

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability, aged 0-25 years. CDA has a national membership of 5000 with the majority being families. CDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met. Further information about the organisation is available at www.cda.org.au

CDA welcomes the opportunity to make a brief submission on the removal of the command and control features of the *Australian Education Act 2013* (the Act) and the *Australian Education Regulation 2013* (the Regulation).

9% of children aged 5-14 have a disability.¹ Just over 90% of students with disability attend mainstream schools.² It is typical to have 1-2 students with disability in classrooms across Australia. It is therefore highly important for the education system to reflect best practice with regard to education provision for students with disability. However, students and families frequently report that in their education experiences their children are subject to limited opportunities; low expectations; exclusion; bullying; discrimination; and violation of human rights.

CDA has provided detailed submissions previously to a range of education consultations which have detailed that the current education system is not adequately meeting the needs of students with disability. Relevant submissions include Review of Disability Standards for Education 2005 (May 2011), Review of Funding for Schooling (March 2011 & September 2011), Senate inquiry into teaching and learning – maximizing our investments in Australian Schools (Oct 2012). School Workforce Productivity Commission Report (Feb 2012), the Australian Education Bill 2012 (Feb 2013) and the Senate Select Committee on School Funding's Inquiry and report on the development and implementation of national school funding arrangements and school reform (March 2014). These submissions are available at <http://www.cda.org.au/cdasubmissions>

Statistics show that there is a significant difference in education outcomes for students with disability compared with their peers without disability. Currently 26% of student with disability do not go past Year 10,³ with only 36% completing Year 12 compared to a completion rate of 60% for people without disability.⁴

A good education is fundamental for young people to be able to become contributing adults in society. These statistics paint a picture of systemic failure of preparing young people with disability for adult life compared to their peers.

THE AUSTRALIAN EDUCATION ACT 2013

The Australian Government has identified 'School Autonomy' as a key focus area of its *Student First* education agenda. It is stated that it "recognises that giving schools and school leaders greater

¹ Australian Bureau of Statistics (ABS) 2009, 'Rates of Disability in Australia,' *Profiles of Disability*, Commonwealth of Australia: Canberra, viewed 17 March 2014, <http://www.abs.gov.au/ausstats/abs@nsf/Lookup/4429.0Main+Features100232009>.

² ABS 2009, 'Children at School with Disability,' *Profiles of Disability*, Commonwealth of Australia: Canberra, viewed 17 March 2014, <http://www.abs.gov.au/ausstats/abs@nsf/Lookup/4429.0main+features100302009>.

³ ABS 2009, 'Persons Aged 15-64 years, selected characteristics – by level of highest educational attainment,' *Survey of Education Training and Experience 2009: State and Territory Australian tables*, Commonwealth of Australia.

⁴ ABS 2012, 'Disability – Education and Employment,' *Disability, Ageing and Carers, Australia, Summary of Findings 2012*, Commonwealth of Australia: Canberra, viewed 17 March 2014, <http://www.abs.gov.au/AUSSTATS/abs@nsf/Latestproducts/E82EBA276AB693E5CA257C21000E5013?opendocument>.

autonomy can help improve student results.”⁵ The Government’s consideration of the removal of the command and control features of the Act and the Regulation falls within this broader agenda of increasing school and principal autonomy and streamlining reporting by schools to the Commonwealth.

While the anecdotal reports from CDA members are that the commitment of principals is critical to good school experiences for students with disability, it does not follow that on its own, greater principal autonomy will result in systemic improvements in inclusive practice, given the current patchy skills and knowledge about inclusive education that exists across the principal class. If there is to be a shift to greater principal autonomy, it must be complemented by unambiguous standards, accountability and resources to ensure inclusive education is a feature of EVERY school that attracts government funding. The expectation of inclusion simply cannot be left to chance or the predilections or prejudices of principals and school communities. Our community is not yet at a point where inclusion of people with disability is the norm and discrimination is the exception.

The present education system provides limited accountability mechanisms for students with disability in relation to learning outcomes or in relation to expenditure of specific funding for students with disability. Additionally, despite the existence of the Disability Standards for Education, there is no timely complaints mechanism available to students with disability and families which allows complaints to be addressed within a timeframe that does not then have detrimental impact on long term educational outcomes for students with disability. It is not uncommon for students with disability to miss years of education and/or immeasurable opportunities due to lack of adequate accountability mechanisms and the non-existence of a complaint mechanism that allows clear processes and timely resolutions to complaints.

Recommendations

1. Clear accountability mechanisms are contained within the Australian Education Act 2013, related legislative instruments and their consequences that provide transparent processes for monitoring and responsibility of learning outcomes for students with disability.
2. The establishment of a clear formal complaint resolution process which allows disputes to be resolved in a timely manner.

⁵ Australian Government Department of Education 2014, *School autonomy*, Commonwealth of Australia, Canberra, viewed 1 April 2014, <http://www.studentsfirst.gov.au/principal-autonomy>.

SUMMARY

It is the view of CDA that the present education system does not adequately meet the needs of students with disability. This is reflected in lower high school completion rates and workforce participation rates.

While the Australian Government's focus on student outcomes is commendable, CDA is concerned that greater school and principal autonomy on its own will not lead to systemic improvements in inclusive education practice.

It is CDAs view that any amendments to the command and control features of the *Australian Education Act 2013* must be accompanied by clear accountability mechanisms that provide transparent processes for monitoring learning outcomes for students with disability. It is also important that a formal complaint resolution process for students with disability be established.

Thank you for the opportunity to contribute to the review.

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