



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 Individual Advocacy for vulnerable People with Disability

SUBMISSION TO DISABILITY ROYAL COMMISSION 2019

The Hon Ronald Sackville AO QC (Chair)

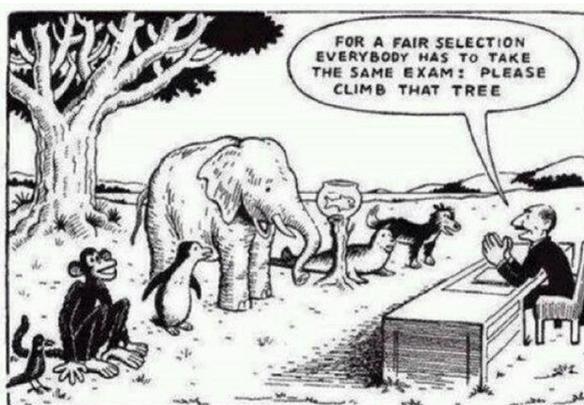
The Hon Roslyn Atkinson AO

Ms Andrea Mason OAM

Dr Rhonda Galbally AC

**Inclusiveness in education as it relates to students with disability;
and**

**The implementation of existing policies and procedures relating to
inclusive education of students with disability, with a focus on the
Queensland government education system.**



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 over 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 and NDIS Decision Support Pilot.

In the past QAI has offered submissions about the draft Education (Strengthening Discipline in State Schools) Amendment Bill 2013 (the Bill) with an earnest plea to reconsider and reject the proposed amendment. Notwithstanding the passage of this Bill in 2013, 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 functioning and juvenile justice. QAI was and remains a member of the Civil Society collective that 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.

In the absence of formalised advocacy support for students with disabilities and their families, QAI has endeavoured over the past 8 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.

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Introduction

Queensland Advocacy Incorporated welcomes the Disability Royal Commission's focus on the education of students with disability – for most people school life sets the foundations for their future prospects and life opportunities.

This is especially so for students with disability, with the quality and inclusivity of their education a critical indicator to either a life as an equal citizen or to a pathway to marginalisation, potential criminalisation and or indefinite detention. It is possibly the most crucial point in the life of a young person with disability.

As a systemic and individual advocacy organisation and specialist community legal centre, working with and for people with disability and mental health issues, we recognise a commonality being a paucity of reasonable educational experiences and learning outcomes. This is particularly evident with clients of our Justice Support Program, which supports people charged and engaged with the criminal justice system, as well as those living under guardianship (restrictive practices) and or imposed with forensic orders (both disability and mental health).

This submission is mostly an update to what QAI offered the Department of Education's **Disability Review Response Plan 'Every Student with Disability Succeeding'**. We attach our submission to Department of Education as **Addendum 1**.

This policy was the Department's response to the Deloitte Access consultancy and QAI participated in the first phase of that review.

At the time (April 2018), our organisation commended the Department for commissioning the external assessment of inclusion policies and practices in Queensland State schools, while noting the rather sideways step rather than real progress. The notion of progress is significantly curtailed due to the retention of the ***Education (Strengthening Discipline in State Schools) Amendment Act 2013 (Qld)*** passed by the Newman government.

The juxtaposition of the Department's **Inclusive Education Policy** (25.06.2018) against this Act is incongruent with the purported intent of the policy. At the time of our most recent enquiry, the Department stated that it did not have statistics on the number of students with disability subjected to suspensions and or exclusions from the general student population.

However, **Attachment A** "**School Disciplinary Absences by Reason and Type** indicates the widespread use of suspension and exclusion as a means of appeasement for teachers, other parents and student punishment. It is also counterproductive for a large number of students who may not view time away from school as punishment – indeed it can be misinterpreted by some students as a holiday. Nevertheless, suspensions and exclusions punish the parents, and for single parent families or working parents, this can be an extreme hardship.

The *Education (Strengthening Discipline in State Schools) Amendment Act 2013 (Qld)* was introduced as a means to reduce red tape for Principals. QAI submitted a response to the Bill

arguing the Bill indicated “a lack of concern or interest in the wellbeing of students and their families and an abdication of natural justice and supports to vulnerable students who require guidance and assistance.

Such misplaced attention for the ease of administrators and time-saving at the expense of the welfare and needs of students at risk is alarming and exhibits a coldly detached disregard for the future of young people. It is perhaps a lack of understanding of the seriousness and cumulative effect that suspension can have upon a student’s reputation and of the risk it poses to escalated levels of exclusion. To treat suspension as an overly time laden administrative burden is to demean the serious nature of such a measure and could be viewed as a somewhat trivial matter by the student and or his or her family.”

This amendment to the *Education (General Provisions) Act 2006* (Qld) effectively doubled the period of a short term suspension from 5 days to 10 days, while at the same time removing the parents’ right of review – the only avenue of appeal was via judicial review to the Supreme Court at the current cost of \$1002.90 to initiate the application, in addition to the potential for significant legal costs and the risk of an adverse costs order. The Act has been utilised further to enable Principals the right to exclude students and cancel enrolment – all to ‘streamline processes and reduce red tape.’ It is an outrage that students’ educational needs and welfare are seen as ‘red tape’ and that school Principals needed to expedite their removal.

We attach our submission to this Bill as **Addendum 2**. To this we make the additional statement that it is not sufficient that students be expected to leave the school and be suspended from the moment they are notified. Many students with disability will not be able to comply with this, particularly with working parents. We also bring to the attention of Commissioners that any single working parent of a student who experiences a 10 day suspension is effectively held from school for two weeks and any subsequent suspension of the same duration expunges annual leave for the parent for the entire year. This measure jeopardises the employment of the parent and exposes the parent to potential unemployment and places the family at risk of poverty.

The Bill is still in place and has not been amended by the current government. Statistics of the number of students with disability suspended, excluded or forced into home schooling because of a failure of schools to uphold the Inclusive Education Policy is not reported. However, QAI can attest to an increase in calls from parents who have reported to our organisation that they have given up on the system and are home schooling against their aspirations and hopes for the education of their children. Most families have reported that they obtain no assistance either financially or educationally to deliver the education that the state schooling system has failed to deliver.

The Department has instigated some measures that give the appearance of softening the blow of suspension and exclusion by a range of documents to guide staff, parents and students.

The Code of School Behaviour sets out responsibilities of all members of the school community. Students, parents, schools, Principals, Regional Directors/delegates and Senior Officers of Education Qld are named in this code – the only omission appears to be teaching staff.

This and other school and Departmental policies and procedures effectively align the student's enrolment with compliance of their parents and or caregivers:

"Parents are expected to:

- *show an active interest in their child's schooling and progress*
- *cooperate with the school to achieve the best outcomes for their child*
- *support school staff in maintaining a safe and respectful learning environment for all students*
- *initiate and maintain constructive communication and relationships with school staff regarding their child's learning, wellbeing and behaviour*
- *contribute positively to behaviour support plans that concern their child."*

The document then outlines Consequences for Unacceptable Student Behaviour.

A great number of complaints that come to our attention are from families who report that their children have been bullied by other students but **also by teaching staff and Principals and or Deputies.**

There is no public statement about the consequences for unacceptable staff behaviour. While we are aware that every government department has in place disciplinary measures for staff members who do not fulfil their obligations, there is no accountability to the 'customers' of the school.

QAI does not regard students and parents as customers yet this is the term applied in Department language.¹

It is a welcome improvement to see the Customer Complaints Management Framework.²

The Queensland Ombudsman Annual Report of 2017-2018 noted that in 2015-2016 their office received a total of 491 complaints, with 537 in the 2016-2017 financial year. Their annual report of 2018-19 reports 589 complaints in 2017-2018 against the Department of Education.³

We understand that the Integrity Unit of the Department of Education manages complaints about conduct of departmental staff, and we would be interested to have statistics on the number of complaints made by parents of a student with disability.

However, confidence must be instilled in the families of vulnerable students with disability that the staff entrusted with their education and care will be held to the highest standards of behaviour and conduct as the students.

¹ <https://www.qld.gov.au/education/schools/information/contact/complaint#complaints>

² <http://ppr.det.qld.gov.au/pif/policies/Documents/Custom-Complaints-Management-Framework.pdf>

³ *Figures differ slightly for the period when the Department of Education and Training was named Department of Education. Complaints received against Education Qld. in 2015-16 totalled 468, 2016-17 totalled 521 and in 2017-18 amounted to 540.

QAI recommends that, in order for students with disability and their families to feel safe and have trust in the qualities of all departmental staff, the disciplinary measures against failure to uphold the code of conduct and responsible behaviour be transparent, and with timeframes for resolution of complaints. It is in the public interest to expect that departmental staff with contact with students be held to at least the same disciplinary measures and timeliness of removal from contact as students.

Another document to firmly state the position of the Department regarding Student Behaviour is the Statement of Expectations for a Disciplined School Environment. This statement and code together reinforce a somewhat zero-tolerance approach, and when combined with 'zero tolerance to bullying' may be intended to inspire confidence in some parts of a school community yet seem adversarial and fearful for others.

The language purports a positive 'whole school approach to behaviour' yet the reality for many parents will be that the most forceful and demanding parent voices will be heard in the realm of P & C meetings and be the most influential when it comes to what is seen to be 'good order and conduct in the school'.

Other 'softeners' to the rigid approach to suspension and exclusions are the 'Responsible Behaviour Guidelines' and 'Calmer classrooms'

The Responsible Behaviour Guidelines⁴ attempt to outline a whole of school approach to positive behaviour and responses to behaviour deemed unacceptable. A three-tiered approach states that "In a supportive and well-disciplined school, approximately 80% to 90% of students require little, if any, additional support to follow the school rules and demonstrate appropriate social behaviours. Universal levels of support are provided to all students."

Targeted supports are directed to 10-15% of students considered to need occasional additional targeted support or specific adjustments or program intervention. It then states: "**Targeted support is typically delivered in small groups to the identified population.**" This statement fails to specifically identify the practice, whilst labelling and stereotyping students to a specific 'identified population'. It also implies that some students who do not require 'targeted support or specific adjustments or program intervention' will not have issues with regulating their emotional or behavioural responses and that those who do require it will therefore have potential behavioural issues!

This kind of low-level stereotyping may well have been intended to offer transparency about managing all student behaviour but has really translated into just another means to stigmatise students with disability who already experience high levels of discrimination and denunciation in schools.

The **Intensive support**/flexible learning options clearly call out students with disability by attaching demeaning descriptors such as "students with highly complex and challenging behaviours." Behaviour is a means of communication, particularly for students whose behaviour is the only or most effective means of communicating their feelings under specific circumstances and triggers.

⁴ <http://behaviour.education.qld.gov.au/disciplinary-decisions/responsible-behaviour-plan/Pages/default.aspx>

The language used to describe the responses to the differing tiers give some insight into how schools that do not fully implement inclusive teaching practices will respond without making adjustments to their approaches for positive behaviour support. For example under the universal behaviour support some of the words used are:-

- *Encouraging positive aspirations, relationships and values to develop, including:*
 - *establishing effective classroom management systems that encourage acceptable behaviour; and*
 - *procedures that provide students rapid access to assistance for learning problems.*

Even this language gives the impression that students with high academic achievement may not ever exhibit any slightly untoward behaviour. Contrast this with targeted and intensive behaviour support:

This support is provided to students who have not responded to the universal (whole-school) behaviour support processes and strategies employed by the school.

QAI agrees that some students with disability require assistance to understand and regulate their emotional responses in times of duress, fear, anger and/or frustration. However, if the universal behaviour support is not explained in a way that makes sense to the student or delivered in ways that has meaning or purpose to the student then of course they will be escalated into the higher tiers, thus attracting the labels of ‘challenging’ when in fact it has been the failure of the educators to ensure the student understands and is a partner in managing those situations. In other words, all students need to have a role in their own personal control and especially students who require some curriculum and/or communication accommodation.

How often are children and young people with disabilities bullied?

Children with disabilities are often more likely to be victims of bullying. More than half—62%—of students with Autism Spectrum Disorder, for example, report being bullied once a week or more. This is significantly higher than the 1 in 5 to 1 in 7 Australian students who report being bullied once a week or more⁵

In March 2018, a media statement from Minister Grace Grace summarized activities for schools and communities to address bullying and violence. “Schools across the state have zero tolerance to bullying and are already actively engaged in working towards this goal.” Minister Grace then went on to announce a range of open days and community fairs to pledge and commit to a stance against bullying. “Queenslanders are taking a united stand to make it clear that bullying and violence are never okay, inside or outside the classroom,” Ms Grace said.⁶

⁵ <https://www.qld.gov.au/disability/children-young-people/bullying/bullying-disability-mental-health>

⁶ <http://statements.qld.gov.au/Statement/2018/3/12/queensland-ramps-up-action-against-bullying>

A number of parents have reported to QAI their frustrations in attempting to have acknowledgement and or action taken against persistent bullying and harassment of their children with disability by other students as well as staff.

Case study A: One parent wrote to us and spoke of her child's feelings of betrayal by teachers who witnessed numerous serious incidents and did nothing to intervene or prevent ongoing physical, verbal and violent harassment - the worst being during Health and Physical Education "four kids throwing rocks at him". The school took no action and the family were compelled to take the matter to the police who were equally inert at handling the matter

In fact the lack of response from the school exacerbated her son's marginalisation and distrust of any of the faculty staff. Classroom bullying was not addressed at all. The types of incidents included:-

- Missiles thrown at him during class
- Rocks thrown at him during outdoor education class
- Chemicals sprayed in his face
- Sawdust blown into his face with resultant eye damage.

It must be stated that school staff that intervene when students are considered to have behaved inappropriately are routinely yelled at, verbally abused, manhandled, and humiliated often in front of peers and other teaching staff. This is bullying. When it is a student with disability the effects of this bullying can have far reaching implications – a child with autism who may be adversely affected by loud noises may react physically to escape the sensory overload. A student with a cognitive impairment of mental illness may react with fight or flight reaction to fear from such intimidation. Yet parents have complained that this is how students are responded to when receiving even minor disciplinary actions. **Who disciplines the punishers?**

Special school eligibility

The policy for eligibility to a segregated special school states that 'Special schools support children and young people with **intellectual disability**, and who may have other disabilities, which have a severe impact on their ability to access and participate in education.' The four criteria for entering a special school must be met:

1. The person has a disability as defined by the *Disability Discrimination Act 1992 (DDA)*;
2. The person has a **severe disability** which includes an **intellectual disability**;
3. The person is unlikely to attain the **levels of development of which the person is capable unless the person receives special education**;

4. The person's educational program is best delivered in a special school taking into account the appropriateness of this placement for the individual concerned.

Firstly, the last three criteria are discriminatory and also demean the teaching talents of regular teaching professionals who adopt inclusive teaching practices...if some can do it then so should all!

Secondly, there is no research to support special education having a positive impact on a person's learning and development and the last of all is subjective and nonsensical. However it does serve as an escape clause for school that can merely state that an unwanted student would be best served in a special setting. On the subject of parental choice of special schools we reference QPPD's "Small Choice in Rotten Apples", and also Dr Glenys Mann's evidence to the Disability Royal Commission on Tuesday 5th November, 2019.

Strategies systemically employed by schools to be 'rid' of Students with Disabilities

An increasing number of students have been coerced or their parents have chosen alternatives to regular schooling due to a lack of confidence in the system.

Around 1,100 students were being home schooled in Queensland in 2013, however, by 2018, this had increased to 3,232 students.⁷ These numbers may not tell the whole story as they only represent families who have registered to home-school their child.

Research suggests there may be significantly more families – perhaps thousands, who are home-schooling their children "off the record" (i.e. many home education families do not engage with the registration process). While it may appear that parents have chosen this course of action due to the commonly reported experiences of *curriculum not meeting needs/interests of students, social problems and or bullying, negative peer pressure, large class sizes, or different values system*⁸, it has been reported to us that a significant number of families have been forced to undertake home schooling because of a lack of acceptance or adjustment from any of their local schools.

Case Studies

Case Study B. One student who had experienced negativity, educational neglect and suspensions due to a lack of adjustments to accommodate his learning needs was about to commence high school. He was not given any assistance to transition to the high school and the parent encountered a very unwelcome response and negativity from the high school. The student had no NDIS funding for support at home yet the single parent was expected to not only educate him but do it without the very assistance that the school said they needed in order to educate her son. The parent was reasonably concerned that in reality the school just didn't want him there. One year later, the parent eventually received some support and moved to a private school.

⁷ <https://qed.qld.gov.au/det-publications/reports/earlyyears/Documents/home-education-registrations.XLSX>

⁸ International Electronic Journal Elementary Education Vol/ 2 Issue 3, July 2010 "Fundamental element in examining a child's' right to education: a Study of home education research and regulation in Australia" Jackson and Allan.

Case Study C: Another student in year two in large country town was experiencing trauma and hyper-sensory disruption at his school. Persistent negativity, use of restrictive practice and daily suspensions were the usual routine.

Weekly meetings scheduled to discuss the child were organised at a time the parents could not attend so had very little input and decisions were made exclusively by the school. Often specialists and therapists involved with the student were also unable to attend.

Behaviour Management Plans developed were very negative and had little focus on building skills and confidence in the student and only focussed on what actions the school staff would undertake should the student be non-complaint or disruptive.

Incident reports focussed on every action of the child but omitted reference to the incidents, names of staff, or dialogue of staff (yet every utterance of the student was noted).

QAI sought to have Behaviour Management Plans reworded, to be inclusive of input from the parents and their supports. QAI enlisted the support of the Department's Autism Hub to intercede with the school and region to ensure a better start to the new school year. This was relayed to us as a positive new approach.

Touching base with the family, recently we discovered that a geographical move was required due to employment reasons, and their attempt with the new local school had failed. We consider that the Autism Hub should have continued their intervention with the new school, ensured assistance to the school and the family and delivered on their assurances. This family is now home-schooling and paying a retired educator...It is NOT their choice as they dearly wish for all their children to be included in society and educated alongside their peers– but a systemic failure to ensure that schools deliver the practice touted in the Policy is failing students with disability.

In New South Wales the reason for seeking home schooling registration expressed as a percentage of the total number of applications received from 1 January 2015 to 31 December 2015

Reason for home schooling 2015	% of total applications 1 January to 31 December
philosophical	25.79%
nil response	21.70%
special learning needs	21.38%
other	21.38%
religious	8.81%
bullying	0.94%
Total	100.00%

Note: The number of registered children includes children who have exemption from registration.

The application form for registration includes an optional question which asks applicants to provide the reason why they want to home school their child/children.

'Other' includes a range of diverse reasons that do not clearly fall within one of the other defined categories, for example, 'my child learns best in a one on one situation', or 'local school is not suitable', or 'this suits our family best.'⁹

Much of the literature also presents as a parental choice. QPPD's paper "Small Choice in Rotten Apples" details how often the choice is this or nothing (**Attachment B**).

Australian Bureau of Statistics figures show there were 3.73 million enrolled students in 2015, across Australia, and state figures for home-schooling numbered 14,500 students, although officially the figure is possibly understated, due to families not registering. David Roy, a Newcastle University lecturer in Education, who also sits on the Home School Consultative Committee with the NSW Education Standards Authority NESA (formerly BOSTES), said he believed the number had increased to 20,000 (in 2016) as registrations increased. It is believed there could be as many as 20,000 students in Queensland alone being home schooled.

In Queensland the responsibilities for parents to home school once they register include:-

As your child's educator, you will be required to:

⁹ Board of Studies Teaching and Educational Standards NSW - Home Schooling Data Reports

- plan and implement your child's educational program
- provide a suitable learning environment
- provide the necessary resources to support their learning
- monitor and assess your child's educational progress
- continue to meet the standard conditions of registration, which includes the submission of an annual report demonstrating the educational progress of your child.
- create a proposed educational program and comply with annual reporting on the child's progress.

Parents of children registered for home education who are age equivalent to Years 7 to 12 are eligible for the annual Textbook and Resource Allowance if it was not previously paid to a school due to a child's earlier enrolment in the year.¹⁰

% students with disability who have been refused enrolment

Across Australia	Victoria	NSW	Western Australia	Queensland
12.5	9.2	10.9	5.9	25.6

Source: Children and Young People with Disability Australia¹¹

As the survey conducted by Children and Young People with Disability Australia indicates, a large percentage of Queensland students with disabilities have experienced rejection right at the enrolment point. It is no wonder so many parents seek home schooling.

Harassment, Vilification and Gas-lighting of Parents

While the experiences of parents in the educational context are not directly related to the Royal Commission's examination of violence, abuse, neglect and exploitation in the educational context, they must be considered as related to the outcomes for the students with disabilities, the 'non-choice' decisions for home or special schooling. Parental compliance with countless requirements such as enrolment procedures, responsibilities as noted in The Code of School Behaviour and the expectation and desire to be involved in the development of student plans and the requisite attendance of meetings are **the conditions of a child's enrolment in any state school**.

As mentioned in our case studies, parents are exposed to low-level harassment that can range from expectations of attending weekly meetings (often scheduled at times that are totally unsuited to the family), and email correspondence that can be either an avalanche from the school or unanswered attempts at contact from the parent, unreasonable requests for diagnoses to fit the purposes of the school (i.e. obtain a diagnosis of autism or ADHD in order to medicate the child). Certainly if the

¹⁰ <https://education.qld.gov.au/schools-educators/other-education/home-education>

¹¹ CYDA Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Education of children and young people with disability.

family are not users of technology, email correspondence is a barrier to the development of a healthy working relationship with the school.

Common disrespectful and 'ambushing' strategies employed to disarm parents include stacking meetings with a boardroom of educational staff, discrediting and demeaning parent knowledge and understanding their child (including what supports are best utilised and how). Other more overt behaviours that have impacted on parents have been as extreme as disclosing one parent's mental health issues to other staff; false accusations of aggression and abuse and deliberate misrepresentation of communication and or statements from parents.

These deliberate gas-lighting tactics are subversive to the development of reasonable relationships with the parents' choice of school, and undoubtedly used to discourage parents from maintaining the enrolment and placement of their child with disability. Further it is used to misconstrue the parents' involvement in the education of their children and alleges parental non-compliance with school and or department expectations. This is how schools sometimes manipulate parents and students in order to cancel the child's enrolment or force the parent to make other less desirable choices.

With this in mind it is the duty of the Disability Royal Commission to hear evidence from parents and students with disabilities about their experiences that have contributed to their departure from regular schooling.

Suspensions, Exclusions, Restrictive Practices and where to go?

QAI's position on the use of Restrictive Practices (Attachment C) upon adults with disability is that it constitutes cruel, inhuman and degrading treatment in accord with the Convention against Torture Article 16¹².

Two delegates from QAI attended the 53rd Session of the Convention against Torture in Geneva in November 2014 and presented case examples of use of Restrictive Practices on **adult** humans along with case studies of the use of Involuntary Treatment. (Attachment D Fact Sheet 7 UNCAT Treatment of Persons with Disability: Restrictive Practice and Involuntary Treatment)

It is well known that for many adults with disabilities who experience anxiety, anger, fear, and duress, that the manifestation of behaviour that can be challenging to others is an attempt to communicate those emotions. It is often the only mean they have at their disposal. I

The development of children with disabilities may take longer or be delayed. This includes their understanding of emotions that are confusing or erupting suddenly, and may be difficult for some of those children to self-regulate. How can a child regulate what they don't understand or have the coping mechanisms to control?

¹² Article 16 requires parties to prevent "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1" in any territory under their jurisdiction. Because it is often difficult to distinguish between cruel, inhuman, or degrading treatment or punishment and torture, the Committee regards Article 16's prohibition of such act as similarly absolute and non-derogable.[6]

It is imperative that these students above all, feel safe, nurtured, wanted, and above all, accepted for who they are, and that adults and peers are to be trusted. With trust, students experiencing these challenges will accept support and guidance because of the trust and knowing that they are cared for.

The **MAPA physical intervention** program is used on children in Queensland state schools. (see Attachment D). For any child with disability who is experiencing anxiety and escalating fear, use of these holds will only heighten those fears, create high levels of distrust and confuse the child who will undoubtedly wonder why he or she is exposed to this – regardless of their own antecedent provocative actions.

If we as a civil society committed to healthy and functional communities, continue to expose children with disabilities to cruel, inhuman and degrading treatment, what kind of life as adults are we consigning them to? Our involvements working with adults with disability subjected to these forms of abuses have given us insight into the issues that brought about such horrendous life experiences from which some of our clients have still not emerged.

Suspensions and exclusions against students with disability (particularly for those with intellectual, cognitive or mental health issues) are ineffective and harmful. As stated previously – it only punishes the parent, but is detrimental to the health and wellbeing of students who are marginalised and rejected before they've even had a chance to be accepted.

What is needed?

The latest Teaching and Learning International Survey (TALIS) shows teachers across OECD countries felt professional development opportunities were particularly inadequate for teaching students with special needs. According to the TALIS report, nearly 30% of teachers in Australia work in classes where at least 10% of students have special needs. The report adds to a body of research suggesting teachers feel unprepared to teach students with special needs in mixed-ability classrooms.¹³

In the TALIS report, almost one in five principals reported the quality of their school's inclusive education was hindered by a shortage of teachers who were competent in teaching students with special needs. 'Employ qualified specialist teachers' is the catchcry of the education system – QAI submits this mindset is the problem – no teacher should be 'specialist'. Good teaching and learning is for all and all classroom teachers MUST have the skills to teach all their students. In fact, a significant body of research shows that schools that include students with disability have better skilled and equipped teachers who have a range of strategies to ensure they can accommodate the needs of all. Further to this, it is a glaring insult to assume that only specialist teachers have some insight, or knowledge that other teachers do not possess.

Naturally, it may require that some expertise can be introduced to a school for particular in-service training especially if teaching to a student with sensory impairment to adapt reading material or to assist the class and the teacher to communicate by Auslan. However, the failure of the system to be 'ready' has been an excuse for over 40 years and is no longer valid. The time to prepare is long overdue.

¹³ <https://theconversation.com/most-australian-teachers-feel-unprepared-to-teach-students-with-special-needs-119227>

Australia is signatory to the Convention on the Rights of Persons with Disability and The National Disability Strategy is our national instrument for delivering on those obligations – including the right to be included in all aspects of life – starting with education.

Teaching to diversity is to teach to all students including students from culturally and linguistically diverse backgrounds, children who are gifted and talented, and children with a paucity of enriched experiences in their home life. No more waiting.

The prerequisite for teachers must be that they can include and teach all – that is all.