

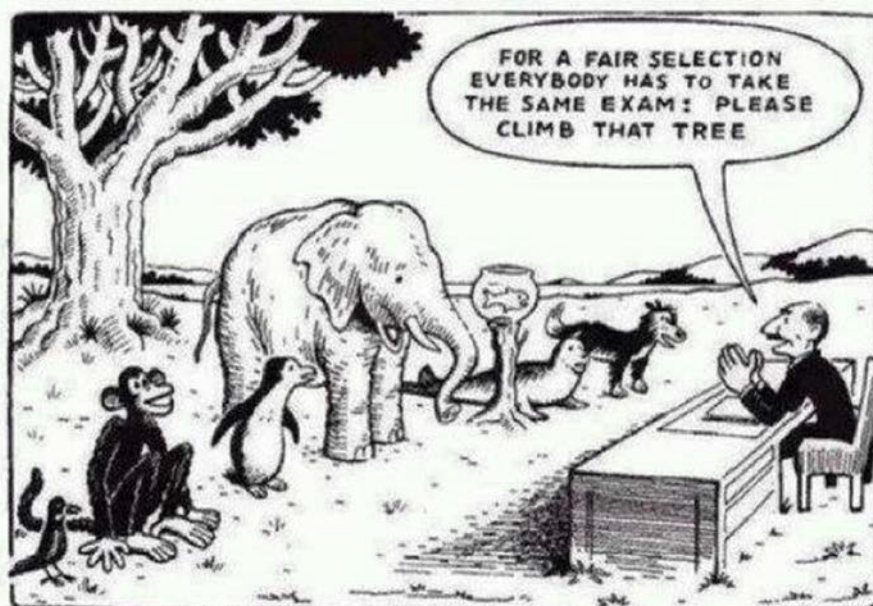


Queensland Advocacy Incorporated

Our mission is to promote, protect and defend, through advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

Systems and Legal Advocacy for vulnerable people with Disability

QAI's response to Education Queensland's Disability Review Response Plan **'Every Student with Disability Succeeding'**



Our Education System

Everybody is a genius. But if you judge a fish by its ability to climb a tree, it will live its whole life believing that it is stupid.

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QAI endorses the objectives, and promotes the principles, of the Convention on the Rights of Persons with Disabilities.

Patron: His Excellency The Honorable Paul de Jersey AC

About Queensland Advocacy Incorporated

Queensland Advocacy Incorporated (QAI) is an independent, community-based systems and individual advocacy organisation and a community legal service for people with disability. Our mission is to promote, protect and defend, through systems and individual advocacy, the fundamental needs and rights and lives of the most vulnerable people with disability in Queensland.

QAI has an exemplary track record of effective systems advocacy, with thirty years' experience advocating for systems change, through campaigns directed to attitudinal, law and policy reform and by supporting the development of a range of advocacy initiatives in this state. We have provided, for almost a decade, highly in-demand individual advocacy through our individual advocacy services – the Human Rights Legal Service, the Mental Health Legal Service and the Justice Support Program and more recently the National Disability Insurance Scheme Appeals Support Program.

In the past QAI has offered submissions about the Education (Strengthening Discipline in State Schools) draft amendment Bill 2013 (the Bill) with an earnest plea to reconsider and reject the proposed amendment. It was and still remains the view of QAI that for many students with disabilities and indeed many other students who become disengaged with the education system, the amendment was regressive and counter-productive with long term consequences that could affect family functions and juvenile justice. QAI was and remains a member of the Civil Society that had produced “Disability Rights Now”, Civil Society Report to the United Nations on the Rights of Persons with Disabilities, August 2012 – the Shadow Report on Australia's implementation of the CRPD. In particular, QAI presented considerable evidence regarding the status of students with disabilities in Queensland.

QAI staff met with the Deloitte Access team that undertook the first phase of the consultation process for Education Queensland.

In the absence of formalised advocacy support for students with disabilities and their families, QAI has endeavoured over the past 6 years to provide information, advice and or referral to parents on a range of issues for students with disabilities including enrolment, the use of restrictive practices, bullying and victimisation, lack of support within schools and for schools, segregation and rejection by schools and teachers including principals, physical abuse by teachers and or principals, accommodations and learning support, inclusive child care and kindergarten, bureaucratic buck-passing, and funding for local OSHC.

RECOMMENDATIONS

1. Education systems have not kept pace with changes in communities. Motherhood statements and minor adjustments to policy or practice have not addressed discrimination or segregation and poor learning outcomes for students with disabilities. The plan must include quantified inclusion targets, performance indicators, third party oversight, and outcome measurement.
2. Inclusion is a right, and not a gift, concession or benefit. The Plan must use language to this effect. State and emphasise the positive benefits of inclusion to all students, parents and teachers, not to children with disabilities alone.
3. Timeline an end to segregation. Commit to address enrolment gatekeeping that pushes students into segregated education and part-time schooling.
4. The Education Qld Plan states "*Our Plan for students with disability will: make sure students with disability are included and welcomed in every state school*". This should instead read "welcomed in every classroom".
5. Rather than aim to reduce Restrictive Practices by supporting schools to 'better manage escalating and severe behaviours', commit to the *elimination* of Restrictive Practices by-
 - a. raising awareness of diverse communication styles and training and supporting teachers and students to interact positively
 - b. develop a framework for the prohibition and elimination of Restrictive Practices in Queensland public schools
 - c. alert student teachers and existing staff to the dangers of using Restrictive Practices including warnings of criminal proceedings for infractions by any EQ staff.
 - d. Provide in-service training to staff by people with disabilities and their families who lived with Restrictive Practices - particularly those whose experiences began in childhood.
6. Private schools are exclusive (taxpayer dependent) not-for-profit business enterprises, but state schools are not; nor are state school students customers, yet many state schools advertise themselves using OP scores, sports results and other evidence of academic or sporting prowess as incentives to attract high achievers, diminishing a sense of community, nurturing, love, care and regard for all. When schools emphasise academic and sporting excellence over welcome, acceptance and inclusion, the message is clear that students who do not win academic prizes or sports medals are less valued and unwanted.

Introduction

QAI congratulates Education Queensland for commissioning an external assessment of inclusion policies and practice in Queensland State schools, even if it is as much a step sideways as forward. Principles and strategies for inclusion are world-renowned, and QAI questions the need for more and expensive consultation when decisive, value-driven leadership and action is the most urgent requirement. However, that being said, it is commendable that the review made some excellent recommendations that can be implemented immediately.

Parents and advocates, and supporters within Education Queensland have articulated many of the objectives of the Disability Review Response Plan ('the Plan') before and in similar terms for about 30 years. The rhetoric of the past has been similarly encouraging but it is the struggle to put it into practice that has been the barrier to inclusion. It must begin with values, and leadership – combining expectations and mandating most of those. Guiding principles will be ignored unless Education Queensland operationalises them with mandatory training, deliverables and Key Performance Indicators.

Address Enrolment Discrimination

How long does it take to say YES you are welcome? How long does it take to open a door? It begins by closing the escape clauses that is the segregated sector.

The Deloitte Report stated: *“However, enrolment policy must be pragmatic in balancing the pursuit of what is an increasingly accepted preferred model against the systems that today’s policymakers and sector leaders have inherited, wherein regular schools are not currently universally suited to meeting the educational needs of all students with disability. It will accordingly take time, and require the effective implementation of the recommendations of this review, before Queensland schools are universally equipped to educate all students with disability to leading contemporary standards.”*

This response has been echoed for decades and there can be no more waiting for teachers, principals, schools, or ‘culture assessments’ or the system to change and ‘be ready’. Indeed Australia is lagging and Queensland has resisted this change for lifetimes for many people with disabilities.

The United Nations Committee on the Rights of Persons with Disabilities recently issued a [General Comment](#) that sets out clear definitions of inclusive education, segregation and the need for all signatory states, including Australia, to set a clear path towards a fully inclusive education system. Contrary to the UN charter, Queensland’s education system resists inclusion, and the biggest barrier is active enrolment gatekeeping by school principals.¹ Principals advise parents to send their child to another school that could better support them. Concessionary allowances for a child to attend a school on the days that funding is available, or extortive requests for parents to pay extra to employ support school staff or purchase equipment, and/or coercion for parents to accept a place in a separate support class or special school.² For decades students have been consigned to part-time placements, dual enrolments, and or relegated to separate “learning settings” such as special classes or education units.

¹ Committee on the Rights of Persons with Disabilities. A guide to Article 24: The Right To Inclusive Education

² How schools avoid enrolling children with disabilities, by Associate Professor Helen Proctor, first published in *The Conversation*, 28 January 2016.

When children are given a place, teachers often refuse them, or are reluctant to make adjustments, due to poor attitudes towards students with disability, bemoaning extra workloads to create adjustments, having little expectation of success for the student or themselves.

In addition to these issues, there were accounts of bullying by staff, of support teachers not having appropriate training and qualifications, and school principals not being held accountable for ensuring adjustments were made for students.

The dual system reinforces the model of segregation and second-class status for students with disability. All the while special (or other) schools exist principals will try to divert students to them; concessional enrolments and coercion will be employed and pressed upon desperate parents. Students have been subjected to attending an array of settings because mainstream schools and teachers have abused a sense of righteous power to disallow attendance in classes and schools. Parents have paid for teacher-aides, supervised students at lunch and morning tea breaks as teachers have refused responsibility for students with disabilities, and students have been made to leave in order to 'give teachers respite'. Reducing the number of students not attending full-time is insufficient. Part-time and part placements must be eliminated not reduced.

Australia-wide, more than 70 per cent of students with disabilities have had their enrolment discouraged by principals of mainstream schools.³ In Queensland, 14.3 percent of students with disabilities attend special schools⁴ and the rate of student number growth in these schools is alarming: approximately 5 percent per annum over 2011 to 2016, compared to an average 6 percent growth in numbers of students who do not have disabilities. While there has been a modest drop in the proportion of students with disability in special schools, enrolment in special schools still outstrips general population growth. Further to this, there is an expectation and commitment to filling positions in segregated settings just as the archaic practices of institutionalisation of people with disabilities...if you build it, then you must fill it!

Inclusive Education is Beneficial

In Australia, the historical tradition has been to educate children with disability in segregated settings. Historical inertia makes it difficult to meet commitments to an inclusive education system, but beyond that segregation has no rational justification. Strong leadership that values and embraces diversity and mandated expectations is critical to turning rhetoric into practice.

Some parents, for example, voice the unfounded concern that inclusive education holds other students back. Politicians parrot those concerns. Senator Hanson made statements in parliament in relation to children with autism in the debate around Gonski 2.0 funding.

These kids (with autism) have a right to an education by all means, but if there is a number of them, these children should go into a special classroom and be... given that special attention, because most of the time the teachers spend so much time on them.⁵

³ Kathy Cologon and Robert Jackson. 2017. Gatekeeping and restrictive practices with students with disability: results of an Australian survey: Paper delivered at the Inclusive Education Summit, Adelaide.

⁴ 2016 figures.

⁵ Hansard, 21 June 2017.

There is no justification for segregating children in separate schools or classrooms. We live in an inclusive society and inclusion in mainstream schooling is a reflection of our communities and research supports it as the optimal form of education for all learners. Students need in-class supports, not special units which are isolated “mini-special schools” on a mainstream school premise. All learners have support needs, not just labels, and should be offered support, whether in reading or in other learning.

Separating students with disabilities denies other students and teachers opportunities to learn from them. It offers no recognition of multiple intelligences let alone the hidden gifts and teaching qualities that people with disabilities can lend to all.

Students who are included in all aspects of mainstream education achieve higher academically and socially, have better skills and opportunities for employment and are more likely to live independently.

When schools have an inclusive culture, we find that [effect on other students] is minimal. Because the kids absolutely want to be engaged and it's only when they're pushed out where you start to get problems.⁶

Segregation will not be ended by motherhood statements or minor adjustments to policy or practice. Major reform will build an ‘all students belong’ culture, where all children are valued and included in class lessons, with adjustments and support as needed, and seated with their peers.

Bullying and exclusion of children with disabilities exists. It is perpetrated by other students in the playground: harrowing stories of child-on-child abuse, yet this is often because of a lack of leadership and exemplars by the adult staff within the school. There has always been bullying, discrimination, racism, ableism and sexism in playgrounds and indeed in classrooms just as there is in our communities. However, creating inclusive and healthy communities and neighbourhoods begins in the classrooms and playgrounds of our schools. The solution is to provide children with support to understand and embrace diversity and inclusion and it is essential that students are supported to build social connections and friendships.

The Deloitte Report States: “*While the term ‘inclusive’ is commonly used, its interpretation and application vary considerably. Across Queensland, inclusive education is frequently used as a synonym for special education*”. This oxymoron is indicative of the very problem of the existence of a separate and exclusionary approach to education

Let's make it clear - if it didn't work then it wasn't inclusive education. Affirmative action is required urgently and it is not enough to merely suggest that similar weighting to other educational priorities will achieve the change to which the Department aspires. QAI recommends a focus on the need for personal shift in mindset, and opening minds to what is perceived as 'normal' or 'disabled' and think instead of 'teaching challenges' - draw correlations with teaching students likewise labelled with terms such as ‘gifted and talented’ who often experience similar marginalisation.

⁶ Steven Gottlib in Mainstream Schools Discourage Inclusion of Students with Disability’ at <<https://probonoaustralia.com.au/news/2017/11/mainstream-schools-discourage-inclusion-students-disability/>>

These fundamental changes are required if the education system in Australia is to meet its commitments under national and international law and if those at every level of the education system are to realise the cultural value of a 'fair go' for all.

As students, all children must learn to accept and cooperate and collaborate with one another just as we as adults do in the workplace.

QAI is very pleased that the Deloitte Access Report and Education Queensland have expectations of and for students with disability and we sincerely hope that this is realised at a grass roots school level in all classrooms.

Complaints

Too often, Education Queensland investigates itself and often appears to appoint the very people responsible for the initial complaint problem to investigate themselves. Students must be able to complain themselves if needed, and they must be listened to. Persons with disabilities historically have been ignored when making complaints, cloaking abuse and neglect as reported by the Senate Community Affairs Committee Inquiry into Violence Abuse and Neglect against people with disability in institutional and residential settings.⁷

Self-esteem and self-confidence begins in schools and students must have confidence that they will be heard and reasonable responses will proceed.

Special Education

The very existence of a separate system is a drain on resources, implies that the Department with all its wealth and talent does not have adequate talents in the general teaching pool, and that mainstream schools do not have the mystical gifts that somehow reside with special educators.

Conversely it has been said by many parents of students with disability that there is nothing 'special' about Special Education. Segregated special education prepares students for a lifetime of discrimination, exclusion and isolation, often with much lower learning outcomes and skill development.

Parental choices is routinely expressed as an excuse to bolster an archaic and failing dual system, without questioning some families might choose special education over the same education and experiences offered to their neighbours' children. Many parents simply have no faith that their sons or daughters would be accepted having read of others' experiences in the media, or heard tales of exclusion, discrimination and educational neglect. It is not that they want exclusion as much as they want to avoid rejection, ridicule, abuse, and escalation of isolation and hurt...because schools, teachers, other parents are not always welcoming, and all the while there is somewhere else to be sent - they will go and be welcomed but still excluded.

In Queensland, the skills of many special education teachers focus on segregation rather than inclusion. Education Queensland must commit to more than the elimination of formal segregation. Substantive change means ensuring that teachers' aides do not engage in *de facto* segregation by

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https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report

creating exclusive spaces for one, or a few students in the classroom. In the UK, research shows that teacher assistants (TAs) are being used as substitute teachers for those kids with the greatest pedagogical needs and this leads to those children having diminished outcomes.⁸

Special education needs more than a name change. 'Resources for Inclusion' is a start, along with ending educational apartheid in practice.

There must be a timeline to end the dual system.

Rural and Remote

While schools in this area may need support and assistance they have much to offer in expertise in teaching to diversity and inclusive teaching practices.

Workforce and Whole School

The enrolment process itself reinforces stigma and marginalisation. While students may have learning and other support needs, it is more important that schools are well equipped with well-skilled teachers who can teach to all rather than a cast of 1000's that are brought into the school as a student with disability enrolls.⁹ It communicates to the families and school community that including a student with disability is difficult - 'this is hard' rather than 'we are skilled and we can do this because good teaching is good teaching'.

Instead all schools everywhere must be well resourced to teach to a diversity of learning styles and needs, with talent to adapt and modify (not differentiate) curriculum according to the individual needs of many students.

Teachers who have benefited from early childhood training understand and recognise the diversity and range learning style and needs and all teachers should have this level of insight. This is required whether there are students with disabilities or not at any school. It is a daunting process for a student and parents to be confronted with a vast array of therapists and visiting professionals, aides, teachers, leadership team members and special educators as they arrive at a school. QAI acknowledges that this is the process that may take time to instill in all schools but it can only begin once it starts and that takes a whole school and department approach.

The whole school approach has devolved over time as schools developed an increased interest in school marketing - thereby focussing on showcasing specific 'commercial commodities' such as sports, music, and high achievers and less on community mindedness, universal belonging, humanities. A Department commitment to re-establishing whole school approach will require leadership to refocus educational and humanitarian values in schools.

⁸ Rob Webster, 2015. 'The classroom experiences of pupils with special educational needs in mainstream primary schools—1976 to 2012. What do data from systematic observation studies reveal about pupils' educational experiences over time?' in *British Educational Research Journal*, UCL Institute of Education, London, UK.

⁹ Figure ii, Page xv Review of education for students with disability in Queensland state schools – Executive Summary

Advocacy

It is commendable to have advocacy groups mentioned to support partnerships but parents know their children best and are good resources for schools and teachers. QAI is very appreciative of Education Queensland's strong support for advocacy both for the advancement of inclusive education and for assistance to students and their parents.

ELIMINATE RESTRICTIVE PRACTICES

The Plan calls for 'clearer advice to schools on the use of restrictive practices to respond to student behaviour'. It is irrational to place a child into an unfamiliar, noisy, crowded, regimented and yet to the child often an unfriendly and unpredictable environment (i.e. a school) and then solely to blame that child when she or he behaves in ways that are unpredictable and inconvenient. Yet that is the moral assumption behind the phrase 'practices to respond to student behaviour'. Schooling is compulsory. Students are at the bottom of a hierarchy. Schools discipline and punish students. Principals and teachers use the threat of discipline and punishment to ensure their compliance (or that of the parents) with a curriculum designed to produce work-compliant young adults.

More than advice, Queensland schools need mechanisms to guarantee that schools no longer apply Restrictive Practices, including monitoring and regulation of restraint, seclusion, containment and other restrictive intervention. Education Queensland should provide a very clear stance against the use of Restrictive Practices, with warnings of criminal proceedings for infractions by any Department staff. It is best if Education Queensland first 'did no harm' and did not use these practices at all. There are lessons from the mistakes of Disability Services both in the past and now. Be warned that what is done to children will be exacerbated into adulthood.

Recent inquiries into the scholastic¹⁰ and broader experiences of people with disability¹¹ have highlighted the use of restraint and seclusion of children with disability in educational settings.¹² The ACT Minister for Education and Training commissioned the *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*,¹³ for example, after a 10-year-old boy with disability was restrained in a purpose-built cage-like structure in an ACT primary school. A

¹⁰ Department of Education and Training. 2016. *Review of the program for students with disabilities*. Melbourne: Victorian Government Printer. Shaddock, A., S. Packer, and A. Roy. 2015. *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*. The Senate Education and Employment References Committee. 2016. *Access to real learning: The impact of policy, funding and culture on students with disability*. Canberra: Senate Printing Unit. Victorian Auditor-General. 2012. *Programs for students with special learning needs*. Melbourne: Victorian Government Printer; The Senate Employment, Workforce Relations and Education References Committee. 2002. *Education of students with disabilities*. Canberra: Senate Printing Unit; Urbis. 2015. *review of the disability standards for education 2005: Final report*. Sydney: Urbis; VEOHRC (Victorian Equal Opportunity and Human Rights Commission). 2012. *Held back: The experiences of students with disabilities in Victorian schools*. Melbourne: Victorian Government Printer.

¹¹ ALRC (Australian Law Reform Commission). 2014. *Equality, capacity and disability in commonwealth laws: Final report*. Sydney: Government Printer; Senate Community Affairs References Committee. 2015. *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*. Canberra, Australian Capital Territory: Commonwealth of Australia.

¹² That is: 'specialist' education settings, 'mainstream' schools, Catholic schools and independent schools.

¹³ Shaddock, A., S. Packer, and A. Roy. 2015. *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*.

Senate Community Affairs References Committee Inquiry¹⁴ heard descriptions of children held down, tied to chairs and locked in closets by school staff¹⁵ and noted that 60% of the educators it surveyed (514 people) had physically restrained a student with disability.

There are few policies and guidelines surrounding the use of restraint and seclusion in Australian schools, a deficiency ‘perpetuating this cycle of abuse’¹⁶ and placing schools at risk of breaching discrimination and human rights laws’.¹⁷ Victoria is the only Australian jurisdiction with explicit guidelines for restraint and seclusion in educational facilities. An Australian first, the ‘Principles for Reduction and Elimination of Restraint and Seclusion in Victorian Government Schools’¹⁸ outlines conditions for restraint or seclusion, mandates their employment only ‘as a last resort *in an emergency* where there is an imminent threat of physical harm or danger to the student or others’,¹⁹ and requires schools to document incidents.²⁰

Queensland developed a legal framework for the reduction of restrictive practices by disability service providers²¹ only when the Carter inquiry²² exposed restraint and abuse at Basil Stafford Centre and the Challinor Centre near Ipswich. Education Queensland must act now to self-regulate and eliminate the use of restraints in its schools rather than wait until not let the threat of exposure and scandal.

Attention to Language

The Use of Restrictive Practices must be eliminated - not reduced. These practices are cruel inhuman and degrading treatment – which constitutes torture and is being considered by the United Nations Convention against Torture. These practices are not used against any other section of our community and as criminal offences to drug, bind and imprison any other person.

While restrictive practices sometimes may be justifiable in rare, emergency circumstances, there are other emergency measures that can be employed such as the Doctrine of Necessity or even actions allowed for Workplace Health and Safety. However, more often schools impose them as a ‘means

¹⁴ Victorian Equal Opportunity and Human Rights Commission’s 2012. *Held back: The experiences of students with disabilities in Victorian schools*. Melbourne: Victorian Government Printer.

¹⁵ Senate Community Affairs References Committee. 2015. *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*. Canberra, Australian Capital Territory: Commonwealth of Australia.

¹⁶ Senate Community Affairs References Committee. 2015. *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*. Canberra, Australian Capital Territory: Commonwealth of Australia

¹⁷ Shaddock, A., S. Packer, and A. Roy. 2015. *Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*. p. 157.

¹⁸ Department of Education and Training. 2017. *The principles for reduction and elimination of restraint and seclusion in Victorian Government Schools*. Melbourne: Victorian Government Printer, page 22).

¹⁹ Victorian Department of Education and Training 2017. *The principles for reduction and elimination of restraint and seclusion in Victorian Government Schools*. Melbourne: Victorian Government Printer.

²⁰ The benefits of data collection are not proven. The data will be reviewed periodically at Department and school level with a view to influence ‘training needs’.

²¹ See the *Disability Services Act 2006* (Qld).

²² Hon W.J. Carter Q.C. 2006. *Challenging Behaviour and Disability: A Targeted Response*.

of coercion, discipline, convenience, or retaliation by staff, family members or others providing support'.²³ The United Nations Committee on the Rights of Persons with Disabilities (UNCRPD) observed that in Australia:

Persons with disabilities, particularly those with intellectual impairment or psychosocial disability, are subjected to unregulated behaviour modification or restrictive practices such as chemical, mechanical and physical restraints and seclusion, in various environments, including schools, mental health facilities and hospitals.²⁴

Restraining, containing or punishing individual students with disabilities fuels toxic, maladaptive school environments. The use of Restrictive Practices perpetuates dysfunction by failing to address the causes of the issues. The effects of restrictive measures reverberate through the student's lifetime in similar ways to childhood sexual abuse and other forms of childhood trauma. A good childhood lasts a lifetime, and so does a bad one. Using Restrictive Practices demonises the student, establishes an undeserved reputation that is likely to be the advent for the continuation and escalation and increase of those practices throughout adulthood.

The use of Restrictive Practices is a systemic failure that warrants a strategic, systemic response. Values, leadership, improved resourcing and mandatory prohibition are good places to start, but first, change the victim-blaming terminology of the Plan. Language is key to the expression of values, and victim-blaming guides the current approach.

For example, rather than commit to reducing Restrictive Practices by supporting schools to 'better manage escalating and severe behaviours', commit to the *elimination* of Restrictive Practices by raising awareness of diverse communication styles and by training and supporting teachers and students to interact with one another positively.

It is not controversial to say that most communication is non-verbal or that behaviour is a communication tool to be interpreted and understood.²⁵ Positive behaviour begins when everyone understands how their behaviour affects others. It is not enough to put the onus on one student without acknowledging the impact of environment, teachers and other students. Teachers too need to have Positive Behaviour to support and manage their own.²⁶

Teachers, students and parents must understand Restrictive Practices in a whole-of-school context. It is simplistic to blame individual students, but expressions such as 'challenging behaviours' and 'behaviours of concern' do that. They are subjective terms for creating scapegoats. On the other hand, an expression such as 'adaptive response to a maladaptive environment' gets at the relational nature of behaviour. From the perspective of the person with disability, the manifestation of so-called 'challenging behaviours' may be legitimate responses to difficult situations²⁷ and they may be

²³ *Disability Rights Now, Civil Society Report to the United Nations on the Rights of Persons with Disabilities*, August 2012, 241.

²⁴ Committee on the Rights of Persons with Disabilities, 'Concluding Observations on the Initial Report of Australia, Adopted by the Committee at Its Tenth Session (2–13 September 2013)' (United Nations, 4 October 2013) [35]–[36]

²⁵ Ann Greer – Understanding and responding well to behaviour that challenges (us).

²⁶ . Dr. Christine Richmond and Maurice Balsom – "Who really controls classroom behaviour?"

²⁷ Paul Ramcharan et al, 'Experiences of Restrictive Practices: A View from People with Disabilities and Family Carers' (Research Report, Office of the Senior Practitioner, 2009).

unsuccessful attempts to communicate pain, distress, misery, anguish or even happiness when more socially normative means of communication are unavailable. Behaviour is a communication tool – teachers must understand and interpret the purpose and meaning of the behaviour (this is incumbent on us all). Often it is the school or the teacher that prompts these manifestations - stop blaming the student.

TRAINING

Many staff in schools must be released from regular duties to attend additional meaningful, hands-on training in how best to support children with a disability. Online units are superficial and insufficient. Funding must be made available for that training, and for equipment, adaptations to classrooms and schools to allow access, as well as for staff release to be under-take training.

Partnering with Parents

Lived experience of restrictive practice is invaluable and the most compelling training for teachers. Partnering with parents and people who live/d with Restrictive Practices will offer real insight for teachers– real lives real stories.

Include in-service by parents and past students who actually experienced inclusive and non-inclusive practices - what they learned and what they have to recommend.

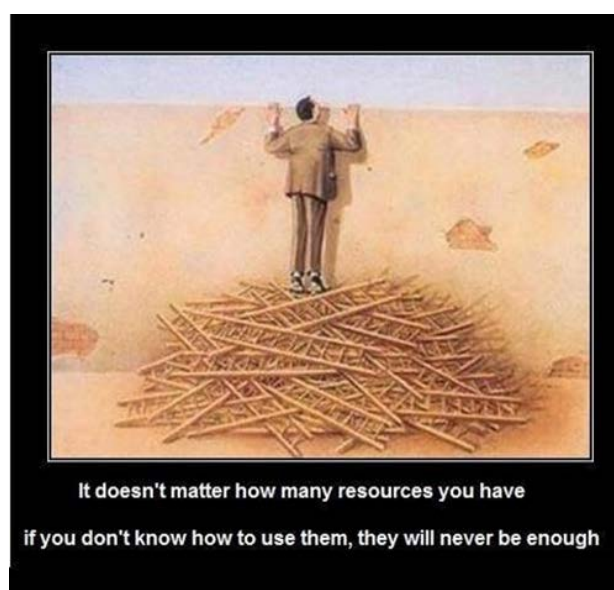
Professional collaboration

In-service from advocates who have a range of stories and experiences of both the mistakes made but also the positive examples that are independent of collegial examples can lend authenticity and contrast to what works and what doesn't. Sometimes mistakes that can be quite catastrophic to students can be made with the best of intentions.

Resourcing

What do we mean by “resources”?

While some parents object to the notion of their children being used as 'buddies' it cannot be denied that we live in cooperative societies (or try to) and that most often we work cooperatively and collaboratively and classrooms should reflect this. The best resources are other students and this should be practiced all through schooling and not just early childhood education.



EAP

All students have learning needs. Students with disabilities have support needs and are confronted by historical and educational issues and barriers. This is what needs to be articulated and addressed - not a range of labels and diagnoses. *“A diagnosis-based model of resourcing has been shown in other contexts to lead to diagnostic substitution - where parents and carers seek diagnosis of a particular disability to gain access to a program.”*²⁸ One must question why parents are so fearful of the failure of a school to support their child with disability that often parents will seek additional resourcing to ensure that their son or daughter will be accepted within the school and resources are often portrayed as the linchpin to supporting their enrolment.

However, this is deficit focussed (and replicated in other systems) instead of a strength based approach. If the student had adequate and appropriate support what could they achieve? ‘MAPS’ and ‘PATH’ are appropriate tools for planning and assessing need.

*“In consultations examining resourcing for students with disability, schools raised that the use of resources at the school level is only partly influenced by the design of the resource allocation model. That is, use of the whole school allocations noted above varies. Current resourcing policy enables this through the allocation of resources for students with disability to the school, not the student, allowing schools to make the most appropriate investments, given their cohort and school context.”*²⁹

QAI asserts that without clear direction from the Department, schools will pool resources to a special ‘class or unit’ and congregate students with disability, maintaining the status quo.

In response to parental perception about individualised student resources, certainly an allocation of HR time (aide time) should be directed to individual students but the actual resources must be used holistically and within the context of the whole classroom. Specific personal care or sensory/therapeutic support is of course directed to the student with some used to in-service school staff.

Schools must be careful to ensure that resources are used inclusively and not interpreted as an expenditure that other students are somehow 'missing out on' or that any resources are not used in ways that marginalise or 'specialise' students.

Usually a new oval or building a performance arts theatre will over-ride the resourcing needs of students with disability. The cultural shift in mindset begins in communities but the leadership must set the example - no student should be denied their education because of an excuse of a 'lack of resources'.

The Deloitte Report

“There is a range of binding international obligations and legislative requirements that create a legal imperative for education providers to deliver the best possible education for students with disability, within

²⁸ Page xx Deloitte Report “Review of education for students with disability in Queensland state schools – Executive Summary”

²⁹ Page xxi Deloitte “Review of education for students with disability in Queensland state schools – Executive Summary”
³Despite this, there is a justified perception amongst many parents that resources which have been attracted based on an enrolment of their child should be allocated directly to their child.

an inclusive environment. Inclusive education for every student is both an educational means and goal. This review finds that policy should strive to reflect these principles. It is important that all educational practitioners throughout the sector are guided towards achieving these goals (and held accountable for doing so). Inclusive education, both as a goal and a practice, should be recognised as everybody's business."

QAI agrees that Inclusive Education is everyone's business – for what happens from enrolment at kindy and prep will live long into the lives of adults with disabilities, their families, and the communities in which they live. It is not strong enough to say that policy should reflect the principles of our international obligations and legislative requirements but actually state clearly and unequivocally how these principles will be embedded.

Given that the reviewers recognise that inclusive teaching and learning benefits all students, then it is as important for all schools and EQ staff to know and understand as any WH&S policies, procedures and practices. If teachers are equipped with the skills, the knowledge and understanding of the expectations of and for them and for all students with disabilities, there will be higher quality of teachers, fewer WorkCover claims and fewer stress leave applications.

Conclusion

If people with disabilities are supposed to be turned aside from schools and forced into 'special' education, what does that mean for *their* 'fair go'? What does it mean for them as they go through life's stages, into work, into their own homes, into relationships, and for those who choose to, into parenthood? Where would people with disability live and where would they work if not in their own communities and in mainstream workplaces rather than in institutions and sheltered workshops for reduced wages?

It is inconsistent to expect that people with disability will move from welfare payments and obtain work in open employment if they are denied quality educational outcomes. It is inconsistent and incongruent to support a specialised and marginalised system of education that leads to segregated pathways of adult life and living in institutionalised settings or group homes. The instances of abuse, violence and neglect in the hidden world of institutional and group residential are well documented.³⁰

Our education leadership has no demonstrated commitment to inclusion. During the last Queensland state election campaign Queensland Education Minister Kate Jones and Shadow Education Spokesperson Tracy Davis made a bi-partisan public commitment to inclusive education for Queensland's students with disability.³¹ On the same day, Premier Palaszczuk promised \$32 million for a new Special School in the Caboolture area, and further investment in the new \$26 million Cairns Special School that was expected to enrol 60 students for January 2018. That is nearly \$60 million that could have gone to support teachers to better support students with disability in regular classrooms.

³⁰

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/Report

³¹Made on ABC radio on Friday 10th November 2016, Day 13 of the election campaign.

The challenge to educate diverse Australian school children requires strong leadership and commitment to the implementation of inclusive school reform, such as upskilling teachers, education assistants and school leaders.

It must all be implemented immediately. Like the deinstitutionalisation of people with disability – students with disability and their families have been the subject of the same conversations for decades and if anything the reality of inclusive schooling is further from attainment than ever.