats and Masses. The provision of this special measure is considered an integral part of the continuum of support for students with disability in the Diocese of Wollongong.

If students require the support of external professionals either in a consultative or therapeutic capacity, this is supported through school and system policies and procedures.

4. Harassment or victimisation:

CEDoW schools are required to adhere to the CEDoW Student Pastoral Care and Wellbeing Policy. The policy obliges schools to “develop and implement strategies in collaboration with students to promote safety and counter violence, bullying and abuse in all online and physical spaces”. School personnel refer to the CEDoW Student Anti-Bullying Procedure to make decisions about whether incidents of bullying, harassment or victimisation are:

- managed at the school level according to the school’s behaviour management processes,
- referred to system level for case collaboration or,
- in the case of serious or potentially criminal matters, referred to the CEO Senior Professional Officer: Concerns, Complaints and Critical Incidents for advice as well as directly contacting the police.

The pastoral care and wellbeing of all students, including students with disability, is reinforced in CEDoW schools by the Positive Behaviour for Learning Framework which aims to:

- Support and maintain positive behaviours for all students and staff that in turn enhances learning and builds quality relationships;
- Build the capacity of diocesan schools to effectively manage problem behaviours at all levels;
- Offer evidence-based interventions that provide additional support for students with more difficult behaviours, and
- Support diocesan schools and families with students with high-risk and challenging behaviours.

Embedding concepts of diversity, tolerance and inclusion across the curriculum is seen as key to creating safe learning environments. The Diocesan Learning and Teaching Framework (DLTF) explicitly identifies among the indicators of authentic learning, the valuing of “individual differences and the dignity of the human person”. CEDoW is currently in the process of reviewing the DLTF with a view to providing schools with practical strategies to foster inclusive practices.

5. Compliance:

Professional learning aligned with the NCCD is provided to all CEDoW schools each year to reinforce key compliance messages. To support this professional learning program, CEDoW Education Officers work closely with school staff to ensure compliance with NCCD protocols and DSE obligations.

Where students or parents/carers have concerns or complaints about schools or particular staff members failing to comply with DSE obligations, these complaints/concerns are either addressed at a school level or referred to the Professional Officer: Concerns, Complaints and Critical Incidents for further investigation and resolution. The CEDoW Complaints Policy is publicly available on the CEDoW website: (<https://www.dow.catholic.edu.au/safety-and-wellbeing/concerns-complaints/>). This policy is currently under review and being updated.

An area for targeted improvement is to have this policy available in a plain English image-based version and in several languages.

6. Transition:

Five CEDoW transition procedures linked to the Diverse Learning Policy guide schools in transitioning students with disability from:

- Prior to school settings to Kindergarten
- Another school to a CEDoW school
- Year to year
- Year 6 to Year 7
- From one setting within a CEDoW to another setting e.g. ‘mainstream’ to specialist setting, or specialist setting to ‘mainstream’
- School to Post School

CEDoW schools are encouraged to provide collaboratively-developed personalised transition programs for students with disability requiring them. In the case of students with disability in the senior years of high schools, transition-to-post-school plans are created and reviewed as part of the Personalised Planning process from Year 10. For students with NDIS plans, transitions to post school may require the identification of the appropriateness of School Leaver Employment Supports or access to Disability Employment Services. As part of their roles, Learning Support Coordinators in CEDoW secondary schools develop close links with local Disability Service Providers in order to facilitate successful transitions for senior students with disability.

7. Aboriginal and Torres Strait Islander students with disability:

Aboriginal and Torres Strait Islander students with disability and their families are often supported in the Personalised Planning process by school-based Aboriginal Education Assistants who work

closely with the students. Families may also choose to bring a community member along to school-initiated Personalised Planning meetings to assist them to collaboratively negotiate adjustments and goals for young people with disability.

Aboriginal Community Engagement Officers are employed on a regional basis by Catholic Education, Diocese of Wollongong to support schools in their engagement with Aboriginal communities or Aboriginal and Torres Strait Islander families. They help to provide collaborative professional relationships with Aboriginal and Torres Strait Islander families, elders, communities and service providers in order to improve the educational outcomes of Aboriginal and Torres Strait Islander students. (CEDoW, 2017, Office of the Director, Strategic Planning and Policy). CEDoW schools with strong links to local Aboriginal communities and school processes that promote cultural awareness report that they are successful in engaging Aboriginal and Torres Strait Islander families in collaborative planning. Education and Professional Officers supporting students with disabilities in CEDoW schools, have undertaken a targeted immersion program to build their understanding of Aboriginal culture and their capacity to respond to the needs of Aboriginal families and students.

8. Specific experiences:

A Framework and Procedures to support the enrolment, transition and participation of students with gender dysphoria are aligned to CEDoW's Diverse Learning Needs policy. Students with gender dysphoria are case managed by system-level Education Officers to facilitate access and participation and prevent potential incidents of harassment and victimisation.

9. COVID-19:

Despite the implementation of a number of strategies implemented by schools and parents/carers to facilitate continuity of learning for students with disability during the period of remote learning, it is apparent that students with disability have been disproportionately disadvantaged when compared to their peers without disability. Students requiring substantial and extensive levels of adjustment rely on high levels of adult support and highly individualised programming to access learning in the school environment. Some require nuanced behaviour plans or significant physical assistance to participate in learning activities or access personal devices or digital learning platforms. Remote learning, even with the most diligent of parental supervision could not have replicated the levels of adjustment required by some students with disability to engage in learning on the same basis as their peers without disability. In the Diocese of Wollongong the disadvantages suffered by students with disability in the period of remote learning were in some cases compounded by the trauma suffered in areas ravaged by bushfires.

10. Do you understand your obligations when it comes to students with disability being able to access and participate in education? How have the Standards helped you to understand your obligations?

CEDoW Education and Professional Officers are required to regularly undertake DSE refresher training so that they can understand the obligations of education providers to facilitate access and participation in learning for students with disability. This training helps system level officers promote an understanding of these obligations amongst teachers and support staff in schools. Staff in all CEDoW schools participate in similar professional learning, through e-learning modules on the NCCD portal and CEDoW-created professional learning workshops. The Disability Standards for Education 2005 have greatly assisted teachers and system-level personnel understand the

principles at the core of the Disability Discrimination Act 1992 (DDA). These principles have been translated into custom and practice in CEDoW schools resulting in more inclusive school cultures.

11. Do you feel confident negotiating and implementing a reasonable adjustment? Do you know how to determine if this would result in unjustifiable hardship?

CEDoW Education Officers work with their teaching colleagues to deepen their understanding of what constitutes a “reasonable adjustment”, and how these reasonable adjustments are best negotiated and implemented to provide students with disability access to learning on the same basis as their peers without disability. The consistent system-level message is that an adjustment is reasonable if it is individualised, flexible and balances the needs of all parties. Education Officers often participate in collaborative processes involving school personnel, students with disability, their families and medical professionals. System support for consultations helps to moderate good collaborative practices where all voices are heard and valued. Schools are encouraged to use the resources available on the NCCD portal if they are unsure about whether a particular adjustment meets the definition of reasonableness. In the thousands of consultations that occur in the context of Personalised Planning meetings across the Diocese each year only a handful of proposed adjustments have been deemed to not to balance the needs of all parties. In these cases, continued negotiations between families and school personnel have led to the identification of personalised adjustments that have facilitated greater access and participation for the students in question.

The concept of unjustifiable hardship is one that continues to be poorly understood by school personnel. The Standards do not clarify the concept satisfactorily. Perhaps the inclusion of case law in support documentation might shed light on how this legal exception has been prosecuted by various education providers.

Even the material dealing with Legal Exceptions in the NCCD portal (<https://www.nccd.edu.au/wider-support-materials/legal-exceptions>), including unjustifiable hardship, is vague. The case study highlighted in the NCCD material is very esoteric and doesn't effectively explore how an adjustment might have led to unjustifiable hardship.

12. Do you think the Standards help students with disability to access and participate in education and training on the same basis as students without disability? Why, or why not?

The Standards help students with disability to access and participate in education and training on the same basis as students without disability insofar as they assist education providers to understand their obligations and the rights of students with disability and their associates. The availability of the Standards as a reference for schools and the expectation that schools undertake professional learning around the Standards, means that a high degree of compliance is likely. This can only benefit students with disability and their families.

13. Do you think the Standards help Aboriginal and Torres Strait Islander students with disability to access and participate in education and training on the same basis as students without disability? Tell us why you think this.

Refer to answer 18.

14. Do the Standards need changing? If so, please let us know how you would change

them.

It is the view of CEDoW Education Officers that substantial changes to the Standards would undermine the current level of awareness of their content that has been built over the past decade and a half.

15. What should be done to improve awareness of the Standards?

NCCD processes have done a great deal to improve awareness of the Standards in schools but there are still some areas that require improvement. CEDoW Education Officers believe that there is a need to reinforce, through documentation in the NCCD portal and through professional learning, the relationship between the DDA and the Standards. This will lead to greater awareness of where the standards fit in the broader disability landscape.

There is also a need to improve understanding of the rights of associates of students with disability. While there is a wealth of literature related to the Standards available online (fact sheets and the like) there is a need for more directly-consumable materials like posters and flyers that can be displayed in school foyers.

Other ways of improving awareness of the Standards in schools could include the following:

- give greater emphasis to teaching the Standards in undergraduate training. A case study approach is recommended.
- Schools could use checklists and self-reflection tools to monitor their adherence to the Standards.

16. Do you need more or different support to help you to understand and apply the Standards? What kind of support would be useful?

Refer to answer 15.

17. Do you find the Guidance Notes for the Standards useful? If not, why not?

CEDoW Education Officers find the Guidance Notes useful. The notes could be expanded in the manner described below.

18. What would you change to make the Standards work better for Aboriginal and Torres Strait Islander students with disability and their families and carers?

Consideration should be given to explicitly naming the unique needs for Aboriginal and Torres Strait Islander students. The Guidance Notes could be expanded to include strategies for consultation with families from diverse backgrounds (including Aboriginal and Torres Strait Islander). Consultation and cultural awareness is key to the effectiveness of the Standards. Forming working groups with significant Aboriginal and Torres Strait Islander representation would be a starting point for a reframing of some aspects of the Guidance Notes.

References:

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