CYDA's submission to the Senate Education and Employment Reference Committee's Inquiry into

"*The issue of increasing disruption in Australian school classrooms*"

"…it's important for children to attend as much [school] as possible and they [schools and teachers] aren't very flexible about this because for some kids like me it's a case of quality versus quantity."

Case study 1 – Young person Alpha

Content note: Discussion of ableism

Children and Young People with Disability Australia (CYDA)

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Case studies:

Case studies that appear in this submission are actual experiences provided by real people. In some case studies to protect the identity of children and young people with disability, we changed names or details to ensure no likelihood of identification. Families and young people advise us that repercussions can be harsh when their identity is not protected.

A note on terminology:

Children and young people with disability

Using inclusive language and terminology has been recognised by the disability community for decades. Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognise many people with disability choose to use identity-first language, e.g., disabled person.

Families and caregivers

CYDA refers to children and young people with disability and their families and caregivers. We use the term 'families' as recognition of the different structures and arrangements and 'caregivers' to acknowledge not all children live in family environments. For the purposes of this submission, CYDA are detailing the experiences of children and young people with disability who are cared for by their families and caregivers.

Acknowledgements:

Children and Young People with Disability Australia would like to acknowledge the traditional custodians of the lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this land since the Dreamtime. We pay our respects to their Elders past, present and future. This is, was and always will be Aboriginal land.

Contents

Recommendations

[The Disability Standards for Education](#) (DSE) have been in place for 18 years and the [Disability Discrimination Act](#) (DDA) since 1992. Neither the DDA, the DSE or any state or territory based polices ensure an equitable and quality education for students with disability.

Neither Programme for International Student Assessment (PISA) nor National Assessment Program - Literacy and Numeracy (NAPLAN) are appropriate measures of the educational experience and achievement of students with disability.

As such CYDA makes the following recommendations.

Recommendation 1: Ensure the National School Reform Agreement and Commonwealth funding model supports, incentivises, and holds states and territories accountable to deliver the full inclusion of all students in mainstream school settings and support schools and their staff to facilitate:

- time for planning and engaging directly with students and families

- the development of resources to explore the difference between attendance and engagement and how a focus on providing reasonable adjustments can lift attendance, experience and outcomes

- consistency in use of data and documentation

Recommendation 2: Develop a National Inclusive Education Act, that is proactive and strengths-based, complemented by a national accreditation framework for inclusive education (along the lines of the National Quality Framework for Early Childhood Education).

Recommendation 3: Protect the educational rights of children and young people by funding and implementing an independent oversight body to ensure that education providers – in early childhood, school, post-school and adult education settings – are meeting their legal obligations and complaints can be independently investigated, monitored and resolved.

Recommendation 4: Invest in greater accountability and enforcement of the Disability Standards for Education by:

- introducing compulsory, comprehensive, and ongoing training for educators on inclusion

- impelling education providers to supply a copy of the Standards and explain it in accessible language to every student and their family/caregiver upon enrolment

- improving outcomes reporting and measurement

- ensuring alignment with Australia's Disability Strategy

Recommendation 5: Involve and engage children and young people with disability across the education sector to break down barriers to participating in consultative activities. Drive engagement

and co-design that informs policy and service development and develop and ultimately implement a National Child and Young Person with Disability Engagement Framework.

Recommendation 6: Fund outcomes monitoring for children and young people with disability to improve the available data and outcomes reporting across education as outlined under the National School Reform Agreement

Recommendation 7: Invest in further funding for independent disability advocacy for families and young people with disability, to ensure students can have their rights to inclusive education upheld. Where there are specific state and territory-based organisations for children and young people with disability, it is easier to have their issues resolved. In many states and territories there are no specialised services, and CYDA hear numerous reports of the difficulty young people and families have in accessing the support they need.

Recommendation 8: Instigate a national inquiry into use of disciplinary measures and if the use of those measures comply with international conventions, legislative requirements, and state and territory departmental directives in its use of suspensions, exclusions, and cancelled enrolments and whether its practices lead to the disproportionate use of disciplinary absences (suspensions, exclusions or expulsions) on students with disability. Such an inquiry should also examine comparability of state and territory policies and reporting, data available publicly, rates of use, the approach taken for return to school planning, data collected on measures used for students with disability and educational outcomes.

Recommendation 9: Prioritise advocacy for change via more detailed feedback to the OECD PISA Governing Board in regard to PISA, supporting changes to the exclusionary nature of the PISA process and reporting, including:

- system level and school level exclusion of students with disability
- lack of reasonable adjustments provided for students to complete the assessment
- lack of data on the performance of students with disability who do complete the assessment

and the need for future refence to students with disability and their outcomes in the OECD Australia's Country Note.

Recommendation 10: Instigate more investment in and public transparency across educational outcomes measures that include students with disability and are able to be reported publicly across areas of wellbeing and academic results. This includes greater scrutiny of NAPLAN as an appropriate measure of academic performance.

Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. CYDA has an extensive national membership of more than 5,000 young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity; and our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations. We do this by:

- driving inclusion
- creating equitable life pathways and opportunities
- leading change in community attitudes and aspirations
- supporting young people to take control
- calling out discrimination, abuse, and neglect

CYDA welcomes the opportunity to provide a submission to the Education and Employment Reference Committee (the Inquiry). CYDA respectfully raises our concerns regarding the terms of reference (ToR) for this Inquiry. The case studies include feedback on the ToR and we have included a section detailing CYDA's concerns.

"Rather than pointing to social and cultural norms and expectations as the problem that needs changing, it is actually the structures that come together to form what we call "school" that need to be reshaped. We need to apply some of the attributes describe by the OECD to think creatively about how all children can be given access to an education on an equal basis to their peers." Case study 3 – Family member Gamma In our submission we focus on students with disability and their experiences of 'disruption' and have included case studies of members from our community demonstrating the real impact of 'disruption' for students with disability. We have also included specific and actionable recommendations that will better support the inclusion and educational experience of children and young people with disability.

We have also provided some commentary against each area of the terms of reference to clarify our concern about the characterisation of disruption and discipline in Australian classrooms.

Behind the case studies and informing the recommendations, lies a complex, fragmented and sometimes competing policy environment. To support the Inquiry's work we have provided insight into some of the structural and systemic issues that entrench disadvantage. We have also included references to more detailed work on these topics to enable the Committee to explore as needed.

This submission draws on the insights and lived expertise of young people and families/caregivers who participated in our survey work, youth focus groups, National Youth Disability Summit 2022 and 2023 and our 2022 webinars about inclusion in early childhood, co-facilitated by young people. This submission has also been shaped by CYDA staff, the majority of whom have personal and/or family experience of disability. We welcome the opportunity to appear before the committee at a public hearing.

Key messages

CYDA is committed to ensuring that children and young people with disability are afforded equitable opportunities to succeed and we advocate that this cannot be achieved until they feel fully included across all systems and community life. The Disability Standards for Education (DSE) have been in place for 18 years and the Disability Discrimination Act (DDA) since 1992. Neither the DDA, the DSE or any state or territory based polices ensure an equitable and quality education for students with disability. Neither the PISA index of disciplinary climate nor NAPLAN results give relevant insights for students with disability in Australia. These measures also fail to give insight as to the impact of:

- absence of student voice, as per our submission to the Disability Royal Commission (DRC)
- restrictive practices use in schools, as per our submission to the DRC
- lack of student absence data interpretation for students with disability, refer to Report on Government Services 2023
- complaints mechanisms, as per CYDA's contribution to the DRC research report '*Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation'*[1]
- prioritising attendance at school over engagement of students as per in our submission to the Senate Inquiry into the national trend of school refusal

CYDA hopes the Inquiry will highlight:

- how current classroom environments impact the learning experience of students with disability including approaches to discipline
- a lack of training and support for teachers, particularly in relation to behaviour, students with disability and trauma informed teaching approaches
- inadequate funding for supports in the classroom and school environment for students with disability
- inadequate support for teachers to plan and develop adjustments as required under the Disability Standards for Education and in comparison to those reported under the Nationally Consistent Collection of Data
- inflexible learning systems that do not meet the needs of individual students and also fail to meet the national policy initiatives under the National School Reform Agreement

Levers for change

- Australia's Disability Strategy 2021-2031
- Disability Standards for Education
- Independent Review of the NDIS 2022-23
- National School Reform Agreement
- Disability Royal Commission
- National Disability Data Asset
- National Disability Research Partnership

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[1] Wadiwel, D., Spivakovsky, C., and Steele, L., (2022) Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation, Disability Royal Commission Available at: https://disability.royalcommission.gov.au/publications/complaint-mechanisms-reporting-pathways-violence-abuse-neglect-and-exploitation

Case studies – young people and families

This section includes three case studies of varying lengths, to illustrate the experiences of students with disability and their families. The case studies highlight the real-life experience of students with disability in Australian classrooms.

Case study 1 – Young person Alpha speaking at a CYDA event

Outcomes for students with disability

"….for nothing one thing that was really helpful was when I told my parents that I couldn't do five days it was just too much I never got the time to wind down. My parents at occupational therapists met with the school to introduce decompression dates or I would have the Wednesday off just to rest every second week. I would finish early on the Friday usually at around 12 pm.

It meant a lot that my parents listened to me because I think that it's important for a parent to ask the child what they think.

Unfortunately even though it was obvious that I did better with a four-day week, we had to keep renegotiating it with the school every term because their priority was still increasing my attendance not whether or not I was engaged.

Also told her that it's important for children to attend as much as possible and they aren't very flexible about this because for some kids like me it's a case of quality versus quantity. If I have to attend 25 hours of classes a week I'm overwhelmed and I don't end up getting much benefit out of any of them.

Further I do much better if I attend less classes and can really concentrate on those. As I said earlier decompression days can be a really big help. Having a modified timetable with some downtime is helpful too. For example at primary school I could opt out of PE, Italian and art if I needed to. Mind you my PE teacher was not on board with this and gave me a hard time if I opted out of her class.

Down time to look after your mental health should be encouraged. I can't comment on how to build a sense of belonging because unfortunately I've never felt like I belonged…"

End of case study 1

Case study 2 – Family member Beta, parent of a primary school age child with disability

Inquiry terms of reference (ToR)

I am concerned by the use of the language used by the Committee positioning my child – or any child for that matter – as a "disruption". This does not align with research and evidence and a rights-based, trauma informed approach that prioritises the social and emotional learning of *all* children.

The term "disorderly" is used several times in the ToR to describe the classroom environment. Meanwhile, "discipline" is offered as the solution to the "problem" as defined in the TOR. This framing that positions children and young with disability – including those with mental ill-health – is not only insulting but discriminatory.

The Committee demonstrates a lack of interest in the complexity of the issue. Ostensibly students who may already face disadvantage are blamed for the conditions which will disadvantage others.

The Committee should:

    (a) Undertake research with students, parents/caregivers and teachers to understand the causes of "school disruption"

    (b) Examine the way the culture of a school may unintentionally contribute to "school disruption" ie. rigid classroom rules that fail to accommodate students with mental ill-health and neurodiverse students

    (c) Provide staff with the appropriate tools and training to understand and support the varying needs of their student cohort

    (d) Provide adequate staff, supports and services to students and parents/caregivers

Outcomes for students with disability

I want my child to want to go to school and enjoy learning. Learning is not based solely on academic achievement but a desire to learn and the attainment of social and emotional skills that contribute to the overall wellbeing of children and young people. The measurement of success should not be based on a few high achieving students but on the success of all students.

The school environment should be a safe space for my daughter, not one where she is viewed as a "disruption".

My daughter was constantly threatened to be kept down a year. However, each year she was moved to the next year level. In the majority of her subjects she has received a N/A grade.

Classroom experiences for students with disability

My daughter has experienced inflexible guidelines that end up causing greater stress. One such example is times that my daughter must leave the classroom when her anxiety is heightened. A simple solution would be to allow my daughter to use her headphones and listen to some calming music (as suggested by her psychologist). My daughter says this helps. Instead, she is told she must seek permission from the classroom teacher to leave. Having to speak up in front of her peers to address the classroom teacher is really stressful for my daughter (especially when she is already experiencing heightened anxiety) and has been detrimental to her mental health.

Classroom management

There are many times my daughter has been punished through, for example, lunchtime detention to complete missed work for missing classes because of her anxiety.

My daughter was also fortunate to have one teacher who was extremely understanding and supportive. His priority was to have my daughter attend class and make her feel comfortable and help her connect with her peers. When grading my daughter's work, he was very encouraging, pointing out positive aspects of her work but also offering constructive feedback. I will be forever grateful to this teacher who has helped my daughter and our family immensely.

Teacher expectations and training

There were many times where teachers' expectations of my daughter were unrealistic and demonstrated a lack of understanding of her mental ill-health. I believe that greater training of mental ill-health and disability more broadly is needed.

School supports and communication

My daughter was made to feel like she was a burden on the school and a "problem" for her teachers, administration and school leadership staff.

As outlined in the previous example of headphone use above, there were very few (if any) accommodations made for my daughter. My daughter was told on many occasions in various ways that mental ill-health is no excuse to fall behind with her schoolwork. There were very few occasions where work was modified, or we received adequate support.

Our entire family felt like we were battling against the school and their rigidity. I was asked on at least 3 occasions why I did not home school my daughter.

I did have semi-regular meetings with the principal and/or assistant principal, classroom teacher – which my daughter attended – regarding my daughter's progress. Many of these meetings were arranged by me. I wanted to use the meetings to develop a plan for my daughter's progress that was conducive to my daughter's mental ill-health. The majority of time spent at these meetings were about how my daughter was behind in her work, was not achieving to the same level as her peers and what this meant for her future.

These meetings were stressful for my daughter and me. Because of the damage the meetings had on my daughter's mental health it was decided by myself, my daughter and her psychologist that she would not attend future meetings. I am frustrated and angry that – because of the school's lack of understanding and empathy of my daughter's mental ill-health – she was excluded from planning meetings about *her* future.

As a single income family, I relied on publicly funded services for my daughter. My daughter had 4-5 sessions with Headspace, however I was told that because of her complex ill-mental health that they we must find another service provider. My daughter then waited to see a Medicare-funded psychologist. We have also used some community service providers. These services have been limited and disjointed. Very few have been able to work with the school to support my daughter.

Change needed in classrooms

 The changes I would like to see to classrooms are:

(a) Greater teacher training (University and professional development) on mental ill-health, neurodiversity, physical disability
(b) Teachers and school leadership who are willing to listen and accommodate the varying needs of students
(c) Teachers being pro-active in speaking to students and reaching out to parents/caregivers when they have concerns (rather than being reactive)
(d) Greater communication between school staff, parents/caregivers and community support organisations
(e) Changes to the culture of schools so that all classrooms are welcoming of all students

End of case study 2

Case study 3 – Family member Gamma, parent of a now young adult with disability

Inquiry terms of reference

The terms of reference are a simplistic response to a complex issue. The lack of critique of peer reviewed literature linking disruptive classrooms to poor literacy and numeracy is extraordinary. For starters the committee may want to consider the connection between state education departments ignoring the science of reading in favour of a hand-me-down reading framework from the USA and decreasing literacy.

After struggling to fit into the mainstream system through prep and now into year 1, and having no alternative model to pursue, I personally find the ToR of this inquiry to be an insult to families like mine and the education staff working hard to support us. They create an 'us and them' mentality which encourages empathy for the children being disadvantaged by "disruption", which is code for children like mine – variously labelled disruptive, naughty, impulsive, bad, unruly, challenging, problematic. This terminology, like the ToR, create distance from the actual human beings they are being used about, making them easier to judge, chastise, and exclude. Many of these children, like mine, have diagnosed and recognised disabilities, but I suspect the author of these ToR may not be inclined to consider this when it's much simpler to perpetuate a false binary like victim-perpetrator, good-bad, compliant-non-compliant. Throughout history, many injustices have been committed against people on the wrong, and less powerful side of a false binary.

I urge the committee to consider the valid critiques of using PISA results to guide education policy[2] & [3], it's lack of cultural specificity and problems associated with focusing on a narrow curricula of testable concepts,[4] as well as the questionable interpretation of PISA results by governments media and the OECD itself[5]. In fact, in 2015, 100 academics wrote an open letter to the Director of PISA reflecting their serious concerns over the use of PISA results as a guide to education policy. No doubt the committee is aware of this letter.[6]

Rather than judging all Australian classrooms as "amongst the world's most disorderly" based on the dubious measure of the responses of a sample of 15-year-olds to five vague statements, the committee's time would be better spent considering genuine reform of the education system in Australia. For instance, implementation of universal design for learning as a way to achieve inclusion in schools, and evidence from the neuroscience literature that informs our understanding of child development and therefore best practice for inclusion and learning.

It would also be more valuable for the committee to understand the precise ways in which teachers are struggling to create cohesive classrooms that include children with diverse needs and instead of making moral judgements about this, consider the support they require.

Outcomes for students with disability

Fundamentally, the disciplinary climate index is a bolt on survey to the international assessment of reading, mathematics and science. Added in 2015 with a focus on science classes and 2018 with a focus on English classes, it asks a sample of 15-year-old students taking part in PISA to respond to five statements about their experience in the classroom. Here's how the Australian Council for Educational Research Described the measure for 2018:

"Disciplinary climate was measured by asking students how frequently the following behaviours occurred in their English classes:

- Students don't listen to what the teacher says.
- There is noise and disorder.
- The teacher has to wait a long time for students to quieten down.
- Students cannot work well.
- Students don't start working for a long time after the lesson begins.

Students were asked to respond to each of the statements on a four-point scale (every class, most classes, some classes, never or hardly ever)".[7]

The language used in the statements is value laden and open to broad interpretation depending on the context of the respondent. A 15-year-old in a country known for being relaxed, might have a different interpretation of "a long time" than a 15-year-old in a country known for precision in time keeping. Similarly, cultural interpretations of "don't listen" vary according to social norms of body language among other things.

This flawed measure of "disciplinary climate" also contradicts other work being done by the OECD to prepare students for the social, economic and environmental reality they are likely to face in 2030 The future of education and skills: Education 2030. "Creative thinking", "critical thinking", "growth-mindset", "problem-solving", the ability to "think across the boundaries of disciplines", an "open mindset", are among the attributes listed by this document as being critical to school graduates facing social, environmental and economic complexity that previous generations have not experienced.

These are the attributes I would like my child to develop at school to support him in the socio-economic environment that he will be graduating into in 2034. And they are the attributes of many disruptors and innovators, who were often judged as poorly disciplined in previous eras of schooling but who went on to generate solutions to current and future problems. This cluster of attributes are nurtured in classrooms that encourage debate and dissent and have the flexibility to see that learning doesn't always occur in quiet, orderly classrooms where traditional hierarchies set top-down rules that are obediently followed. They are nurtured in inclusive classrooms that do not

[2] Murphy, Sharon. (2010). The pull of PISA: Uncertainty, influence, and ignorance. Interamerican Journal of Education for Democracy, 3(1), 28-44. https://globalconversationsinliteracy.files.wordpress.com/2010/12/murphy-pullofpisa_uncertaintyinfluenceignorance.pdf

[3] Various, (2014). 'OECD and Pisa tests are damaging education worldwide – academics', The Guardian Available at: https://www.theguardian.com/education/2014/may/06/oecd-pisa-tests-damaging-education-academics

[4] Niyozov., S. and Hughes, W. (2019) Problems with PISA: Why Canadians should be skeptical of the global test, The Conversation, Available at: https://theconversation.com/problems-with-pisa-why-canadians-should-be-skeptical-of-the-global-test-118096

[5] Sue Grey & Paul Morris (2018) PISA: multiple 'truths' and mediatised global governance, Comparative Education, 54:2, 109-131, Available at: https://www.tandfonline.com/doi/full/10.1080/03050068.2018.1425243?src=recsys

[6] Strauss, V., (2014), Academics call for pause in PISA tests, The Washington Post, Available at: https://www.washingtonpost.com/news/answer-sheet/wp/2014/05/13/academics-call-for-pause-in-pisa-tests/?arc404=true

[7] PISA 2018: Reporting Australia's Results. Volume II Student and School Characteristics by Sue Thomson, Lisa De Bortoli, Catherine Underwood and Marina Schmid (Australian Council for Educational Research) under contract with the Commonwealth of Australia as represented by the Department of Education, Skills and Employment who is the copyright owner of the material. Available at: https://research.acer.edu.au/cgi/viewcontent.cgi?article=1050&context=ozpisa

prioritise the needs of some students, often those perceived as compliant, over those deemed difficult or non-compliant because of their physical or neurobiological characteristics.

In fact, if the OECD and the … ToR applied critical and creative thinking to the "problem" of disorderly classrooms they might consider that it is not necessarily order versus disorder that is being measured by the five statements. Upon further analysis and "thinking across the boundaries of disciplines" they might see that **what is actually being measured is the level of tension or friction between old and inflexible structures and the contemporary social and cultural practices, understandings and procedures operating within them**.

School as we know it, is no longer fit for purpose, and families like mine are one casualty of old structures designed to support a limited cross section of people, not obliged to include every child in equitable and meaningful ways.

Rather than pointing to social and cultural norms and expectations as the problem that needs changing, it is actually the structures that come together to form what we call "school" that need to be reshaped. We need to apply some of the attributes describe by the OECD to think creatively about how all children can be given access to an education on an equal basis to their peers.

The federal and state governments have updated their policy positions to account for the strong causal links between the experience of wellbeing and academic outcome. For this reason, we should be using measures of wellbeing as a foundational requirement for academic success. For instance, Morton Et. Al. have developed a new measure of safety that could be adapted for use with children.[8]

As a nation, we should be thinking critically about whether the measures used in PISA are likely to achieve the outcomes that the OECD's own work argues we need for a successful future.

Classroom experiences for students with disability

I am the parent of a so-called disruptive child, a child who is desperate to do well at school and be like the "good" children in the class that he tells me all about. At home I witness his deep level of shame after he's acted out in distress at school and this is often made worse by the framework that teachers most often draw on for behaviour management, School Wide Positive Behaviour Support.

This framework for understanding and managing behaviour implies that children choose to behave in the ways that they do and includes rewards and punishments despite a large body of scientific literature that demonstrates that these do not work on the intrinsic motivation of the child to learn for the sake of learning and develop a strong moral compass.

Even more problematic, some children, such as mine, don't react like a lot of kids do to these mechanisms. Rewards and praise can make him feel so uncomfortable that he can behave in odd and unhelpful ways towards the teachers and punishments make him obsess over taking actions that will lead to him re-living the punishment in an attempt to gain control over the situation the second time around. Being sent to the principal's office once has led to erratic behaviour that is

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[8] Morton, L., Cogan, N., Kolacz, J., Calderwood, C., Nikolic, M., Bacon, T., Pathe, E., Williams, D., & Porges, S. W. (2022). A new measure of feeling safe: Developing psychometric properties of the Neuroception of Psychological Safety Scale (NPSS). Psychological Trauma: Theory, Research, Practice, and Policy

designed to be sent there again, but this time with a friend so he's not alone again. It's not logical to most people, of course, but makes sense in the context of his disability. However, if teachers are not supported by school leadership and skilled wellbeing staff, to understand "challenging" behaviour, especially from a child with a disability, as a sign that the child is distressed, then children like my son are going to be consistently seen as problems to be solved. I've spent countless hours writing emails and having meetings with education staff to help them see the way my child presents outwardly in the world in the context of his disability and learning needs and providing coaching and resources on the best ways to relate to him. The emotional and mental labour that goes into this is exhausting. We just felt like we made great leaps of progress in prep, we saw his teacher have a major shift in thinking about him and others like him and it felt like things might be ok for him. Then we had to start the process again when our child got a new teacher for year 1, hoping to get someone who's experienced enough that we wouldn't have to start from scratch. This was not the case unfortunately, so once again we're sending in our OT to deliver the most basic messages about why it's a worthwhile exercise to include my child in the class.

Alarmist language in wildly inaccurate media headlines only reinforces the narrative around the problem being the "behaviour" of certain students rather than the absolute lack of resourcing and support for teaching staff who are trying to achieve inclusive classrooms with robust learning and wellbeing outcomes. (E.G. Education: Up to half of students in Australian classrooms unable to learn because of 'noise and disorder' – Daily Telegraph)

Focusing on the flawed measures of "orderly" classrooms distracts us from the political inadequacy of genuine education reform.

After an altercation with a teacher who approached my child in a way that did not account for his disability, he was secluded in the principal's office with no staff member present. The wellbeing coordinator of the school set a timer and left him there alone, directing him not to leave until the timer went off. He soon realised the timer was broken but was too scared to leave so spend his entire lunch break sitting alone in the principal's office. The Disability Royal Commission noted this kind of practice as extremely damaging to children and the Victorian Department of Education lists it as a reportable incident.

Teaching staff and school leadership should be supported with new methods, new paradigms and new environments. Ross Greene's Collaborative Proactive Solutions method has been peer reviewed and had great success with so called "challenging" students over many decades. It has an entirely different view of students, seeing them as wanting to do well but lacking the skills to do so, and a method that builds the skills that are lagging.

The concept of school itself needs to be re-considered because it is clearly no longer serving large proportions of the population, and it certainly isn't going to support the innovation required in the future social and economic landscape. I know many families like ours, whose kids just don't fit at school and who can see a bleak path ahead unless something changes. As we progress on our school journey, coming into contact with teachers and classroom assistants, I can also see that the path for them is equally bleak. As mandates come down from the federal level to support our values for inclusivity, they are not given the resources and support they need to deliver these. I can only imagine how compromised and burnt out they must feel, and I cannot blame them one bit for leaving

the profession – but they are not leaving because of the children, even the challenging ones like mine.

The increasing reports of teachers struggling with classroom disruptions should force us to consider that it's not the students who need to change, but rather the environment in which they are expected to learn. Their world is a very different one to the era in which the key principles that shaped school systems were developed.

Classroom management

Teaching staff do not seem equipped to deliver what is required for my child to be included in the classroom on the same basis as his peers. As a parent, I have had to use my own resources and my child's NDIS funding to upskill teachers in providing basic educational and behavioural accommodations for my child. If you get an experienced teacher, who has probably had to upskill themselves over the years, then you're lucky and you have a foundation to build on with them. This year we have a graduate teacher and it really feels like we are providing disability 101 training. It has been extremely stressful for our whole family and my child has had to be brought home from school multiple times after incidents that are entirely preventable if you understand his disability. We are at our local zoned school and our son doesn't fit any criteria for specialist schools, putting us in a precarious position when it comes to accessing his education.

As well as being secluded, my child has also been informally excluded from school multiple times, which mostly entails me being asked to come and take him home. He has been given detention by his teacher for failing to sit still in class.

Teacher expectations and training

We've experienced our child being taught by the aid, someone who is not qualified to teach and certainly not to teach children with complex learning needs. We've seen him have less expected of him academically because he learns differently to most of his peers – like accommodations for his learning are too difficult to provide. We, and our OT, have seen movement breaks being given to our child as a way to keep him out of the classroom, presumably to prevent disruption. I don't want to demonise the teachers doing this, but rather point to the inadequacy of the system that they are teaching in. It's simply not good enough for children or teachers.

School supports and communication

I have complained directly to the school that my child's basic rights under the Program for Students with Disabilities (Victoria) are not being met, including not having an Independent Learning Plan. These are the mechanisms that enable him to participate in his education on an equal basis to his peers and also a requirement under the Disability Standards, and on a practical level, this would have reduced a lot of stress for my child in the classroom and likely made the teacher's job easier in the long run.

It appears our local school lacks the basic resources or training to maintain these minimum standards, leaving us in a position where we feel our son is at risk of being suspended which would likely severely impact his learning trajectory. Because of this we are considering ways that we can home-school him, but this would mean that myself and my partner would have our economic participation seriously limited.

Change needed in classrooms

According to PISA's measure the most disciplined classrooms are in South Korea, Kazakhstan and Albania.

Perhaps Australia is planning to move towards the 69-hour work week that is currently being proposed by the South Korean government.[9]

Or perhaps we could adopt Kazakhstan's centralised hierarchical system where individual schools and principals have very little autonomy and the objectives, principles and structures of all education, public and private, are determined by national law. And while this socio-political landscape might produce orderly classrooms, students' performance in reading, maths and science is still well below the OECD average.[10] When considering whether the orderly classrooms of Kazakhstan are producing critical thinkers we could consider the data that demonstrates students from this country had the second lowest scores in the Eastern Europe and Central Asia region for assessing the credibility of an information source, for instance. Notably, students with disability are not educated in these schools but rather in separate "correctional schools" or at home (where PISA likely does not include them).

We might ponder Albania, with the third highest disciplinary climate ranking, where the corruption was so problematic it required an anti-corruption strategy to address challenges such as the selection of school principals being subject to political influence.[11]

The reality is, you cannot cherry pick the most palatable practices from countries such as these, because they are supported by a complex system of social and cultural norms and traditions and legal framework that is completely different and not acceptable in the Australian context.

If the Senate Committee chooses to follow practices and principles from these countries, then Australia's commitment to providing trauma informed and inclusive institutional environments cannot be delivered.

End of case study 3

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[9] Silva, A., (2023), South Korea is proposing a 69-hour work week. How does this compare to Australia and other Asian countries?, ABC News, Available at: https://www.abc.net.au/news/2023-03-14/south-korea-69-hour-work-week-from-52-asia-work-cultures/101623054

[10] PISA, (2018), Eastern Europe and Central Asia participation and outcomes in PISA 2018, Available at: https://www.oecd-ilibrary.org/sites/d2db6cb0-en/index.html?itemId=/content/component/d2db6cb0-en#

[11] PISA, (2018), Chapter 1. The Albanian education system, Available at: https://www.oecd-ilibrary.org/sites/7f73878b-en/index.html?itemId=/content/component/7f73878b-en

CYDA's comments on the Inquiry's terms of reference

CYDA is concerned about the language that has been used in the ToR as it does not align to best practice principles of seeking to understand child development and behaviour, particularly for children with disability. The terms appear to focus on the response to the behaviour, rather than the cause of the behaviour.

PISA and the index of disciplinary climate

The terms of reference of this Inquiry mention the Organisation for Economic Co-operation and Development (OECD) disciplinary climate index and the National Assessment Program - Literacy and Numeracy (NAPLAN).

PISA is the OECD's Programme for International Student Assessment. PISA measures 15-year-olds' ability to use their reading, mathematics and science knowledge and skills to meet real-life challenges. The most recent results are from 2018 as PISA 2021 was delayed until 2022.

PISA says that the disciplinary climate is measured by the extent to which students miss learning opportunities due to disruptive behaviour in the classroom, with teachers holding the main responsibility.

The PISA index of disciplinary climate summarises students' reports on the frequency with which, in their classroom:

- the teacher has to wait a long time for students to quieten down;
- students cannot work well;
- students don't listen to what the teacher says;
- students don't start working for a long time after the lesson begins;
- there is noise and disorder; and,
- at the start of class, more than five minutes are spent doing nothing.

A four-point scale with the response categories 'never', 'some lessons', 'most lessons' and 'every lesson' is used.

Limitations of PISA

CYDA holds significant concerns about the exclusionary nature of the PISA process and reporting. This includes:

- system level and school level exclusion of students with disability
- lack of reasonable adjustments provided for students to complete the assessment
- lack of data on the performance of students with disability who do complete the assessment

PISA does not comment on differences in performance of students related to their disability. PISA identifies equity related to socio-economic stats, gender and immigrant status. The *2021 PISA Project Manual* states that the test…

> *"…permits limited modifications and accommodations to assist students with special educational needs. "Students with special educational needs may be excluded from the assessment depending on the guidelines provided by the PISA Contractors."*[12]

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[12] PISA, (2020) PISA National Project Manager Manual PISA2021_NPMManual_March2020.pdf (oecd.org)

Students with disability may be excluded or withdrawn from the PISA. In 2018 Australia excluded 3.2% of 15-year old's for PISA because of their disability. A "qualified staff member " is in charge of deciding whether a student's disability is *"…not severe enough to be a barrier to their participation*".[13]

As outlined in the PISA 2018 Technical Standards, 'within-school exclusions' are defined as the exclusion of students from potential assessment because of one of the following:

- They are functionally disabled in such a way that they cannot take the PISA test. Functionally disabled students are those with a moderate to severe permanent physical disability.
- They have a cognitive, behavioural or emotional disability confirmed by qualified staff, meaning they cannot take the PISA test. These are students who are cognitively, behaviourally or emotionally unable to follow even the general instructions of the assessment.[14]

Within-school exclusions are not to exceed 5% under PISA standards.

From the *Australia – Country Note – PISA 2018 Results*, the most recent report, the following insights included:

- compared to the average student across OECD countries, Australian students reported being bullied more frequently, felt more afraid of failing, and were more likely to have skipped school and feel lonely at school
- in Australia, student competition was more prevalent than on average across OECD countries.[15]

There is no mention of students with disability in Australia's Country Note. As permitted under PISA, Australia excluded 3.2% (8,949/279,077) of the 'national desired target population after all school exclusions' on the basis of functional disability and intellectual disability.

Table 1 Summary of data from Australia Country Note[16]

Exclusions

- School-level exclusion rate 1.97%
- Within school exclusion rate 3.82%
- Overall exclusion rate 5.72%

Data	Number of students
Total population of 15-year-olds	288,195
Total enrolled population of 15-year-olds at grade 7 or above	284,687
Total in national desired target population	284,687
Total school-level exclusions	5,610
Number of participating students across 779 schools	14,273
Total in national desired target population after all school exclusions and before within-school exclusions	279,077

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[13] OECD, (2013) PISA 2012 Technical report
[14] OECD, (2015), PISA 2018 Technical Standards
[15] OECD, (2019) Australia – Country Note, PISA 2018 Results Australia – Country Note – PISA 2018 Results
[16] OECD, (2019) Australia – Country Note, PISA 2018 Results Australia – Country Note – PISA 2018 Results

Data	Number of students
Weighted number of excluded students with functional disability	1,054
Weighted number of excluded students with intellectual disability	7,895
Total weighted number of excluded students with disability	8,949

"PISA only gives a lukewarm encouragement towards inclusion.

By reinforcing the stereotype that only some disabled people can be educated, the PISA test reinforces the idea that it is "natural and expected" for disabled students and others with support needs to be excluded from the society. This is unacceptable and goes entirely against the UN Convention on the Rights of Persons with Disabilities (UNCRPD)."[17]

CYDA does not believe that PISA represents an appropriate measure of the experiences of students with disability in classrooms and encourages the Inquiry to recommend robust advocacy and feedback to the PISA Governing Board.

Limitations of NAPLAN

As the Productivity Commission noted recently *"…it is not possible to disentangle principal, teacher, peer and other school-based effects using NAPLAN data…"*.[18]

Students with disability may be withdrawn from NAPLAN.[19] As noted across a number of research papers:[20]

"Almost 5% of students, many of whom have disabilities, are either exempt or withdrawn. Those students with disabilities that are assessed are provided only basic testing accommodations under special considerations, and the achievement levels of these students are not accurately benchmarked."[21]

As noted in the 2022 Productivity Commission's Study Report on their *Review of the National School Reform Agreement (NSRA),* students with disability are a priority equity cohort in the NSRA but the Australian Curriculum, Assessment and Reporting Authority (ACARA) does not publish NAPLAN performance data for students with disability.[22]

This further excludes students with disability and creates further risk of policy and education system decisions being made using data that is knowingly non-representative. CYDA strongly supports the need to identify educational outcomes measures that include students with disability and are able to be reported publicly across areas of wellbeing and academic results.

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[17] Efthymiou, K., (2020), *How inclusive is PISA?*, The European Network on Independent Living (ENIL) Available at: https://enil.eu/how-inclusive-is-pisa/
[18] 18 Productivity Commission 2022, Review of the National School Reform Agreement, Study Report, Canberra.
[19] Australian Curriculum, Assessment and Reporting Authority 2022, NAPLAN National Report for 2022, ACARA, Sydney.
[20] Lu, L., Williams, L., Groves, O., Wan, W., & Lee, E. (2023) NAPLAN participation: Who is missing the tests and why it matters. Australian Education Research Organisation (AERO). https://www.edresearch.edu.au/ resources/naplan-participation-who-missing-tests-and-why-it-matters
[21] Davies, Michael. "Accessibility to NAPLAN assessments for students with disabilities: A 'fair go'." Australasian Journal of Special Education 36 (2012): 62-78.
[22] Productivity Commission 2022, Review of the National School Reform Agreement, Study Report, Canberra.

Other measures of student experience of 'disruption'

Exclusionary discipline is on the rise in Australian schools, as highlighted by recent research in Queensland and South Australia.[23] Combined with exclusion from PISA and NAPLAN, CYDA is concerned that such actions may unfairly discriminate against students with disability and not address the concerns held by students, teachers and others involved in balancing classroom management, school engagement and student achievement.

Those involved in the recent research express concerns that *"…suspension does not address the reasons underlying behaviour and can instead exacerbate those behaviours. For some students, these experiences devolve into ongoing cycles of repeated suspensions. In the long term, students who experience exclusionary discipline tend to have lower educational outcomes than might have been expected and are far more likely to be involved in the criminal justice system."* [24]

CYDA encourages the Committee to look closer at exclusionary discipline as to its greater impact on classroom and learning experiences for all students.

> *"Australian school systems have not yet implemented the systemic reforms necessary to reduce educator reliance on exclusionary discipline, although it is clear from recent reports that viable alternatives are needed urgently."*[25]

The experience of students with disability

Educational attainment and engagement for students with disability is impacted by a number of factors including ableism and under-investment in supports and reasonable adjustments.

Ableism, which refers to discrimination or prejudice against people with disability, is represented in schools in various ways, including;

Lack of accessibility: If schools do not have appropriate accommodations for students with disabilities, including knowledge and understanding about the use of communication devices, physical accessibility (such as wheelchair ramps) and inclusive classrooms, it can make it difficult or impossible for these students to fully participate in academic and extracurricular activities.

Negative attitudes and stereotypes: Ableist attitudes and stereotypes can be perpetuated by teachers, staff, and other students, whether consciously or unconsciously. This can result in disabled students being excluded or marginalised in the classroom and in social situations.

Curriculum and materials: Textbooks, lesson plans, and other educational materials may not include accurate and respectful depictions of people with disability, or may perpetuate harmful stereotypes. This can further contribute to ableism in the school environment.

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[23] Graham, L., Killingly, C., (2022) *Do we really have a frightening school to prison pipeline in this country? Only one way to find out,* EduResearch Matters, Australian Association for Research in Education, Available at: https://www.aare.edu.au/blog/?p=12256

[24] Graham, L., Killingly, C., (2022) *Do we really have a frightening school to prison pipeline in this country? Only one way to find out,* EduResearch Matters, Australian Association for Research in Education, Available at: https://www.aare.edu.au/blog/?p=12256

[25] Graham, L.J., Killingly, C., Laurens, K.R. et al. Overrepresentation of Indigenous students in school suspension, exclusion, and enrolment cancellation in Queensland: is there a case for systemic inclusive school reform?. Aust. Educ. Res. (2022). https://doi.org/10.1007/s13384-021-00504-1

Discipline and punishment: Students with disabilities may be disproportionately disciplined or punished compared to non-disabled peers, due to ableist assumptions about their behaviour and abilities.

Lack of resources and support: Schools may not have sufficient resources or support systems in place to help students with disability to succeed academically and socially. This can result in these students falling behind or feeling isolated and unsupported and disengaged.

Overall, ableism can manifest in a range of ways within school environments. It is important for schools to actively work to create inclusive and accessible environments for all students, regardless of ability. In this next section we have set out core data about students with disability.

Facts and figures

For children and young people with disability, intersecting discrimination and exclusion spans the medical and health service sector, educational systems and the community, all while they are also going through significant and once in a lifetime developmental phases. This discrimination and exclusion can have lifelong impacts if not addressed. At a glance we know: [26]

Prevalence:

- 7.6% of children aged 0–14 have disability
- 9.3% of people aged 15–24 have disability

Education:

- 89% of school-age (5–18) children with disability go to school
- 1 in 10 school students have a disability
- 89% of school students attend mainstream schools settings
- 71% of students with disability attend only regular classes in a mainstream school
- 18% attend special classes within a mainstream school
- 12% go to a special school

Supports:

- 57% of school students with disability receive support at school
- 29% of school students with disability attending only regular classes in a mainstream school, need support but do not receive it or need more support than they receive
- 33% of school students with disability attending special classes in a mainstream school need more support than they receive
- 33% of school students with disability attending a special school need more support than they receive

Exclusion:

- suspensions, expulsions and cancellations of enrolments begin in the first year of school when children can be as young as four years old[27]

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[26] Australian Institute of Health and Welfare (2022) People with disability in Australia, AIHW, Australian Government, accessed 21 March 2023

[27] Graham, Killingly, Laurens, Sweller, (2021), Suspensions and expulsions could set our most vulnerable kids on a path to school drop-out, drug use and crime, The Conversation. Available at: https://theconversation.com/suspensions-and-expulsions-could-set-our-most-vulnerable-kids-on-a-path-to-school-drop-out-drug-use-and-crime-166827

- an increasing number of students with disability are being home educated. About 20% of parents who made a submission to the recent NSW inquiry into students with disability were home educating due to mainstream schools having failed to meet their children's needs[28]

Achievement:

- young people with disability were more likely (64%) to face barriers to achieving their study/work goals after school than those without disability (48%)
- students with disability are less likely to complete year 12 or attain a tertiary education, such as a gaining a bachelor's degree or higher

Employment:

- nearly half of all young people with disability are unemployed or underemployed
- 49% of young people with disability (15-24) rely on income support payments as their main source of income

Outcomes:

In examining the experience of students in Australian school classrooms, CYDA would encourage the Committee to reflect on the following from the Productivity Commission Study Report on their Review of the National School Reform Agreement:

"What has been happening to student outcomes?"

"Persistent gaps in education outcomes for some cohorts of students point to systemic barriers"

"Gaps cannot be measured for students with disability, despite the Agreement naming them as a priority equity cohort, as there is no consistent data tracking their educational outcomes"

The policy settings in Australia

Human rights

As CYDA provides recommendations in submissions such as this, we ground our work in evidence and a human rights approach. This includes the impact of families and caregivers combining work and care on children and young people with disability. There are a range of international instruments that establish normative standards and principles for the treatment of children and young people with disability, including:

- The United Nations Charter on the Rights of People with Disability (CRPD)
- Convention on the Rights of the Child (CRC)
- Convention on the Elimination of all Forms of Discrimination Against Women
- International Convention on the Elimination of All Forms of Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- Declaration on the Rights of Indigenous Peoples

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[28] English and Gribble. (2021). *Homeschooling boomed last year. But these 4 charts show it was on the rise before COVID*, The Conversation, Available at: https://theconversation.com/homeschooling-boomed-last-year-but-these-4-charts-show-it-was-on-the-rise-before-covid-157309

All children or young people are more than their disability, their education and more than their health. Consistent with the United Nations Convention on the Rights of the Child[29], and the CPRD, Australian children and young people with disability should feel:

- Healthy
- Safe
- Connected
- Supported
- Challenged
- Engaged

Disability Standards for Education

The *Disability Standards for Education 2005* (DSE) clarify the obligations of education and training providers, and seek to ensure that students with disability can access and participate in education on the same basis as students without disability. The DSE also clarify the obligations of education and training providers under the [Disability Discrimination Act 1992.](#)

As outlined in CYDA's submission to the 2020 review of the Disability Standards for Education[30] in 2020, families and caregivers of students with disability do NOT consider:

- students receive adequate support in their education
- they were communicated with regularly about the student's learning progress
- teachers have high expectations of the student
- teachers have the required training to provide a supportive and enriching education environment.

Australia's Disability Strategy 2021-2031

Australia's Disability Strategy 2021–2031 is a whole-of-community response, including business, non-government and services sectors, and individuals to ensure people with disability can participate as equal members of society.

As outlined in the introductory sections of this submission, inclusive participation for children and young people with disability in services and systems is a prerequisite to the long-term wellbeing of the entire family. Put simply, families and caregivers are compromised in their ability to maintain stable paid employment when they are using their time, intellectual and emotional resources to fill the gaps left by our major public services which were designed to prevent vulnerability – health, welfare, education, disability insurance and support, and housing.

The targeted action plans contained within the strategy contain important pathways for programs and funding to deliver the objectives contained within the seven outcomes areas:

- Employment and Financial Security
- Inclusive Homes and Communities
- Safety, Rights and Justice
- Personal and Community Support
- Education and Learning

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[29] Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, https://www.unicef.org/child-rights-convention/convention-text

[30] CYDA, (2020) Submission to the 2020 review of the Disability Standards for Education 2005, [Resources (cyda.org.au)](#)

- Health and Wellbeing
- Community Attitudes

One area of focus should be the outcome area of 'education and learning', "Policy Priority 2: Build capability in the delivery of inclusive education to improve educational outcomes for school students with".[31]

Given the clear intersectionality between many of the key issues and challenges faced by students with disability, CYDA strongly urges the Committee to consider the outcome areas in the strategy to guide Federal Government policy and programs including the National School Reform Agreement in creating better outcomes for students.

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[31] Commonwealth of Australia (Department of Social Services) (2021) Australia's Disability Strategy 2021-2031 Available at: https://www.disabilitygateway.gov.au/document/3106

Appendix Further information and resources

CYDA's work is rights-based and led by the direct experiences and diverse voices and visions of children and young people with disability across Australia. CYDA grounds its work in evidence and a human rights approach.

CYDA's work on education

1. Disability Royal Commission - Education of children and young people with disability, Submission 1
2. Disability Royal Commission - Response to Restrictive Practices issues paper
3. Education Council, The review of senior secondary pathways into work, further education and training, CYDA Submission
4. National Framework for Protecting Australia's Children 2009-2020, CYDA Submission
5. National Strategy to Prevent Child Sexual Abuse Final Development Consultation Paper Response
6. NDS & NDIS Outcomes Framework Introductory Paper, CYDA Submission
7. New South Wales, Restrictive Practices Authorisation in New South Wales, CYDA submission 2019
8. Pre-Budget submission: Drive inclusion and equity for children and young people with disability 2021-22
9. Pre-Budget submission: Invest in children and young people with disability: their voices and their future 2023-24
10. Quality Initial Teacher Education Review, CYDA Submission
11. Report: Taking the first step in an inclusive life Experiences of Australian early childhood education and care
12. Review of the Disability Standards for Education 2005, CYDA Submission 2020
13. Senate Inquiry into on the national trend of school refusal, CYDA submission
14. Senate Select Committee on Autism inquiry, CYDA Submission
15. Senate Select Committee on Job Security Young people with disability and job insecurity, CYDA Submission
16. Standing Committee on Employment, Education and Training, education in remote and complex environments, CYDA Submission (2) and CYDA Submission (1)
17. Tasmania's Child and Youth Wellbeing Strategy, CYDA Submission

CYDA's COVID-19 work:

18. Report "How did COVID-19 impact post-school transitions for young people with disability and how can these be better supported?"
19. Report "Locked out: Vaccination discrimination for children and young people with disability"
20. Report "Not even remotely fair: Experiences of students with disability during COVID-19"
21. Report "More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic"
22. Response to the Disability Royal Commission's Omicron issues paper
23. Victorian consultation on lessons from remote learning, CYDA Submission
24. Co-signatories on the Disability sector Omicron statement of concern

25. [Concern](#) about the DRC not making recommendations following the neglect of students with disability during the COVID pandemic
26. Senate Select Committee on COVID-19, [CYDA Submission](#)
27. [Submission](#) to the Disability Royal Commission: Emergency Planning and Response during COVID-19
28. CYDA former CEO, Mary Sayers Disability Royal Commission [witness statement](#)
29. Co-signatories on [Open letter](#) to National Cabinet Immediate Actions Required for Australians with Disability in Response to Coronavirus (COVID19)
30. [Submission](#) to Inquiry into Long COVID and Repeated COVID infections

CYDA supports the following positions in conjunction with this submission

- [Position Paper](#) on Segregation
- The Australian Coalition for Inclusive Education's '[Driving change: A roadmap for achieving inclusive education in Australia](#)'
- How to make education better - [Easy English version](#) of the ACIE Roadmap achieving inclusive education in Australia
- Australian Research Alliance for Children and Youth (ARACY)'s [The Nest](#) child wellbeing framework
- Early Childhood Australia's *[Statement on the inclusion of every child in early childhood education and care](#)* and draft [Statement on Play](#)
- Early Childhood Australia and Early Childhood Intervention Australia's *[Position statement on the inclusion of children with a disability in early childhood education and care](#)*
- Thrive by Five & The Minderoo Foundation's *[Time to Act: Investing in our children and our future](#)*