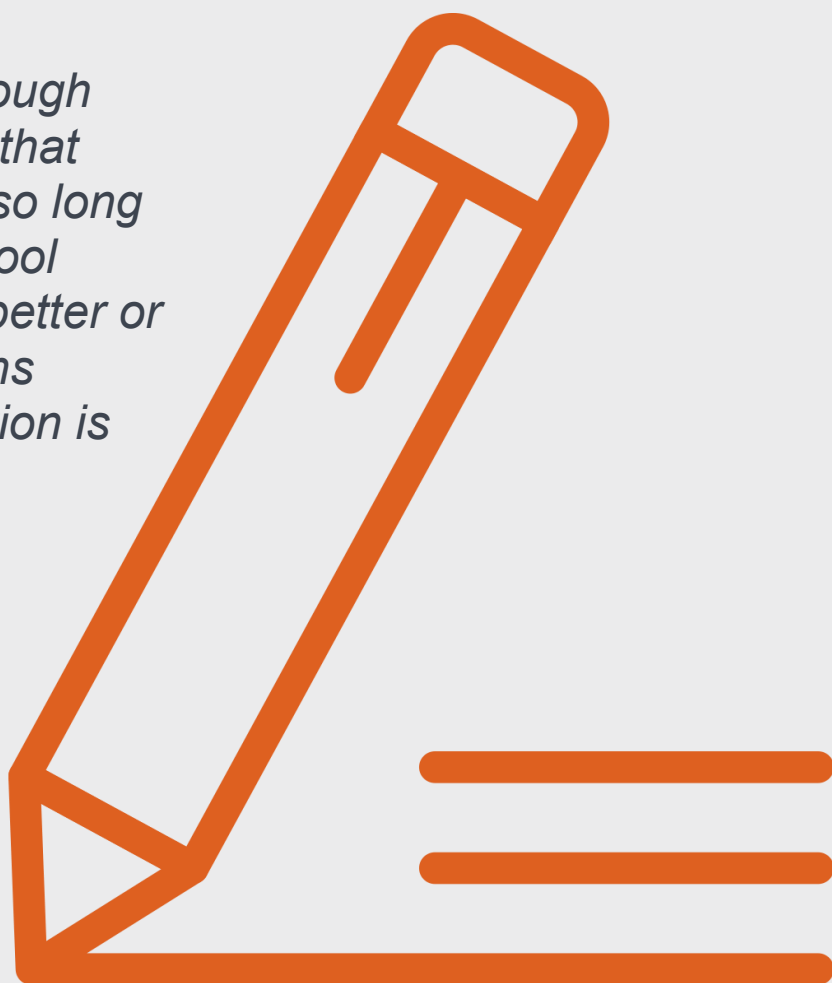


CYDA's submission to the *Review to Inform a Better and Fairer Education System*

Better and fairer for all please

*“My child is halfway through their education. Things that change at the top take so long to filter down to the school level. For things to be ‘better or fairer’ for my child means attitude change and action is needed now.” **

August 2023



Children and Young People
with Disability Australia



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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.

** Quote on cover page from family of female student from Queensland aged between 10-12 years old attending a mainstream setting in a regular class*

Endorsed by:

This submission has been endorsed by the following organisations:

All Means All, the Australian Alliance for Inclusive Education



Family Advocacy





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Overview

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

This submission

CYDA welcomes the opportunity to provide a submission to the *Review to Inform a Better and Fairer Education System* (the Review) regarding the next National School Reform Agreement (NSRA).

This submission includes our responses to the questions raised in the *Review to Inform a Better and Fairer Education System Consultation Paper* (Consultation Paper). We have also included recommendations and tools for those changes as prompted by the results reported on from CYDA's recent education surveys.

Our submission also references key background information including our concerns about some of the data referenced and the policy settings.

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 discuss our submission with the Review.



‘Priority equity cohorts’ and the NSRA

Use of the term ‘priority equity cohort’

The current NSRA states,

“For the purpose of this Agreement, priority equity cohorts include Aboriginal and Torres Strait Islander students, students living in regional, rural and remote locations, students with a disability and students from educationally disadvantaged backgrounds. All Parties agree that sub-outcomes will be disaggregated by cohorts where available..”

“Outcomes: The Parties commit to the following outcomes, which collectively articulate Parties’ high ambition for Australian school education:

Academic achievement improves for all students, including priority equity cohorts...”¹

This submission relates to the ‘priority equity cohort’ of students with disability.

Need to foreground the NSRA with anti-ableism framing

What is ableism?

Ableism has been described from a number of perspectives. A commonly cited definition from a disability studies perspective describes it as follows:

“A network of beliefs, processes and practices that produce a particular kind of self and body (the corporeal standard) that is projected as the perfect, species-typical and therefore essential and fully human. Disability, then, is cast as a diminished state of being human.”²

In practice, ableism is being perpetuated when, based on your understanding of someone’s disability, you:

- incorrectly make assumptions about someone’s abilities or desires
- make decisions on behalf of someone after assuming they can’t
- assume something about one person based on what you experienced about someone else

¹ Department of Education and Training, *National School Reform Agreement*, (2018) Available at: <https://www.education.gov.au/quality-schools-package/resources/national-school-reform-agreement>

² Campbell, F. (2001) *Inciting legal fictions: ‘disability’s’ date with ontology and the Ableist body of the law*. Griffith Law Review 2: 42–62. Available at: <https://research-repository.griffith.edu.au/handle/10072/3714>

- tease or ridicule someone, even when you consider it to be ‘harmless fun’, or create a slur against someone that impacts their reputation with others
- overlook someone for an opportunity based on assumptions about their abilities
- fail to include someone because you didn’t think of it, it felt too hard, or you were too awkward to ask them about their accommodations and access needs.

Fundamentally, dominant socio-cultural understandings and attitudes – both historical and current – are the root of violence and abuse against children and young people with disability. The way we colloquially speak about disability, and how it is considered and represented in policy and law making, operates alongside the cultural norm of children and young people being expected to yield to powerful others. From this emerges a unique and dangerous dynamic that supports the cultural acceptance of the abuse, neglect and mistreatment of children and young people with disability. As such, approaches that disrupt the mechanisms of ableism, create long-term community attitude change, and promote understanding and respect for children and young people with disability are critically important.

How ableism perpetuates harmful policies and practices

As an important 5 year long agreement, investment by the Australian Government and states and territories in the NSRA, along with developing and monitoring strategic reform in other areas such as Initial Teacher Education, Australian Universities Accord, Early Childhood Education and Care and Australia’s Disability Strategy, must model an anti-ableist approach in order to avoid inadvertently perpetuating harmful ideas of normative personhood, especially in the context of children and young people.

A culture of ableism, and other forms of discrimination, endure where individual and organisational discrimination goes unchallenged. For instance, segregated delivery of public services perpetuates the belief that people with disability are not worthy of being accommodated alongside everyone else in the community, creating an ‘othering’ effect.

Similar to the extensive research that was conducted to create a sociological framework to address family violence³, ableism requires a reckoning to expose the structures, norms and practices that maintain and perpetuate discrimination and abuse at every level in society.

³ Our Watch, Australia’s National Research Organisation for Women’s Safety (ANROWS) and VicHealth. (2015). *Change the story: A shared framework for the primary prevention of violence against women and their children in Australia*. Our Watch, Melbourne, Australia.

Improving policies and practices for education through an anti-ableist approach

Truly innovative and effective approaches to education and development need to begin with anti-ableism⁴. Using this ideology to underpin the next NSRA will highlight the core beliefs, practices and processes that steer the agreement parties to a conceptual framework and all the initiatives, accountability and activities that flow from it. This kind of framing for the NSRA can be as simple as analysing a piece of content to consider how problems are framed.

Barriers to inclusive education prevent children and young people who experience disability from learning and participating fully, with far-reaching and lifelong implications. Major barriers include negative attitudes and stigma around 'difference' and 'disability', inadequate education and professional development for teachers and specialist support staff, and systemic barriers, such as inadequate funding and support from education authorities. Underpinning these barriers is ongoing ableism.

There continues to be considerable discussion of the potential of education to bring about social change, with emphasis placed on the importance of working with children, from an early age onwards, to break the cycle of entrenched ableism. However, if adults have not examined their own attitudes and practices, they are likely to perpetuate that cycle and ultimately prevent inclusive education being realised.

Applying an anti-ableist approach to the NSRA

This kind of approach can be as simple as ensuring the NSRA considers how problems are framed. The example below from the NSRA (Preliminaries no. 9, p. 4)⁵ uses an ableist lens to describe the problem of lower achievement experiences.

“The wellbeing of all students is fundamental to successful education outcomes. Parties recognise the critical importance of supporting and facilitating the achievement of priority equity cohorts, including Aboriginal and Torres Strait Islander students, students living in regional, rural and remote locations, students with a disability and students from educationally disadvantaged backgrounds..”

Framing the subject as 'priority equity groups' creates distance that serves to relegate people with disability to the category of 'other', making it easier to discriminate against them. The above then assigns vulnerability by noting the risk to wellbeing if the “critical importance” is not addressed, and in turn the source of the problem, to the

⁴ See Cheri Byrne-Haber's (disability expert and activist) nine steps to being anti-ableist <https://sheribyrnehaber.medium.com/are-you-ready-to-be-anti-ableist-in-2021-239103637949>

⁵ Department of Education and Training, *National School Reform Agreement*, (2018) Available at: <https://www.education.gov.au/quality-schools-package/resources/national-school-reform-agreement>

states and traits of people, (Aboriginal and Torres Strait Islander students, students living in regional, rural and remote locations, students with a disability and students from educationally disadvantaged backgrounds), casting them as outside the norm and problematising them.

This form of discrimination and ableism has been highlighted by researchers as obscuring the role of the social environment in disability, causing people to “falsely treat impairments as inherently and naturally horrible and blame the impairments themselves for the problems experienced by the people who have them”.⁶

The focus and emphasis of the paragraph should be on the actual problem – the ableist systems of beliefs, processes and practices that people with disability have no choice but to engage with, in order to live their lives. Drawing on the social model of disability as well as anti-ableist principles this paragraph can be more accurately written as:

A network of inherently ableist beliefs, processes and practices operating across the systems responsible for delivering education, can be identified as the key contributor for children with disability experiencing disproportionately lower rates of educational achievement than their non-disabled peers.

Re-writing this phrase has the effect of re-framing the way the reader thinks about the topic and indeed what they consider the problem to be, in this case the structures, mechanisms and practices across the education systems, rather than the students.

Unless underlying ableist assumptions and biases are made explicit, the next NSRA risks the same outcomes as the one that preceded it.

⁶ Amundson, R & Taira, G. (2016). *Our Lives and Ideologies: The Effect of Life Experience on the Perceived Morality of the Policy of Physician-Assisted Suicide*, Journal of Disability Policy Studies, Vol16, p.54.



Disappointment and discrimination

[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 policies ensure an equitable and quality education for students with disability.

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.

In examining the experience of students in Australia, CYDA would encourage the Review 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 inequalities that drive the exclusion of children and young people from accessing quality education and ultimately an inclusive life, are complex and multi-dimensional.

Reporting from the National Agreement on Closing the Gap, Australia’s Disability Strategy 2021–2031, the PISA index of disciplinary climate and NAPLAN results fail to give relevant insights for students with disability in Australia.

These measures also fail to give insight as to the impact of:

- 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](#)
- 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 and as per CYDA’s contribution to the DRC research paper [Restrictive practices: A pathway to elimination](#)
- 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*'⁷
- prioritising attendance at school over engagement of students as per our [submission](#) to the Senate Inquiry into the national trend of school refusal

CYDA's surveys

CYDA conducted two surveys during 2022 and 2023 related to school settings:

1. Youth Education Survey 2022-23 - for students with disability who are at school or who have recently left or finished school.
2. Education Survey 2022 - for families and caregivers of children and young people in school

CYDA partnered with researchers from the Melbourne Graduate School of Education, University of Melbourne and Public Service Research Group, UNSW Canberra to analyse the data and prepare each of the three reports.

These surveys and resulting reports are part of CYDA's ongoing commitment to understanding the experience of children and young people with disability in Australia.

Below we have included the headlines from the Youth and Family surveys.

Disappointing results

Students don't feel supported to learn and engage in activities at school.

- Only half (54%) reported feeling welcome and included
- 70% of students reported being excluded from events or activities at school
- 65% of students reported experiencing bullying and 13% preferred not to answer
- Only 27% reported feeling supported to learn at school
- Only 35% of families felt teachers and support staff have adequate training and knowledge to support the student

Further detail is available in CYDA's [Report](#): *Disappointment and discrimination CYDA's surveys of the learning experiences of children and young people with disability in 2022 and 2023*.

⁷ 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>

Discrimination and ableism

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 (for example providing a quiet and supportive environment for students who might have attention or sensory processing difficulties during assessments), 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.
- **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.



Recommendations

The inequalities that drive the exclusion of children and young people from accessing quality education and ultimately an inclusive life, are complex and multi-dimensional. Reporting from the National Agreement on Closing the Gap, Australia's Disability Strategy 2021–2031, the PISA index of disciplinary climate and NAPLAN results fail to give relevant insights for students with disability in Australia. These measures also fail to give insight as to the impact of:

- 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](#)
- absence of student voice, as per our [submission](#) to the Disability Royal Commission (DRC)
- restrictive practices use in schools as per CYDA's contribution to the DRC research paper [Restrictive practices: A pathway to elimination](#)
- 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*'⁸
- 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 calls on National Cabinet to lead ministers for education, disability, early childhood and Indigenous children, to deliver and invest in the lifelong development, learning and education of children with disability.

Recommendation 1: Ensure the [National School Reform Agreement](#) and Commonwealth funding model supports and incentivises inclusive education, by holding states and territories accountable to deliver the full inclusion of all students in mainstream school settings.

Schools and staff should be effectively supported to facilitate:

- Adequate time for planning and direct consultation with students and families to;
 - explore *engagement* as an alternative to *attendance* as a more effective outcome measure and;
 - the development of resources which focus on providing reasonable adjustments to lift attendance, experience and outcomes

⁸ 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>

- Consistency in the use of data and documentation

Recommendation 2: Invest in national and state and territory level mechanisms that collect, prioritise and action the voices and views of children and young people with disability

- Invest in national data collection across education that informs targets and outcomes for a range of intersecting priority equity cohorts including correlation of enrolment, attendance and engagement information with input from children and young people to provide a clearer view of experiences in education settings
- Improve the percentage of students with disability completing school level surveys and identify specific feedback mechanisms for each key transition and development stage

Recommendation 3: Drive and fund transformational change to ensure inclusive education across all life stages

- Develop a National Inclusive Education Plan aligned to the Australia’s Disability Strategy with legislation to support inclusive education and prevention of violence, abuse and neglect of people with disability from early childhood education through to tertiary level education
- 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
- Implement an independent oversight body to ensure that education providers – in early childhood, school, post-school and adult education settings – are meeting their statutory and legal obligations – federal, and state and territory level - (including but not limited to education acts, Disability Standards for Education, child protection and human rights frameworks) and complaints can be independently investigated, monitored and resolved
- Co-design and implement a nationally consistent post school transition supports framework which focuses on career progression from school and provides earlier employment support to young people

Recommendation 4: Invest in training and support for educators, teachers and related professional and specialist staff working with and supporting inclusive education across all life stages

- Strengthen certificate and bachelor qualifications (across all levels of the education workforce) by including disability education in the curriculum, to ensure practical and theoretical knowledge and skills for supporting children with disability
- Incentivise public and private providers and funders to provide additional training and resources for all levels of the workforce so that educators are better able to identify and support children with developmental differences, and create environments that will set up children and their families to thrive



Tools for change

CYDA calls on all Australian governments – federal, state, territory and local - to utilise existing frameworks and legislation to improve the experience and outcomes of development, learning and education for children with disability. Below are the instruments available and the investment needed.

United Nations Convention on the Rights of Persons with Disabilities

- Underpin all revised or new education related policy frameworks or programs by the CRPD and documented as such

Australia's Disability Strategy 2021–31

- Invest in the early childhood Targeted Action Plan and develop Targeted Action Plans for lifelong learning to ensure all children and young people with disability are prioritised

The next National School Reform Agreement

- Ensure quality and public reporting on existing and new measures for students with disability and include measures to build accountability to existing standards and regulations

Disability Royal Commission

- Allocate additional funding to allow children and young people and their advocacy representatives to meaningfully respond to the recommendations outlined in the final report

National Disability Insurance Scheme - Independent NDIS review

- Prioritise children and young people for co-designed NDIS reform to prevent another generation of inadequate support in their learning and development
- Ensure NDIS funding for co-design includes the engagement of children and young people on supports and services and their education experience

Australian Government's Early Years Strategy

- Invest in, and work with, Aboriginal community-controlled services to ensure culturally appropriate early education and care settings
- Integrate health and disability support services, so that children have low barriers to receive the support they need in familiar settings
- Provide additional training and resources to early childhood educators and early learning centres

Disability Services Act 1986 review

- Co-design any revisions to the Act with children and young people to set the vision and direction for the rights of people with disability for years to come



CYDA responses to consultation paper questions

Below are CYDA's responses to the questions raised in the Review's consultation paper.

#	Questions	CYDA's response
1.	What are the most important student outcomes for Australian school students that should be measured in the next NSRA? Should these go beyond academic performance (for example, attendance and engagement)?	<p>CYDA believes that student outcomes should be measured across key areas of:</p> <ul style="list-style-type: none">• student voice and satisfaction• student wellbeing• attendance• learning and engagement• educational adjustments (e.g. NCCD)• educational achievement• post-school transition and outcomes• accessibility, support and adjustments• funding provided and spent <p>Outcomes measurement also needs to include capturing information that covers intersectionality, including data from CALD, First Nations, out-of-home care, rural and remote, communities etc</p> <p>For students with disability this would also mean understanding:</p> <ul style="list-style-type: none">• enrolment – any refusals by schools or systems, proximity to home to identify any gatekeeping, transport accessibility• attendance including distinguishing part time enrolment or split enrolment and absenteeism trends• disciplinary absences – in and out of school suspensions and expulsions• trends related to behavioural incidents or discipline issues and authorised and unauthorised use of restrictive practices• trends related to student 'school refusal/school can't' and home schooling

Questions

CYDA's response

As students with disability experiences of absenteeism are nuanced, qualitative outcome measurement is an important tool to enable a deeper understanding of student experiences

In order to demonstrate compliance with the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and General Comment No.4 Right to Inclusive Education, CYDA suggests using the NSRA to instigate data collection and reporting for all schools and their categorisation in line with the following terms:

- **Exclusion** occurs when students are directly or indirectly prevented from or denied access to education in any form.
- **Segregation** occurs when the education of students with disabilities is provided in separate environments designed in isolation from students without disability
- **Integration** as a process of placing students with disability in existing mainstream educational institutions
- **Inclusion** as represented by structural changes to organisation, curriculum and teaching and learning strategies to provide all students of the relevant age range with an equitable and participatory learning experience and environment that best corresponds to their requirements and preferences

2. What are the evidence-based practices that teachers, schools, systems and sectors can put in place to improve student outcomes, particularly for those most at risk of falling

CYDA believes there needs to be investment and leadership signalled via the NSRA to instigate the following evidence-based practices to improve student outcomes in the short and medium term:

- The role of teachers' aides is independently reviewed, with recommendations for the future to ensure strong educational outcomes based on research and best practice
- All students with disability experience high learning and development expectations and have an

#	Questions	CYDA's response
	<p>behind? Are different approaches required for different at-risk cohorts?</p>	<p>Individualised Educational Learning Plan. This plan is developed in consultation with the family, the student and the school</p> <ul style="list-style-type: none"> • Pending the recommendations and outcomes of the Independent NDIS Review due October 2023, the NSRA could include shared information and specialist skills to drive greater effectiveness of supports for students with disability in education settings • For Initial Teacher Education (ITE), training includes universal design for learning and how to differentiate curriculum for students with disability, and there is upskilling of the current teaching workforce • For existing workforce, the Australian Curriculum embeds universal design for learning principles and provides examples and modelling of how to differentiate curriculum • The educational outcomes and post-school pathways of students with disability are routinely collated and publicly reported • The relationship between educational outcomes and being a valued member of the school and class community is well known, and efforts to improve are articulated in school improvement planning • Students with complex communication needs (CCN) are supported in their right to a comprehensive communication system relevant to their individual requirements, allowing them to participate, access the curriculum, learn and achieve with equity • There is widespread and high-quality teacher and principal professional development in inclusive education • The Australian and state/territory governments have agreed to a 10-year Inclusive Education Plan, developed alongside people with disability, experts and advocates • There is a positive narrative for inclusive education as an expectation and human right, which includes positive media coverage for students, teachers, schools and the broader community

Questions

CYDA's response

- Students, parents, unions, professional associations and education system employees can all articulate what inclusive education is – and what it isn't – in line with the UN CRPD
- Principals, teachers, professional associations, and unions are united in advocating for comprehensive inclusive education, emphasising no further investment in segregated settings.
- Families have robust, transparent and independent complaints mechanisms when their child does not experience inclusive education (e.g. an independent tribunal or commission established by national harmonised legislation and implemented locally)
- States and territories have a transparent improvement framework for inclusive education that is rigorously monitored and reported against, with an independent national oversight body/commission overseeing this work
- Schools and school systems are held accountable for embedding inclusive education in practice (e.g. via a transparent and independently assessed scorecard of schools, based on school improvement principles)

3. How can all students at risk of falling behind be identified early on to enable swift learning interventions?

Identification: A proactive, data-driven approach, is needed to identify students at risk of falling behind early and provide the necessary support. However, students with disability should already be on the radar of schools as needing reasonable adjustments. Regular communication between school supports already in place, the classroom teacher, and the student and family, should bring to light any barriers to the student's achievement and progression, early. Barriers related to administrative processes, funding or resourcing, need to be addressed first, rather than positioning the student being at fault as "falling behind".

CYDA believes so called 'early warning systems' need to gather information on the barriers preventing students from maintaining attendance, engagement and

Questions

CYDA's response

achievement. Poor grades, low attendance or disciplinary absences are signs that the student has already come up against those barriers and their education is undermined. The NSRA needs to include measures, initiatives and outcomes that prevent barriers and risks initially.

Interventions: CYDA believes it is critical that any short-term measures for learning interventions are thoroughly evaluated and delivered in line with a student's reasonable adjustments. CYDA believes there needs to be investment and leadership signalled via the NSRA to instigate the following outcomes in the short and medium term:

- All students with disability are learning the same curriculum as their peers, reasonably adjusted and differentiated to their needs
- Universal Design for Learning principles are embedded in all aspects of education design and delivery so the class lesson is accessible to the greatest number of students and the need for individualised adjustments is reduced
- To identify system issues and barriers, there is independent research into the factors that families have taken into account when choosing segregated education
- Existing support programs and services are refocused to promote de-segregation and transition (e.g. My Time funding, Inclusion Support Program (early childhood and before and after school care), the National Disability Insurance Scheme (NDIS), Early childhood funded services)

4. Should the next NSRA add additional priority equity cohorts? For example, should it add children and

Students with disability need to remain a priority equity cohort under the NSRA to improve their outcomes and experience. The focus for the cohort needs to be on addressing the barriers in the way of their education not their existence as a group. Please refer to our

#	Questions	CYDA's response
	<p>young people living in out-of-home care and students who speak English as an additional language or dialect? What are the risks and benefits of identifying additional cohorts?</p>	<p>comments on ableist structures under the section “Priority equity cohorts’ and the NSRA’.</p> <p>The use of priority equity cohorts in the NSRA needs to drive:</p> <ul style="list-style-type: none"> • Increased retention of students with disability until year 12 • Increased rates of young people with disability enrolled in higher education and vocational education and training • a strong and enforceable regulatory regime to prevent restrictive practices in school <p>Additional priority equity cohorts can only be included if appropriate data collection and reporting methods are also implemented and their inclusion is focused on breaking down barriers faced by the groups.</p>
5.	<p>What should the specific targets in the next NSRA be? Should the targets be different for primary and secondary schools? If so, how? What changes are required to current measurement frameworks, and what new measures might be required?</p>	<p>Prior to identifying new targets in the next NSRA CYDA encourages the Review to identify the barriers to the current targets being achieved and to ensure quality and public reporting on existing NSRA measures for students with disability as a priority equity cohort.</p> <p>CYDA believes there needs to be investment and leadership signalled via the NSRA to instigate the following outcomes in the short and medium term:</p> <ul style="list-style-type: none"> • The number of suspensions and expulsions of students with disability is decreasing • All primary and secondary schools are welcoming and inclusive of students with disability, with measured improvement in academic achievement and employment outcomes • School performance is measured by participation and inclusion and embracing all learners • The ratio of students with disability compared to the rate in the community is reflected in school

#	Questions	CYDA's response
		<p>enrolments (to prevent quasi-segregation via 'lighthouse' schools conducting best practice)</p> <p>CYDA also encourages the Review to consider the cost/benefit of extending the collection and reporting of the development domains of the Australian Early Development Census (AEDC) beyond the first year of school and into additional years of the primary schooling journey. Those domains are:</p> <ol style="list-style-type: none"> physical health and wellbeing social competence emotional maturity language and cognitive skills communication skills and general knowledge
6.	<p>How can the targets in the next NSRA be structured to ensure that evidence-based approaches underpin a nationally coherent reform agenda while allowing jurisdictions and schools the flexibility to respond to individual student circumstances and needs?</p>	<p>Any targets designed to overcome barriers faced by students with disability must be based on existing policy settings including:</p> <ul style="list-style-type: none"> The Disability Standards for Education 2005 (DSE) clarify the obligations of education and training providers under the Disability Discrimination Act 1992 (DDA) Australia's Disability Strategy 2021-2031 The National Agreement on Closing the Gap Nationally Consistent Collection of Data on School Students with Disability (NCCD)
7.	<p>How should progress towards any new targets in the next NSRA be reported on?</p>	<p>Disability policies and data often leave out the specific needs and experiences of children and young people with disability. Similarly, children and youth specific policies and data often do not comprehensively recognise people with disability. To ensure the NSRA is reflective of the experiences of different groups, inclusive of children and young people, CYDA recommends that disaggregated data is collected and monitored for all priority equity cohorts and different</p>

#	Questions	CYDA's response
		<p>demographics within the disability community (e.g., all education levels, regionality/rurality, socio-economic status, ethnicity, gender diversity, etc.)</p> <p>The National Disability Data Asset (NDDA) is an important investment by government. While the Australian and state and territory governments hold a vast range of administrative datasets, often these are not disaggregated for children and young people with disability.</p> <p>It is recommended the NCCD, NDDA and NSRA are fully aligned, and that the NSRA outcomes and target data development and implementation genuinely engages advocates and experts around specific priority equity cohorts to ensure the right data is collected to monitor outcomes over time</p>
8.	<p>What does it look like when a school is supporting student mental health and wellbeing effectively? What is needed from schools, systems, government and the community to deliver this?</p>	<p>Please refer to CYDA's <i>National Youth Disability Summit - What young people with disability said - Mental Health and Wellbeing Position Paper</i> for young people's voices on mental health</p>
9.	<p>What evidence-based wellbeing approaches currently being implemented by schools and</p>	<p>CYDA expects that the Australian Student Wellbeing Framework would be considered as an appropriate reference point for any approach and target. As noted by AIHW in 2019⁹, there are indicators of wellbeing in place, but also gaps in current data collections.</p>

⁹ Australian Institute of Health and Welfare 2019. Scoping enhanced measurement of child wellbeing in Australia: discussion paper. Canberra: AIHW.

#	Questions	CYDA's response
	communities should be considered as part of a national reform agenda?	These gaps are also noted in the recent <i>Measuring What Matters Statement</i> ¹⁰ p76. It also notes that the Review and others "...will place high priority on ensuring targets emphasise improving equity outcomes."
10.	Should a wellbeing target be included in the next NSRA? Could this use existing data collections, or is additional data required?	CYDA believes that any target or indicator to be utilised to report on education by the Australian Government – under any department or agreement - must be included in the NSRA. The funding agreement between state and federal level governments is the only tool available to drive accountability and transparency.
11.	Would there be benefit in surveying students to help understand student perceptions of safety and belonging at school, subjective state of wellbeing, school climate and classroom disruption? Would there be value in incorporating this into existing National Assessment Program surveys such as NAPLAN?	<p>Each state and territory utilises student surveys but there are variations in the measures collected, approach taken, frequency and cohorts surveyed. There is also no data on how students with disability are supported to complete surveys and rates of completion.</p> <p>CYDA would recommend the NSRA requiring or utilising an engagement, satisfaction and wellbeing survey of students and families (separate surveys) that ensures representative response rates for all priority equity cohorts. Utilising NAPLAN would not achieve representative response rates.</p>

¹⁰ Australian Government 2023 *Measuring What Matters Australia's First Wellbeing Framework*. Canberra

#	Questions	CYDA's response
12.	To what extent do school leaders and teachers have the skills and training to support students struggling with mental health?	<p>In response to CYDA's education surveys, the following groups indicated:</p> <ul style="list-style-type: none"> 64% of young people felt that teachers and support staff did not have the training and knowledge to support them in a way that suits their needs and preferences¹¹ 53% of families did not agree that teachers and support staff have the education and training required to provide a supportive and enriching education environment for the student¹²
13.	What can be done to establish stronger partnerships between schools, Local Health Networks and Primary Health Networks?	<p>CYDA believes that investment in time for teams to collaborate and the mechanisms to share information is critical for establishing stronger partnerships. In simple terms, people need to have time allocated and paid for to spend time together to further the outcomes of individuals and communities. Such models exist e.g. Logan Together</p>
14.	What can be done to ensure schools can easily refer students to services outside the school gate that they need to support their wellbeing? How can this be done without adding to teacher	<p>CYDA recognises that teacher workload is in an issue and that additional activities, programs and supports potentially do add time to already busy schedules. However, for many students, their significant in-school relationship is with their classroom teacher. Consideration of the impact of services outside the school gate on a student's classroom experience needs to be taken by those who know the student best and who are able to implement any necessary changes.</p>

¹¹Smith, C., Dickinson, H., Faulkner, A. (2023) "I think the teachers need more help" Voices of experience from students with disability in Australia. CYDA Youth Education Survey 2022. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne

¹² Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2023) How deep does it go? Australian students with disability and their experience of entrenched inequity in education. CYDA School Education Survey 2022, Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

#	Questions	CYDA's response
	and leader workload?	This would further support CYDA's call for investment in time for teams to collaborate and the mechanisms to share information.
15.	What change(s) would attract more students into the teaching profession?	<p>CYDA believes that greater proportional representation of staff with disability in schools as foreshadowed by draft recommendations made in the recent Australian Universities Accord Interim Report would assist in attracting more to the profession. <i>“creating specific higher education participation targets for students from underrepresented backgrounds and equity groups to achieve parity by 2035. These groups will include students from low socio-economic, regional, rural and remote backgrounds and students with a disability.”</i></p> <p>CYDA would also recommend the NSRA measuring and reporting on:</p> <ul style="list-style-type: none"> • mandatory training and professional development offered, delivered and attended • improving Initial Teacher Education - ITE • investment and utilisation in regional communities of practice amongst schools
16.	What change(s) would support teachers to remain in the profession?	CYDA is unable to comment on this question
17.	What change(s) would support qualified teachers to return to the profession?	CYDA is unable to comment on this question
18.	What additional reforms are needed to ensure that the schools most in	CYDA is unable to comment on this question

#	Questions	CYDA's response
	need can support and retain highly effective teachers?	
19.	What can be done to attract a diverse group of people into the teaching profession to ensure it looks like the broader community?	See CYDA's response to question 15
20.	What can be done to attract more First Nations teachers? What can be done to improve the retention of First Nations teachers?	CYDA is unable to comment on this question
21.	What reforms could enable the existing teacher workforce to be deployed more effectively?	CYDA is unable to comment on this question
22.	How can teacher career pathways, such as master teachers and instructional specialists, be improved to attract and retain teachers? How should this interact with HALT certification and the Australian	CYDA is unable to comment on this question

#	Questions	CYDA's response
	Professional Standards for Teachers?	
23.	Are there examples of resources, such as curriculum materials, being used to improve teacher workload or streamline their administrative tasks?	CYDA is unable to comment on this question
24.	How should digital technology be used to support education delivery, reduce teacher workload and improve teacher effectiveness? What examples are you aware of?	<p>It is important to consider the additional modifications that might need to be addressed with regards to technical support, layout of learning materials and accessibility additions such as closed captioning, speech to text, and text to speech.</p> <p>All these technologies offer support to a diverse range of students, but are often purchasable upgrades or require additional installation and enabling in digital learning spaces such as Canvas, Blackboard, Compass, and eLearn. The same need to be vigilant around enabling these supports will also aid learning in Zoom, Microsoft Teams, Google Hangouts, and other communication platforms. Principles of Universal Design for Learning informed with competent technical differentiation provides quality inclusive education for all students.¹³</p>
25.	Are there benefits for the teaching profession in	CYDA is not able to comment on this question

¹³ Dickinson, H., Smith, C., Yates, S., Bertuol, M. (2020) Not even remotely fair: Experiences of students with disability during COVID-19. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne

#	Questions	CYDA's response
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moving to a national registration system?
If so, what are they?

26. What types of data are of most value to you and how accessible are these for you?

Accessibility of data: As reported by the Productivity Commission, "...there are limited data for students with disability..."¹⁴ page 21 "Students with disability are a priority equity cohort in the NSRA but ACARA does not publish NAPLAN performance data for students with disability." Page 29 "While reporting gaps for students with disability will be more difficult to progress due to a lack of available data, governments should make this a priority." Page 35 "Outcomes for students with disability cannot be measured because national reporting does not report on the NSRA's outcome measures for this priority equity cohort."

CYDA advocates for collecting data on education experiences of students with disability in the following areas.

- Part-time attendance
- Suspension and expulsion
- Frequency of requests to families/guardians to collect students from school early
- Amount of time spent out of school as a result of part-time attendance, suspension, expulsion and school requested early dismissals
- Denial of enrolment to school or early childhood education centres including reasons why
- Enrolment in distance education and reasons why this option is utilised
- Enrolment in home schooling and reasons why this option is utilised
- Number of different schools or early childhood education centres attended by each child or young person

¹⁴ Productivity Commission 2022, Review of the National School Reform Agreement, Study Report, Canberra.

#	Questions	CYDA's response
		<ul style="list-style-type: none"> • Time and distance travelled to school, particularly on school buses, in mainstream and segregated settings • Exclusion of students, including from the school curriculum, in-school and extracurricular activities • Bullying • Access to career counselling • Access to work experience • Formal complaints (internal and external) made about education experiences of students with disability • Students with an established Individual Education Plan • Academic progress and outcomes of ALL students • Post school outcomes – immediately and in the first three years following school • Professional development undertaken by education providers • Accessibility audit of early childhood centres and schools • How specific disability funding is expended (for example if used for aids, equipment, behaviour support or individual support workers) • Use of restraint and seclusion.
27.	<p>Is there any data not currently collected and reported on that is vital to understanding education in Australia? Why is this data important?</p>	<p>It is clear the present education system is failing to adequately meet the needs of students with disability. Correspondingly, in many areas of early childhood and school education provision there is a lack of national, robust data and information. Data is of critical importance to defining and measuring educational access and outcomes for students with disability. Adequate data would progress a more detailed understanding of the educational experiences of students with disability and areas where reform is required.</p> <p>The important role of data in informing policy and service delivery is well established in research and grey literature. Nearly 10 years ago, UNICEF repeatedly highlighted this in undertaking international data collection around the experiences of children. It argued that data makes “change possible – by identifying</p>

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needs, supporting advocacy, and gauging progress.”¹⁵ However, it also found that a “lack of evidence hinders good policy making and service delivery” for children with disability.¹⁶

28. Should data measurement and reporting on outcomes of students with disability be a priority under the next NSRA? If so, how can this data be most efficiently collected?

Yes.

There are several existing data collections that could be used more effectively:

Australia Early Development Census (AEDC)

- The AEDC is a national assessment every three years, performed by teachers of children in their first year of school. It includes questions such as: *“Is this child considered Special Needs?”* and *“What medical diagnosis (or diagnoses) qualifies this child as Special Needs?”*
- There is also section on ‘*emerging needs*’ that includes a list of disabilities and asks the teacher to base their answer on their own observation, medical diagnosis or family information
- This census has been done since 2009 and scores children against 5 domains as to whether they are developmentally on track, at risk or vulnerable

CYDA suggests that the Review consider the possibility of extending this data collection to being an annual assessment and consider how such a wide-ranging assessment may also be helpful to understand how students are progressing across the primary school years and their development status prior to commencing high school. The domains of the AEDC would be equally helpful at this key transition point in a students 13-year schooling trajectory:

¹⁵ United Nations Children's Fund 2014, *The State of the World's Children in 2014, Every Child Counts: Revealing Disparities, Advancing Children's Rights*, United Nations, New York, p. 1.

¹⁶ United Nations Children's Fund 2013, *State of the World's Children 2013: Children with Disabilities*, p.9.

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1. physical health and wellbeing
2. social competence
3. emotional maturity
4. language and cognitive skills (school based)
5. communication skills and general knowledge

The Nationally Consistent Collection of Data on School Students with Disability (NCCD)

CYDA would like to flag issues of concern in relation to the NCCD including but not limited to:

- Documentation regarding the NCCD indicates that the data collection is measuring the present level of adjustment provision not the actual level of need
- Presently there is limited capacity and reliable mechanisms for families or allied health professionals with extensive knowledge of the student to directly input into the NCCD process
- The NCCD guidelines (2023 version p 23) refer to evidence to be collected on “*ongoing monitoring and review of the adjustments*”¹⁷ Listed on the NCCD website under guidance on evidence, is ‘*behaviour monitoring data*’ as one of the possible forms of documentation. CYDA is concerned about the lack of transparency of this data and the ableist framing of this as evidence of “*that adjustments are being provided to the student to address their individual needs based on their disability*”

29. Is there a need to establish a report which tracks progress on the targets and reforms in the next NSRA?

To ensure accountability and transparency, CYDA believes that there should be a report which tracks progress on the NSRA. This reporting should be aligned to the following:

¹⁷ Education Ministers Meeting, (2023) Nationally Consistent Collection of Data on School Students with Disability: 2023 Guidelines, Department of Education Available at: https://www.nccd.edu.au/sites/default/files/2023_NCCD_Guidelines.pdf

#	Questions	CYDA's response
	Should it report at a jurisdictional and a national level? What should be included in the report?	<ul style="list-style-type: none"> • Australia's Disability Strategy 2021–2031 Outcomes Framework reports • Closing the Gap Report • Work done on the National Disability Data Asset • Australian Student Wellbeing Framework • Nationally Consistent Collection of Data on School Students with Disability (NCCD) • Measuring What Matters Statement
30.	Is there data collected by schools, systems, sectors or jurisdictions that could be made more available to inform policy design and implementation? What systems would be necessary to make this data available safely and efficiently?	Home schooling data: It is frequently reported to CYDA that students with disability are home schooled due to sustained failures of the school system. However, there is presently no national data on the representation and prevalence of students with disability in this cohort and their educational outcomes. It is imperative that accurate information is obtained regarding rates of home schooling and reasons these options have been taken up by students and families to ensure barriers to affording children with disability their right to an education are addressed.
31.	The Productivity Commission and AERO have identified the need for longitudinal data to identify the actual students at risk of falling behind based on their performance (and not on equity groups alone) and to monitor these students' progress over time. Should	Yes. CYDA supports longitudinal data collection and encourage a mixed method approach (quantitative (such as surveys) and with follow up qualitative methods (such as interviews and/or focus groups) as part of longitudinal data collection.

#	Questions	CYDA's response
	this be the key data reform for the next NSRA?	
32.	Should an independent body be responsible for collecting and holding data? What rules should be in place to govern the sharing of data through this body?	CYDA would encourage the Review to examine how the Australian Curriculum, Assessment and Reporting Authority (ACARA) and the existing National Report on Schooling in Australia should or could fulfill this role.
33.	Is there data being collected that is no longer required?	CYDA is not aware of any data that is collected that is no longer required.
34.	How could the national USI support improved outcomes for students?	CYDA is not able to comment on this question
35.	Are there other objectives for funding accountability and transparency we have missed?	Desegregation: The funding model, and its accountability and transparency, should also incentivise inclusive education for students with disability in mainstream schools and disincentivise segregated education. While a dual track education system exists, this will prevent realisation of Australia's obligations under the Convention on the Rights of Persons with Disabilities (CRPD).
36.	How can governments make better use of the information already collected and/or	Data sharing: There is also presently a need to better utilise and share existing data within the school system to support students with disability. Presently in many jurisdictions, students who access support in class are required to reapply to access similar supports in examinations or receive special consideration. For

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published to achieve the objectives?

example, a student in Victoria reported having to reapply to use a laptop in exams to support writing, despite having access to one during class. Having to continually justify support for learning needs creates unnecessary requirements and stress for students and families. Consideration should therefore be given to how existing information about a student can be used to streamline learning supports accessed in school.

Privacy and consent: It is critical that students' and families' right to privacy is upheld in any data collection processes. There is a need to ensure the privacy of students and families is respected and to implement safeguards to prevent disclosure of personal information. This is a particularly critical for students who have funded packages through the National Disability Insurance Scheme, who may access disability services and support in education settings.

It is also important to ensure families are adequately consulted and informed about any information recorded about their child. CYDA is in favour of active consent processes for any information collected about students. This involves schools and early childhood education centres providing appropriate information about what data is being collected, how it's being used and the privacy protections. In this scenario, student's data is included only when written consent from families is received. This is compared to an 'opt out' process, which requires families to inform if they do not want their child to participate.

Grey data: A further consideration for the next NSRA is the breadth of 'grey data' collected by education providers and organisations about education. For example, CYDA undertakes an annual national survey of the education experiences of students with disability. Other examples include surveys collected by education unions, parent councils and other similar education peak bodies. Consideration should be given to how this

#	Questions	CYDA's response
		<p>information can be accessed and utilised in informing the accountability and transparency of the NSRA.</p>
<p>37. What other funding accountability and transparency information regarding schools (both your school and the education system more generally) would be useful?</p>	<p>The key inputs to the experience of students with disability at a school level include:</p> <ul style="list-style-type: none"> • Level of staffing including ratios, roles and time spent planning and in small learning groups • Access to expertise and resources to support school staff • Time spent engaging in curriculum with same age peers and in extra curricular activities • Family/caregivers access to recent and reliable information and connection with school to understand and contribute to student's experience of school • Access to student and family support for adjustments and needs related to the student's disability and experience of school, but not necessarily under the school's remit or role e.g. access to healthcare including mental health, access to transport, reliable housing, financial support, access to specialists and supports etc <p>The scarcity or effectiveness of these inputs will therefore impact the student's educational experience and outcome in conjunction with the reasonable adjustments reported and the funding utilised</p>	
<p>38. What are the priority gaps in the current funding transparency and accountability arrangements from your perspective?</p>	<p>The NCCD does not provide public information that supports transparency and accountability for funding provided to states, systems or schools for students with disability. The NCCD website link provides more detail and examples of reporting, see here, but is not able to be compared or tallied to the funding allocated, nor to the funding utilised.</p> <p>Students and families receive helpful information on the NCCD's operation and collection process, but there is no means to compare the required adjustments with</p>	

#	Questions	CYDA's response
		<p>those reported and delivered. Additionally, there is a lack of publicly available school or system level analysis to gauge the correlation between NCCD reporting, funding allocation, utilisation, and educational outcomes.</p> <p>CYDA expects that the next NSRA will introduce and mandate enhanced data collection and transparency. This will enable a deeper understanding of how funding and reported supports translate into improved outcomes for students with disability.</p>



Background

Data and reporting

The OECD and PISA

The Consultation Paper mentions the Organisation for Economic Co-operation and Development (OECD) Programme for International Student Assessment (PISA) 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.”¹⁸

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”.¹⁹

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.²⁰
- 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.²¹

¹⁸ PISA, (2020) PISA National Project Manager Manual [PISA2021_NPMMManual_March2020.pdf \(oecd.org\)](#)

¹⁹ OECD, (2013) PISA 2012 Technical report

²⁰ OECD, (2015), PISA 2018 Technical Standards

²¹ OECD, (2019) Australia – Country Note, PISA 2018 Results [Australia – Country Note – PISA 2018 Results](#)

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 Note²²

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
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).”²³

²² OECD, (2019) Australia – Country Note, PISA 2018 Results [Australia – Country Note – PISA 2018 Results](#)

²³ Efthymiou, K., (2020), *How inclusive is PISA?*, The European Network on Independent Living (ENIL) Available at: <https://enil.eu/how-inclusive-is-pisa/>

CYDA does not believe that PISA represents an appropriate measure of the experiences of students with disability in classrooms and encourages the Review 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...”²⁴

Students with disability may be withdrawn from NAPLAN.²⁵ As noted across a number of research papers:²⁶

“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.”²⁷

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.²⁸

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.

²⁴ Productivity Commission 2022, *Review of the National School Reform Agreement*, Study Report, Canberra.

²⁵ Australian Curriculum, Assessment and Reporting Authority 2022, *NAPLAN National Report for 2022*, ACARA, Sydney.

²⁶ 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>

²⁷ Davies, Michael. “Accessibility to NAPLAN assessments for students with disabilities: A ‘fair go’.” *Australasian Journal of Special Education* 36 (2012): 62-78.

²⁸ Productivity Commission 2022, *Review of the National School Reform Agreement*, Study Report, Canberra.

Other measures of student experience

Exclusionary discipline is on the rise in Australian schools, as highlighted by recent research in Queensland and South Australia.²⁹ 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.*”³⁰

CYDA encourages the Review 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.”³¹

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](#))

²⁹ 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>

³⁰ *ibid*

³¹ 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>

- 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

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 Child³², 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 Education³³ 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.

³² 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>

³³ CYDA, (2020) Submission to the 2020 review of the Disability Standards for Education 2005, [Resources \(cyda.org.au\)](#)

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.

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
- 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".³⁴

Given the clear intersectionality between many of the key issues and challenges faced by students with disability, CYDA strongly urges the Review 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.

³⁴ Commonwealth of Australia (Department of Social Services) (2021) Australia's Disability Strategy 2021-2031 Available at: <https://www.disabilitygateway.gov.au/document/3106>



Reports 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. Below is a list of resources and reports that provide further detail related to this submission.

CYDA's education surveys

CYDA has authored an overview of the education surveys in [Report: Disappointment and discrimination CYDA's surveys of the learning experiences of children and young people with disability in 2022 and 2023](#).

Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2022) *Taking the first step in an inclusive life – experiences of Australian early childhood education and care*. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

- [Full report](#) including PDF and plain text
- Disability and education in Australia, Ideas from families with young children, Summary, [Easy Read](#)
- [Auslan video](#) of Executive Summary

Smith, C., Dickinson, H., Faulkner, A. (2023) *"I think the teachers need more help" Voices of experience from students with disability in Australia*. CYDA Youth Education Survey 2022. Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

- [Full report](#) including PDF and plain text
- Disability and education in Australia, Ideas from students with disability, Summary, [Easy Read](#)
- [Auslan video](#) of Executive Summary

Dickinson, H., Smith, C., Yates, S., Faulkner, A. (2023) *How deep does it go? Australian students with disability and their experience of entrenched inequity in education*. CYDA School Education Survey 2022, Report prepared for Children and Young People with Disability Australia (CYDA), Melbourne.

- [Full report](#) including PDF and plain text
<https://www.cyda.org.au/resources/details/397/report-how-deep-does-it-go-australian-students-with-disability-and-their-experience-of-entrenched-inequity-in-education>
- Disability and education in Australia, Ideas from families and carers, Summary, [Easy Read](#)
- [Auslan video](#) of Executive Summary

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 Education and Employment Reference Committee's Inquiry into
15. "The issue of increasing disruption in Australian school classrooms"
- 16.
17. Senate Select Committee on Autism inquiry, [CYDA Submission](#)
18. Senate Select Committee on Job Security Young people with disability and job insecurity, [CYDA Submission](#)
19. Standing Committee on Employment, Education and Training, education in remote and complex environments, [CYDA Submission](#) (2) and [CYDA Submission](#) (1)
20. Tasmania's Child and Youth Wellbeing Strategy, [CYDA Submission](#)

CYDA's COVID-19 work

21. [Report](#) "How did COVID-19 impact post-school transitions for young people with disability and how can these be better supported?"
22. [Report](#) "Locked out: Vaccination discrimination for children and young people with disability"
23. [Report](#) "Not even remotely fair: Experiences of students with disability during COVID-19"
24. [Report](#) "More than isolated: The experience of children and young people with disability and their families during the COVID-19 pandemic"

25. [Response](#) to the Disability Royal Commission's Omicron issues paper
26. Victorian consultation on lessons from remote learning, [CYDA Submission](#)
27. Co-signatories on the Disability sector Omicron [statement of concern](#)
28. [Concern](#) about the DRC not making recommendations following the neglect of students with disability during the COVID pandemic
29. Senate Select Committee on COVID-19, [CYDA Submission](#)
30. [Submission](#) to the Disability Royal Commission: Emergency Planning and Response during COVID-19
31. CYDA former CEO, Mary Sayers Disability Royal Commission [witness statement](#)
32. Co-signatories on [Open letter](#) to National Cabinet Immediate Actions Required for Australians with Disability in Response to Coronavirus (COVID19)
33. [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

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