Education Services Australia

# Education Services Australia Submission to the 2020 Review of the Disability Standards for Education 2005

September 2020

# Contents

# 1. Introduction

Education Services Australia (ESA) is a not-for-profit company owned by all Australian education ministers. ESA uses a combination of education and technology expertise to create and deliver national solutions that further education reform in Australia and contribute to improved student outcomes, enhanced teacher impact and stronger school communities.

ESA has a unique and critical role within the Australian education system to work in collaboration with all Australian education jurisdictions to provide technology-based products and services for education. The submission focuses on areas where ESA's delivery of education initiatives, projects and services support education providers to apply the Standards and implement inclusive education practices.

# 2. Response to review areas

## Participation

- *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.*

The Nationally Consistent Collection of Data on School Students with Disability (NCCD) is the annual collection of information about Australian school students with disability. In 2018, the Australian Government asked ESA to design and develop a comprehensive national web Portal of information to support schools across Australia to implement the NCCD to improve the quality of data available for education authorities and governments.

The NCCD Portal, developed by ESA, was released in February 2019 with new resources to help school communities around Australia participate in the NCCD. ESA, through the NCCD Portal, supports Australian schools to implement the NCCD and understand their obligations to provide students with disability with reasonable adjustments so they can participate in all aspects of education under the *Disability Discrimination Act 1992* (DDA) and the Disability Standards for Education 2005 (the Standards).

The development and implementation of the Portal represents a collaborative effort by ESA, education departments, external consultants, subject matter experts, teachers and reviewers across Australia. The education departments of each state and territory, and the different education sectors, provide referrals to the site and work regularly with the ESA team to ensure that all content for the site is targeted, meaningful and of the requisite high quality.

The Portal assists teachers, disability support staff, school leaders and parents better understand the Standards and to undertake the NCCD process as accurately as possible, as it can often be a complex process to navigate and implement effectively within a school.

School communities have access to curated resources, interactive decision-making tools, case studies, illustrations of practice videos, infographics, podcasts, accredited Standards eLearn courses for school leaders, educators and pre-service teachers and a case study teacher judgement course. ESA provides a Portal helpdesk service for schools.

Feedback from education systems and sectors indicate the high value schools place on this service. Access to reliable, user-friendly resources that effectively educate and support schools and their communities to understand the process has contributed significantly to improvements in the consistency of school and

teacher judgements and data provided by schools. This ultimately improves the capacity of governments to improve the quality of education for students with disability.

The usage statistics of the site show the valuable place it now occupies for Australian schools. The Portal has had 15 million pageviews and over 119,000 eLearn courses completed since going live in February 2019.

ESA insights and observations:

- NCCD Portal eLearn courses are aligned to the Australian Professional Standards for Teachers, are teacher competency-based, and use scenarios drawing on lived experiences. The courses are used by educators in all states and territory school systems and sectors. Some jurisdictions mandate completions to maintain teacher accreditation, however, this is not consistent across all jurisdictions.
- School leadership, teacher and support worker knowledge and professional learning are seen as being critical to schools' ability to effectively meet their legal obligations, better understand the needs of students with disability, and how to best support students learning and improve outcomes[1].
- There is a high level of dependency on the knowledge, skills and interests of individual educators to make judgements on categories of disability and what is deemed as the levels of reasonable adjustments students with disability receive. Therefore, professional development for teacher and support staff is essential for effective application of the Standards.
- Research suggests that moderation and wider consultation with school personnel are necessary to make more accurate judgements in regard to levels of adjustment and categories of disability[2].
- Statistics on NCCD Portal usage and helpdesk queries also provide the following insights into where greater clarity is required:
  › highest proportion of queries across the four disability categories is the social and emotional disability category, indicating that this is a challenging area for educators, and more nuanced support and guidance is needed;
  › general uncertainty around how to impute a disability, particularly when there is no medical diagnosis, indicates a need for more guidance and professional learning;
  › increased queries from teachers under COVID-19 restrictions on how to support students and families of vulnerable children, highlights a need for practical resources for teachers, parents and students who are learning at home and/or are partially enrolled.
- NCCD eLearn courses are specifically designed to support the current Standards. Any changes arising from the 2020 review may impact the content of the courses and necessitate updates, for example definitions, and changes to the data collection methodology to improve capturing of students receiving adjustments for their educational outcomes.


## Supporting students:

- *How have you appropriately supported students with disability during their education? This includes the student being able to access supports, including specialist resources.*

ESA does not support students with disability directly, rather, ESA makes available a range of digital technologies and resources to school communities. ESA ensures that our teaching and learning resources are Web Content Accessibility Guidelines (WCAG) [3] 2.0 Level AA compliant and that online services are user-centred and inclusive in design.

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[1] Monash University, 2019, Parliament of South Australia, 2017
[2] Sharma, U., McLean, L., Grove, C., Menage, C., May, F., Arthur-Kelly, M., Salend, S., Jovic, M., Martin, R., Haris, J., Barbosa, E., Butterworth, D., & Dimitropoulos, N., 2019
[3] Web Content Accessibility Guidelines

Satisfying accessibility standards is becoming more complex, along with the increased need for content and usability of online learning environments for all students and all disability types. Raising awareness of web accessibility techniques and testing training will benefit anyone involved in the development or maintenance of educational websites. The WCAG provides a standard for determining whether the online content is accessible to all students. There is room to support school communities to understand and implement such guidelines that could minimise the need for further adjustments to meet the needs of particular students with disability.

The ESA Digital Technologies Hub Digital-technologies-for-all supports educators to design lessons that consider differences in the ways that students think and engage with content, using the Universal Design for Learning approach.

Wellbeing of students with disability and school staff is critical to creating safe, supportive and respectful teaching and learning environments[4]. The ESA Student Wellbeing Hub is space for educators, parents and students to build safe, inclusive and connected school communities that promote wellbeing and learning. The Hub is underpinned by the Australian Student Wellbeing Framework. Specific resources support inclusive education for students with disability, including content on Respectful Relationships for students with disability for both Primary and Secondary. The Hub was refreshed in August 2019 based on user feedback and since then new content has been developed and added, including RRE content for students from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander families, and students with disability.

## 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.*

An identified gap within the Standards relates to a wider issue of how students with disability are supported during transition periods into, within, and out of the education system[5].

myfuture is Australia's national online career information and exploration service managed by ESA. It assists with career planning, career pathways and work transitions. With a database of over 800,000 registered users and 9 million annual page views, myfuture is a highly-valued and well-respected part of Australia's career education ecosystem. Over nearly two decades, it has created and disseminated a huge array of career information to millions of Australians.

Since its initial launch in 2002, myfuture has continually evolved to meet the needs of users and align to best practice in career information. Over time, it has developed into a resource targeted to the needs of school communities, which aims to build the career decision-making capabilities of students and provide targeted support to the key influencers in their lives. The resource has recently been refreshed to offer users a better experience, following research of the user experience and current best practice. ESA identified opportunities for enhanced engagement of myfuture with students in low SES, and regional and remote schools and communities, and aligned with the National Career Education Strategy, 2019[6], to:

- Meet the needs of all students - Enable possibilities in career education for rural, regional and remote students, Aboriginal and Torres Strait Islander students, students with disability, cultural and linguistically diverse students, and those from priority cohorts.
- Engage influencers of young people's career decision making, foster parent engagement and peers.

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[4] The Social Deck, 2019, Deloitte Access Economics, 2017
[5] Education Council, 2020
[6] Australian Government, 2019

myfuture aims to provide equitable access to career information to all young Australians, regardless of factors such as their location or socioeconomic status. User reviews of myfuture indicated its importance in supporting students to make informed choices and to become effective navigators of their careers. myfuture sends clear and consistent messages that life and careers are not a linear journey, and supported students to explore core concepts and career-related language.

ESA will be exploring further opportunities to improve guidance and support for students with disability and their families around the transition from school to further study or employment, in consultation with the myfuture national advisory group.

## Aboriginal and Torres Start 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?*

School education system and teacher feedback through the NCCD Portal highlight that there is a need to situate the courses in contexts that recognise cultural and linguistic backgrounds, including Aboriginal and Torres Strait Islander cultural understandings to increase engagement and build better, relatable understandings for some educators and education assistants. For example, schools and their staff in remote locations of the Northern Territory provided feedback that the term 'disability' can be problematic when consulting students and their families. There is no equivalent word for 'disability' in many Aboriginal and Torres Strait languages, and some Aboriginal and Torres Strait Islander communities may not have a general concept of disability[7].

This may highlight a wider issue relating to a lack of awareness of legal obligations within schools and a risk that students with disabilities, and their parents, may not receive reasonable adjustments required under law.

ESA has also received feedback that the eLearn courses, including videos, are not representative of Aboriginal and Torres Strait Islander students, teachers or education support workers lived experience. There is an opportunity for increased cultural awareness and inclusive practice development within the eLearn resources.

## COVID-19: the shift to learning at home

- *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?*

ESA recognises that remote learning during the COVID-19 situation presented additional challenges to ensure continuity of education and support for students with a disability[8]. The situation meant an even greater reliance on online interaction for families, children and young people, and increased online safety risks for vulnerable students [9].

ESA is partnering with jurisdictions and industry to pilot the Safer Technologies for Schooling program. The pilot program assessed 35 commonly used education technology products against an assessment matrix of around 100 requirements drawn from authoritative sources such as the Australian Privacy Principles and Information Security Manual. Of the products assessed, 1 in 5 did not meet the standards, which is cause for concern. However, in a sign of industry commitment to privacy and security, providers committed to addressing gaps in a timely manner, making all students safer online.

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[7] Australian Human Rights Commission, 2015 and First Peoples Disability Network Australia
[8] Dickinson, H., Smith, C., Yates, S., Bertuop, M, 2020
[9] eSafety Commissioner, 2020 and Powell, 2020

Overall usage of ESA's digital resource hubs, the uptake of professional learning offerings and NCCD professional development eLearn completions, increased notably during the COVID-19 situation. These trends reflect the nationwide transition to online learning and the increased need for access to such resources and teacher support to effectively use digital technologies.

The NCCD Portal was updated to reflect changes to the NCCD Guidelines from June 2020 to incorporate special provisions in response to disruptions caused by the COVID-19 pandemic. A significant increase in NCCD Portal usage, registration and Standards completion was noted from the commencement of the lockdown period at the end of March 2020. From April to August 2020, the NCCD Portal usage reached 6.1 million pageviews and 175,000 users. There has been a steady 10% increase in pageviews month on month from April to August 2020.

## 3. Views on the Standards

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

ESA has substantial familiarity with the Standards and their application in the school sector through provision of the NCCD Portal. ESA supports users to understand the nature of the Standards and their obligations by providing professional learning modules for schools and information shaped for parents of children with disability. https://www.nccd.edu.au/resources-and-tools/professional-learning/format/e-learning-5

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

ESA, through the NCCD Portal, provides a series of eight two-part professional learning courses for school leaders, educators and teacher assistants. The courses are aligned to the Australian Professional Standards for Teachers and contribute to teachers' registration requirements. https://www.nccd.edu.au/resources-and-tools/professional-learning/format/e-learning-5 ; https://www.nccd.edu.au/disability-standards-education

- *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?*

As above: https://www.nccd.edu.au/wider-support-materials/what-are-my-schools-obligations-under-legislation?parent=/understanding-nccd&activity=/wider-support-materials/what-nccd&step=1

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

ESA provides information and professional learning tools for educators in regard to identifying and understanding reasonable adjustments. Information for parents in regard to reasonable adjustments are also provided on the Portal.

- *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?*

Yes, the Standards clearly lay out how the DDA should be implemented in a school context.

- *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?*

The Standards apply equally to all students, however, in some communities' cultural beliefs and language barriers may impact how students and their families interpret disability or the need for specific adjustments.

## 4. Areas for improvement

- *How do you think the Standards could be improved to help overcome barriers for students with disability in accessing or participating in education?*

The Standards could be strengthened to align with contemporary education practice through consistent guidance for education systems and schools on inclusive education, Universal Design for Learning and digital accessibility[10].

- *Do the Standards need changing? If so, please let us know how you would change them.*

There is an opportunity to review the Standards and Guidelines in light of related legislative or policy developments that support the rights of students with disability, such as the Web Accessibility requirements Make it Accessible[11], the National Career Development Strategy, and any developments flowing out of the National Disability Strategy (beyond 2020)[12].

Inconsistent understanding and interpretation of particular terms, such as 'reasonable adjustment' and 'unjustifiable hardship' has been raised through the NCCD Portal feedback. There is an opportunity to provide greater clarification in the definitions of such terms in the Standards.

As noted above the NCCD eLearn courses are specifically designed to support the current Standards and any changes arising from the 2020 review may impact the content of the courses and necessitate updates, such as definitions, changes to data collection methodology to improve capturing of students receiving adjustments for their educational outcomes.

- *What should be done to improve awareness of the Standards?*

Making the Standards easier to understand will go some way to improve awareness of the rights and obligations under the Standards. This could be achieved through more consistent professional learning across all education sectors, and partnering with parent and disability representative organisations.

- *What would you change to make the Standards work better for Aboriginal and Torres Strait Islander students with disability and their families and carers?*

The Alice Springs (Mparntwe) Education Declaration 2019[13] sets out that Australia's education system must embrace Aboriginal and Torres Strait Islander cultural identities and provide Aboriginal and Torres Strait Islander peoples with safe learning environments. It is critical that schools be supported to be culturally engaged and to adopt an intersectional lens to better understand how disability intersects with other sources of social disadvantage and discrimination[14].

Enhancing linkages in data collection, monitoring and reporting to implement evidenced support in schools. It is acknowledged that a number of gaps and opportunities exist across the wider system of data collection and reporting about people with disability, including students with disability[15]. An example of this lack of information is how the experience of disability and support services varies by location or for vulnerable groups, such as Aboriginal and Torres Strait Islander, culturally and linguistically diverse and remote populations.

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[10] Australian Human Rights Commission, 2019, Innovation Hub at AIR, 2020 and Sharma, U, 2019
[11] Digital Transformation Agency Criteria 9: Make it Accessible
[12] National Disability Strategy - Consultations
[13] Department of Education, Skills and Employment, 2019
[14] United Nations Committee on the Rights of Persons with Disabilities, 2019
[15] Australian Institute of Health and Welfare, 2019, Monash University, 2018, United Nations Committee on the Rights of Persons with Disabilities, 2019