

2020 Review of the Disability Standards for Education (DSE) 2005

September 2020

Introduction

The Queensland Catholic Education Commission (QCEC) provides this submission on the *2020 Review of the Disability Standards for Education (DSE) 2005*. The Standards help to make sure students with disability can access and participate in education and training on the same basis as students without disability. This supports people with disability to be able to participate fully in society and have more opportunities throughout their life.

QCEC is the peak strategic body with state-wide responsibilities for Catholic schooling in Queensland. This submission is provided on behalf of the five Diocesan Catholic school authorities and 17 Religious Institutes and other incorporated bodies which, between them, operate a total of 307 Catholic schools that educate more than 149,000 students in Queensland.

Background

The Australian Government Department of Education, Skills and Employment, on behalf of the Minister for Education, is undertaking a review of the Disability Standards for Education (DSE) through a consultation process. The DSE are reviewed every 5 years, making this the third review since they were first released in 2005.

The purpose of DSE review is to ensure the Standards are achieving what they are intended to do, and if not, how they could be improved. The Terms of Reference for the Review and more information is set out in a [discussion paper](#).

The Review will consider the following:

1. Are the rights, obligations and measures of compliance set out in the Standards (and its Guidance Notes) clear and appropriate?
2. Do students, families and carers, educators, education providers and policy makers know about, understand, apply and comply with the rights, obligations and measures of compliance in the Standards?
3. In the 15 years since the Standards were developed, have the Standards contributed towards students with disability being able to access education and training opportunities on the same basis as students without disabilities?

Consultation

ISSUES

1. Enrolment and access:

What has been your experience with students with disability accessing education?

All CSAs strive to have enrolment procedures for students with disability that are consultative and collaborative, which includes meeting with parent/carers. These procedures focus on developing an understanding of the student's specific learning needs which includes consultation with allied health and other professionals working with the student. When such processes are followed thoroughly and with full fidelity around its intent, enrolment and accessing education is successful.

In summary, the CSAs report their understanding of the experience of enrolment and access for students with disability as:

- generally positive: schools are often thanked by parents for the time taken in the enrolment process
- at times, requiring active management of attitudes from other parent/carers in relation to perceptions that specific students with disability may express challenging behaviours ; for example, parents requesting their child not be in a class with a specific student, or requesting a specific student be excluded from school because of behaviour that is associated with the disability (i.e. swearing when the student has Tourette syndrome)
- requiring active and engaged school leadership in establishing an inclusive culture.

Observations

- CSAs strive to be responsive to parental concerns about their children, however, some parent/carers find it personally challenging to raise their concerns about their child's access and enrolment directly with the school. In this circumstance, advocacy groups provide an essential service to support parent/carers to raise concerns with the school.
- School leaders and teachers may benefit from the development of specific resources designed to explain DSE obligations of the school to the broader school community to ensure students with disability and their associates are not being subjected to indirect or direct discrimination from members of the school community.

2. Participation and student support

Do you understand your obligations for making reasonable adjustments to ensure all students with disability can participate in education? This includes participating in courses and programs, the curriculum, and using facilities. Would you know how to consult with a student or parent/carer? If you have had experiences in making reasonable adjustments, tell us about this?

Have you appropriately supported students with disability during their education? This includes being able to access supports, including specialist resources.

Queensland Catholic schools report that they understand their obligations for making reasonable adjustments and regularly liaise with students, parents, specialist staff and teachers to develop personalised learning plans for students.

The CSAs provide professional learning opportunities and consultancy support for school staff and key role holders such as classroom teachers, learning support teachers and guidance counsellors in relation to making reasonable adjustments across all aspects of schooling; including school excursions, school

camps and other extra-curricular activities, as well as personal care and the like. Regular engagement with specialist school and CSA staff is necessary throughout the school year, as students with disability can enrol at any time and current students may acquire a disability at any time.

Schools located in remote locations can experience additional challenges in accessing specialised supports. However, CSAs advise that it is often staff turnover at both the school and within specialist agencies that has a greater impact on the establishment of consistency of approaches to intervention and support programs for students with disability.

Whilst it is acknowledged that every school context is unique and the needs of individual students is highly personalised, there are common elements of best practice that all Catholic schools strive to achieve. These include ensuring:

- School teams collaborate with all relevant parties (i.e. school leaders, teachers, learning support teachers, families, students and regional office expertise) to enable effective and timely supports for students.
- Class teachers and other specialist school staff have time to liaise and plan with expert specialist staff from external agencies such as Autism Queensland, CPL (previously known as Cerebral Palsy League), Vision Australia.
- Access to agencies is enabled through programs such as the Specialist Disability in School Support Program (SDSS), through the Queensland Government, enabling school support services, resource centre services and procurement of specialised equipment.
- School teams reflect on the lived experience of those seeking enrolment in their school and consider how inclusive education practices can be enhanced (including ensuring all staff understand legislated obligations) and that classroom adjustments are inclusive and support all students to participate in the curriculum and realise their potential.

Observation

- Difficulty in accessing timely specialist support can lead to increased challenges faced by staff in developing and implementing educational adjustments for some students. This is particularly challenging in rural and remote areas and for students with rare health conditions. .

3. Harassment or victimisation:

Have you had a situation where one of your students with disability experienced harassment or victimisation? What steps did you take to address this?

Individual Catholic schools have shared experiences of how they manage and respond to situations when they became aware of harassment and victimisation of students with disability within their school. In each instance, the school took direct action with the student who was engaged in the harassment and victimisation, such as counselling and education as well as counselling support for the student with disability.

One CSA shared the development of a school wide approach to support classroom teachers and school leadership teams to ensure inclusive practices were being implemented throughout the school. Strategies shared included ensuring the consistent use of classroom visuals, teachers and students having opportunity to access children's literature that promotes positive role models for people with disability and ensuring the school facilities were accessible (i.e. hearing loops, accessible bathroom, ramps).

CSAs have developed and published Bullying and Harassment policies, as well as provided specific staff training to address issues of bullying and harassment, including when this is directed at or perpetrated by a student with disability.

Observation

- Schools have developed policies and procedures to minimise harassment and victimisation. However, as noted here and in a previous section (Enrolment and Access), managing harassment and victimisation within the school community is an area where some school leaders have expressed a desire for greater resources at a national level to support a shared understanding and promotion of obligations as outlined in the DSE to the broader school community.

4. Compliance:

Have any of your students or parents/carers said that you were not meeting your obligations? How did you address this?

While most CSAs report this is not an issue for their respective Catholic schools, there are occasions where the CSA has supported a school to understand its obligations under the DSE and how this is reflected in specific policies and procedures and put into practice through various processes. QCEC is also aware of instances where parents have raised concerns or complaints of non-compliance with the DSE requiring investigation by the CSA. In these instances, the school and CSA have worked with the parent to find a mutually-agreed suitable solution, however it is acknowledged that this may not always be achieved.

When issues have been raised regarding a school's perceived (or real) failure to meet their obligations under the DSE, CSAs have worked with the relevant parties (school, school staff, parent, guardian, student) to discuss the following:

- the difference between a model of inclusive education versus special education, and that they were using a model of inclusive education. CSAs report that parents have accepted this quite well once they understood the inclusive education model.
- the issue/s of concern in partnership with the parent to build mutual understanding of concerns and next steps to go forward in supporting the student.
- a Complaints Management Procedure designed to address the concern with dignity and respect. Staff are informed of the complaints process and it is available to families.
- Strategies that schools have put in place to proactively support teachers in meeting their obligations under the DSE so that reasonable and sustainable adjustments have been made supporting SWD.

Observation

- All Queensland Catholic schools report compliance with obligations as outlined in DSE, however it is acknowledged that vigilance is required in order to ensure that alignment with policy and practice is maintained. It has emerged that a difference in parental expectations in terms of an educational model exists. Some parents are seeking an inclusive education whereas others are wanting a special education model. The Convention on the Rights of Persons with Disability, General Comment 4, Article 24 clearly articulates the right to an inclusive education. Clarification of how schools can meet their obligations under DSE regardless of education model is required.

5. Transition:

Tell us about your experience assisting a student with disability to transition from one education sector to another; for example, from school to further education.

Transitions occur between year levels, at significant educational junctures such as kindergarten to primary school; primary school to secondary school and secondary school to post school options. Transitions also occur between education sectors, government to non-government schools and vice versa. Key transition activities include school tours, meeting the teacher before school commences, meetings with the outgoing school/kindergarten and transition sessions at the incoming school prior to commencing school.

The CSAs noted, with parent consent to do so, a willingness to share and collaborate with schools from different education sectors to support the smooth transition of students with disability. However, it is also noted there are at times significant difficulties with obtaining critical student information to support a transition. These issues are generally localised, for example, with a specific school rather than education sector specific. Other factors that complicate smooth transitions can be changing policies in other schooling sectors which are not always communicated with Catholic schools. Additionally, at times, new policy is interpreted very differently at each school. For example, students with disability are identified through the Education Adjustment Program (EAP) processes, while the department policy is state-wide, local procedures for notification of an EAP verified student moving between education sectors can vary across education regions which at times means that important information on the student is not shared by the schooling sectors but relies on the parents of the student with disability to provide this information to a new school.

The process for transition to a post-school pathway begins in Year 10 with the development of a SET Plan. For students with disability the SET Planning process includes consultation with specialist school staff (i.e. learning support teacher, guidance counsellor) and it may involve a specialist organisation or provider of disability support. There is sometimes confusion over how this support is instigated with the introduction of the NDIS. As the student moves through the senior phase of schooling, this plan would be reviewed and relevant personnel would be involved depending on the student's need, for example the Disability Support Unit at university. Student and parent voice are vital in the process of transition.

Observation

- Successful post school transitions require considerable planning between multiple parties as well as a clear understanding about the role of NDIS and obligations under the DSE. It is also important to note that not all students with disability are eligible for NDIS services and a greater understanding of the obligations regarding transition planning may assist in better supporting students with disability to successfully transition to post-school pathways.

6. Aboriginal and Torres Strait Islander students with disability:

Tell us about your experiences supporting Aboriginal and Torres Strait Islander students with disability. How did you help them to access and participate in education? How did you consult with them and their families and carers?

Many of the CSAs employ Education Officers – Aboriginal and Torres Strait Islander Engagement, and Participation Officers who play a vital role in liaising with families and supporting their engagement with the school. Furthermore, the CSAs acknowledge the prevalence of hearing loss and hearing impairment amongst Indigenous students and have specific collaborative partnerships with Aboriginal and Torres

Strait Islander health care services to address these issues.

A key aspect of ensuring Aboriginal and Torres Strait Islander students with a disability are appropriately supported include understanding the complexity of these student's lives, such as learning differences, background, life experiences, school readiness, cultural impact and the impact of English as an Additional Language or Dialect (EAL/D). In many of the CSAs teachers undertake cultural awareness training, which highlights the importance of culturally appropriate practices and language and provides strategies to engage appropriately with Aboriginal and Torres Strait Islander families and carers.

An example of one school's experience in this area involved the school principal accompanying the parents of a child with an intellectual disability to the paediatric visit because the parents felt they would not understand the terminology or questions a doctor would be asking them. This is a significant barrier for parents, who then are reluctant to seek formal diagnosis and/or attend specialist appointments. Having culturally sensitive options to provide appropriate support through this type of process is necessary.

Observation

- Schools are seeking specific resources to support the day to day management of the complex and diverse needs for Aboriginal and Torres Strait Islander students with disability.

7. Specific experiences Diversity:

Access and participation in education for students with disability may be affected by other circumstances such as age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, and culturally and linguistically diverse background. If you have had students with disability who were affected by other circumstances, tell us about how you helped them to access and participation in education.

When a student is not English speaking (EAL/D) it is sometimes difficult to distinguish between a disability and an issue related to the acquisition of language. Consequently, the investigation process often takes longer because schools must identify if it is a language barrier or a disability that is the reason the adjustments are required. While many adjustments to support language development due to a language disorder or learning English are similar the underlying rationale for the adjustment is important to determine as this will have ongoing implications for the student's learning journey.

An example of how Queensland Catholic schools have supported students with disability from culturally and linguistically diverse (CALD) backgrounds has involved teachers supporting families to make and attend appointments with specialists such as general practitioners, paediatricians, as well liaise with NDIS case managers and allied health therapists. CSAs also reported that they have engaged interpreters to attend these appointments with families so that the families concerns and needs can be clearly communicated and the school can ensure they have the correct adjustments and supports in place to support the student. It is recognised that being able to navigate the cultural and linguistic nuances of disability is difficult for many families, without the added complexity of cultural and language differences.

Observation

- Although EALD can be misinterpreted or misconstrued as a disability, students from a CALD background may also have a disability. Specific guidance is required in relation to the differential diagnostic processes that are necessary and are reasonable to meet obligations of the DSE. Professional learning for staff is also necessary, particularly in relation to imputing disability. Although CSAs seek to provide this professional learning through their specialist staff and other allied health specialists feedback has continually called for greater guidance at a

national level (e.g. through case studies on the NCCD portal) to bring about a more consistent approach to imputing disability.

8. COVID-19:

Has COVID-19 impacted the experience of your students with disability in participating in education? Have their experiences ever been impacted by other major events, such as natural disasters?

COVID-19 impacted the school and learning experience of students with disability in differing ways. Schools strived to maintain contact with students and responded to needs as they arose. The transition back into school was difficult for some students where there may be anxiety about COVID-19 and/or returning after a protracted absence. For students with a need for routine, some required support to transition back into the routine of school as opposed to the routine at home.

Positive impacts:

Some students with disability thrived during COVID -19 as they were able to self-pace and self-direct their own learning at home rather than being in a whole classroom situation. Additional detailed planning completed for students with disability during this period resulted in some instances of more targeted learning experiences, richer consultation and collaboration with parents and more regular monitoring. Schools welcomed students who were vulnerable and needed to be at school. Students who attended school during the time of learning from home benefitted from greater attention. Regular well-being checks for students and families were beneficial. It was a more holistic approach to support. Transitions back to school were planned by teachers and specialist staff (i.e. learning support teacher, guidance counsellor).

Negative Impacts:

There were clearly challenges for learning online for many students especially where they had difficulties engaging with this medium of learning from home. Social emotional impacts were evident on students and families, such as a spike in anxiety due to ongoing uncertainty both in the community and at school. Some students found it difficult to transition back to traditional classes particularly after working in smaller groups with lower staff student ratios during the learning from home period. Additionally, some students were not able to engage with online learning during this time and are now behind with their learning progress. There was less opportunity to connect socially with school and the broader community which has impacted on some student's social development as well as participation in the full life of the school, such as extra-curricular activities.

In addition to the disruption caused by COVID-19, Queensland school students have also experienced disruptions caused by cyclones, floods, droughts, and other natural disasters. This has required additional supports for all students, including those with disability.

9. Are you familiar with the Standards and what they are designed to do? If so, where did you find out about the Standards?

Have you received training of any kind about the Standards? What did this involve?

Do you understand your obligations when it comes to students with disability being able to access and participate in education? How have the Standards helped you to understand your obligations?

All CSAs are familiar with the Standards and what they are designed to do. Some of the CSAs have formally engaged with DSE e-training on the [NCCD portal](#). Increasingly the CSAs are undertaking annual training about obligations as outlined in the DSE.

CSAs have used the materials about the standards on the NCCD portal and [Australian Government document](#).

Increasingly school staff have accessed the specific training in the DSE modules. The CSAs have encouraged school staff to complete the online modules available through the NCCD portal. Furthermore, the diocesan CSAs continue to offer a range of professional development to schools about inclusive practices which includes obligations as outlined in the DSE. . CSAs have mandatory cycle of training for all staff in range of areas, and in some CSAs this includes the DSE.

Since undertaking training in the DSE modules, some schools have reviewed other school policies and procedures to ensure they support the obligations of the DSE.

Observation

- School leaders develop school policies and are largely responsible for school practices. As school policies and procedures are being reviewed, some school leaders are using this opportunity to embed the DSE more broadly into these policies and procedures.

10. Do you feel confident negotiating and implementing a reasonable adjustment? Do you know how to determine if this would result in unjustifiable hardship?

Confidence with negotiating and implement reasonable adjustments range from very to somewhat confident. For example, one respondent stated, “I do feel confident to do this, but I would have felt more confident sooner if I had been provided with a clear process to do this.” The CSAs indicated that they felt confident negotiating and implementing a reasonable adjustment and would be able to work through a process to determine unjustifiable hardship, but would also like to see clearer definition of unjustifiable hardship to ensure that they are meeting their obligations to support all students.

Observation

- Schools are seeking a clearer definition supported by illustrations of what is meant by “reasonable adjustment” and “unjustifiable hardship”.

11. Do you think the Standards help students with disability to access and participate in education and training on the same basis as students without disability? Why, or why not?

Yes, having the Standards brings awareness of the requirement to make “reasonable adjustments” for students with disability and to avoid discrimination. The Standards provide the basis for defining a school’s obligations and for outlining expectations, so in this way teachers do help students with disability to access and participate in education on the same basis as students without disability.

The Standards make it very clear that as an education provider, there is a legal obligation to enrol students with disability, according to the enrolment policy. Additionally, schools have a legal obligation to ensure that the necessary adjustments and training have occurred to ensure access and participation for all.

12. Do you think the Standards help Aboriginal and Torres Strait Islander students with disability to access and participate in education and training on the same basis as students without disability? Tell us why you think this.

While the Standards make it very clear about expectations for all students with disability, how this translates in action for Aboriginal and Torres Strait islander students with disability is variable. The increased risk of cultural biases, as well as access to culturally responsive services has the potential to impact family engagement with school and disability support services.

Summary of observation and recommendations

1. School leaders are seeking:
 - resources to draw upon to support the understanding and promotion of obligations as outlined in the DSE to the broader school community.
 - guidance and resources to support the day to day management of the complex needs of Aboriginal and Torres Strait islander students with disability.
 - guidance and resources to support the differential diagnostic processes that are necessary for students with disability from culturally linguistically diverse backgrounds.
 - Resources to work with parental expectations in relation to the educational model they are seeking, whether it be an inclusive education model or special education service. Being able to resolve differences of expectations whilst adhering to the obligations of the DSE.
2. CSAs are seeking further clarification of:
 - unjustifiable hardship and reasonable adjustment
 - Imputing disability
3. School leaders are seeking resources to support consistent approaches to engage with the NDIS and transition planning for all students with disability.

If you require further information regarding this submission, please contact Jeanine Gallagher, Senior Education Officer, by email jeanineg@qcec.catholic.edu or phone (07) 3316 5861.



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