

Submission to the Commonwealth Department of Education and Training

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Review To Achieve Educational Excellence in Australian Schools

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Introduction

The Disability Discrimination Legal Service (DDLS) is a community legal centre that specialises in disability discrimination legal matters. DDLS provides free legal advice in several areas including information, referral, advice, casework assistance, community legal education, and policy and law reform. The long term goals of the DDLS include the elimination of discrimination on the basis of disability, equal treatment before the law for people with a disability, and to generally promote equality for those with a disability.

The Victorian Department of Education and Training is the single most common Respondent the subject of complaints and requests for advice and assistance, every year.

We make this submission in the context of educational excellence for students with disabilities.

What should educational success for Australian students and schools look like?

1. Australian students should:
 - a. be attending school the same hours as their peers;
 - b. be seen to be capable of learning;
 - c. be taught academic skills;
 - d. receive the supports they need to access their education;
 - e. not be regarded as only being worthy of being taught “life skills”;
 - f. not be expelled or suspended on the basis of behaviours of concern;
 - g. learn alongside their peers;
 - h. not be forced into home-schooling due to distressing experiences at school;
 - i. be protected from bullying by other students;
 - j. be supported to socialise with other students;
 - k. be protected from abusive practices by school staff.

2. Schools should:
 - a. receive the resources required to support students with disabilities in order to achieve their potential;
 - b. be subject to a number of mandated processes, use of materials, and policies in relation to the teaching of students with disabilities;
 - c. be subject to key performance indicators on:
 - i. the academic achievements of students with disabilities;
 - ii. the attendance of students with disabilities;
 - iii. the successful socialisation of students with disabilities;
 - d. be required to use evidence based programs;
 - e. be directed to understand what best practice is, and use it;
 - f. be required to understand and use measurable outcomes for all activities involving students with disabilities.
 - g. not be a place of fear, or a cause of unnecessary stress for students.

What can we do to improve and how can we support ongoing improvement over time?

3. There will be no improvement until the changes made above are required, and occur. Currently, funding is provided to schools with no requirement that it be accounted for.

Since 2006, DEECD has distributed more than \$2.6 billion to schools through the PSD. However, DEECD does not have the information it needs to determine whether PSD funding is being used efficiently and effectively.¹

4. Since 2012, there continues to be no requirement for evidence to be presented that any money allocated to a child or school produces results. No other organisation works in this manner.

¹ Victorian Auditor General's Office "Programs for Students of Special Learning Needs" 2012

Are there barriers to implementing these improvements?

5. There is a reason that this submission is succinct. There have been endless submissions on the critical state of education for students with disabilities, and recommendations as to what needs to be done. These include but are not limited to:

Held Back-the Experiences of Students of Victorian Schools

- Victorian Equal Opportunity and Human Rights Commission 2012

Programs for Students with Special Learning Needs

- Victorian Auditor General's Office 2012

Inquiry into Violence, Abuse and Neglect against People with Disabilities in Institutional and Residential Settings

- Senate Community Affairs References Committee 2015

Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support

- Senate Education and Employment Committees 2015

Review of the Program for Students with Disabilities

- Victorian Department of Education and Training 2015

The above reports and reviews are either Victorian-based or Federal. However the most recent report released was only one week ago, being *Students with a Disability or Special Needs in New South Wales Schools*, undertaken by the Parliament of New South Wales. The critiques of the quality of education for students with disabilities across Australia are basically uniform.

6. The problems are clear, well documented and not disputed. The recommendations have been made repeatedly. There is no need for any more reviews or inquiries. The barrier to these problems being addressed is government itself. Until it is forced to address the problems that have been so eloquently articulated on multiple occasions, things will not change.
7. If the Commonwealth Department of Education and Training wishes to address these issues, it must mandate what needs to be done clearly, and with consequences for State governments who do not do what is required of them. The matter is no more difficult than that in our submission.