Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

SUBMISSION ONE (PUBLIC)

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SUBMIITTED BY:
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EXECUTIVE SUMMARY

- From a **philosophical perspective**, a fully inclusive quality education for all children with disabilities is a **worthy goal**; however, examination is warranted of whether rigidity around this perspective enables us to **practically achieve** this for **all children** with disabilities to reach their **full potential**.

- The fullest level of inclusion within educational and community settings is desired for children with disabilities, so long as it remains a **positive** and **valuable** experience for **that individual child**.

- A **continuum** of **educational settings**, **service options** and **support levels** are **required** to meet the needs of all children with disabilities to reach their full potential.

- All children with a disability have a **human right** to be able to **access** the **type** and **level** of service that is required for that child's fullest development.

- Children with disabilities are not a homogenous group where a 'one size fits all approach' to education delivery is sustainable or effectively achievable. Children with disabilities are a **heterogenous population** that require a **differentiated sophisticated approach** to **education delivery**.

- There should be adequate **pathways** and **flexibility** to transition between different types of educational settings as particular children's' **needs require** or as **capacity** is built.

- Many children currently within special education settings are not there because they have been 'forced into segregation', but because their parents or advocates have **chosen** this environment as being the **most effective** at delivering their child an **education** that **supports** and **enables** them to reach their **full potential.** These parents and advocates come from a wide range of personal and professional backgrounds, including those highly educated in health and education spheres.

- Some children with disabilities may need to **remain** in **highly supported education settings** to receive **equal opportunity** to gain a **meaningful education.** These settings provide the possibility to:

    a) <u>**Remain safe:**</u> Particularly those children with cognitive and behavioural impairments that may prevent them from being able to understand and process the risk of danger/road safety;

    b) <u>**Effectively manage challenging behaviour:**</u> To maximise the safety of all children and decrease the risk of exclusion of children with disabilities;

    c) <u>**Receive an effective education:**</u> Characterised by **equitable access to the curriculum; designed** and **delivered** by **expertly trained** special education teachers.

- **Empirical evidence** presented has **highlighted** the need to **shift** from an **idealised perspective** of full educational inclusion to **provision of a continuum of educational placement options**.

- If all students with disabilities were to be 'forced into inclusion' there will be **adverse consequences** for a number of these students, which would **fundamentally deprive** a **generation of children** with disabilities to reach their full potential.

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[1]   We are of the understanding that although not specifically identified in the terms of reference of this Royal Commission ("Commission"), that future hearings in Brisbane will focus on disability within the education system. We acknowledge the Education Paper[1] released by the Commission and wish to respond as a community of parents and advocates for children with disabilities.

[2]   We acknowledge that *The Convention on the Rights of Persons with Disabilities* ("CRPD")[2] is an international treaty that identifies the rights of persons with disabilities as well as the obligations on signatory states to promote, protect and ensure those rights. Australia became a signatory to the CRPD on 30 March 2007 and formally ratified the CRPD on 17 July 2008.

[3]   Article 24(1) to the CRPD provides that:

> States Parties recognise the rights of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning is directed to:
>
> a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
>
> b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
>
> c. Enabling persons with disabilities to participate effectively in a free society.

[4]   From a philosophical perspective, a fully inclusive quality education for all children with disabilities to develop to their fullest potential is a worthy goal for our community to aspire to. However, as a community we should be examining whether a rigid adherence to a philosophical perspective allows us to practically achieve this goal for all children with disabilities and at every stage of their education. Children and adults with disabilities vary in their abilities, skills, knowledge, and capability. Children with the same diagnosed disabilities also vary widely in their abilities.

[5]   We all aspire for our children to be included in educational and community settings that present, as far as reasonably possible, a positive experience for our children. We acknowledge that some children with disabilities may thrive in a fully inclusive mainstream environment with additional support or adaptations. In principle, we

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[1] Education and Learning Issues Paper. (2019). Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Australia.

[2] The United Nations. 2006. "Convention on the Rights of Persons with Disabilities." *Treaty Series* 2515 (December): 3.

support those children and families for whom this may be a realistic possibility and we implore the relevant government departments and agencies to continue to facilitate this.

[6]   However, to meet the needs of all children with disabilities to reach their full potential there needs to be a variety of service options with regard to educational settings and the levels of support available.

[7]   Our children have a human right to be able to access the type and level of service that they require for them to develop to their full potential. Children with disabilities cannot be viewed as a homogenous group with a single solution that will meet all of their needs. The heterogeneity of the disability population requires a differentiated sophisticated approach to service delivery to meet varying needs and to provide a safety net within this complex system. There should be adequate pathways and flexibility to transition between different types of educational settings as particular children's' needs require or capacity is built.

[8]   Special schools, Early Childhood Development Programs (ECDP's), Special Education Units (SEU's) within mainstream schools, and not-for profit Early Intervention Services (such as AEIOU Foundation for Children with Autism) should all play a valuable role in building the capacity and skills of children with disabilities to transition into mainstream classroom settings with appropriate support if it is possible for that child to achieve their full potential in that environment.

[9]   Other children may need to remain in these highly supported settings to receive an effective education. Many children within special education settings are there not because they have been 'forced into segregation', but because their parents or advocate have chosen these schools as being the most effective at delivering their child an education that supports and enables them to reach their full potential. The parents of these children for whom we speak come from a diverse range of personal and professional backgrounds.

[10]   Disability is not a 'one-sized fits all' scenario, particularly for children with severe Autism and other disabilities that produce complex medical issues or significantly affect cognition and behavior. For example:

- There are children with disabilities who cannot be kept safe in mainstream environments, even with reasonable adaptations;

- There are children with disabilities whose behavior cannot be managed effectively within mainstream environments due to environmental and contextual factors, putting other children and teachers at risk of violence or injury; and the child with a disability at risk of exclusion;

- There are children with disabilities whose educational outcomes would be compromised in a mainstream environment, by not providing appropriate

adaptations to the level of the curriculum they are able to access in such an environment; restricting their ability to develop to their fullest potential;

- There are children who due to their disability learn in a different manner to typical children and deserve a quality education from those who are appropriately trained in how to facilitate their learning.

[11] When examining the tenet of a 'fully inclusive education for all' we need to be mindful regarding:

- Whether we are providing children with disabilities 'equal opportunity' to gain a meaningful education, or merely 'equal treatment' to those in mainstream education;

- Whether 'reasonable adaptations' to the existing year level curriculum within a mainstream setting would meet the needs of all children with disabilities to develop their potential;

- Existing Special Education Schools and teachers within them have developed knowledge and expertise not only how to adapt the curriculum for equitable access but are able to be directly involved in the day to day aspects of expertly delivering this curriculum, rather than taking on consultative roles in mainstream environments.

[12] Empirical Evidence should also be examined regarding the outcomes for children with disabilities who are educated in specialized settings or mainstream settings. There has been a societal focus and recent emphasis on evidence that inclusion in mainstream settings improves social and academic outcomes for children with disabilities, which prompts the following for consideration:

- A large proportion of this evidence has been produced based on putting all children with different types and classified levels of disability in the same category for analysis (I.e. children who have both mild disabilities and those with severe, non-verbal autism in the same category);

- rather than looking at the differences for groups within the 'disability' cohort.

[13] Kavale and Forness[3] explored the dissonance between rhetoric of inclusive education and the reality. They argue that the inclusion debate has been elevated to a discussion at the ideological level, with the ignoring of research evidence. They conclude that if the best possible education for students with disability is to be achieved that all forms of evidence must be considered.

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[3] Kavale, K. A. & Forness, S. R. (2000). History, rhetoric, and reality: Analysis of the inclusion debate. Remedial and Special Education, 21 (5), 279-296.

[14] Lindsay [4] reviewed the literature on the effectiveness of inclusive education/mainstreaming for evidence of its effect on child outcomes. This review was completed due to the promotion of policies promoting inclusive education for students with disabilities. The key points of this review are:

- Papers published in eight education journals over five year were examined (N=1373 papers);

- Only 14 of these papers (1%) were found to have comparative outcome studies of children with some form of special education needs. Other papers included qualitative studies, and some were based on respondent's judgements;

- The evidence from this review indicated that there was a lack of evidence from appropriate studies to support the positive effects of inclusion. It found that where evidence did exist, that the balance was only marginally positive;

- Concluding comments recommended development of an evidence-based approach to the education of children with special education needs.

[15] Waddington and Reed [5] recently analysed the comparison of the effects of mainstream and special school on the National Curriculum outcomes in children with autism spectrum disorder in the United Kingdom. They argued that the implementation of inclusion of children with ASD has preceded research of its effectiveness. They then investigated the performance of children with ASD in mainstream placements to see if they demonstrated enhanced performance than those in special education. The results suggested that children with ASD in mainstream have no greater academic success than children in special education. They also found that children with ASD in special education performed better in English than those in mainstream.

[16] Hanushek et al.[6] also found that special education programs significantly boosted mathematics achievement of special education students, particularly those classified as 'learning disabled'.

[17] Haug[7] in the *Scandinavian Journal of Disability Research* argued that no country has yet succeeded in constructing an education system that that meets the ideals and intentions of inclusion. He argued that although avoidance of segregation is

[4] Lindsay, G. (2007). Educational Psychology and the effectiveness of inclusive education/mainstreaming. British Journal of Educational Psychology, 77 (1), 1-24.

[5] Waddington, E. M. & Reed, R. (2016). Comparison of the effects of mainstream and special school on National Curriculum outcomes in children with autism spectrum disorder: an archive-based analysis. Journal of Research in Special Education Needs, 17 (2), 77-151.

[6] Hanushek, E. A., Kain, J. F., Rivkin, S. G. (2002). Inferring Program Effects for Special Populations: Does Special Education Raise Achievement for Students with Disabilities? Review of Economics and Statistics, 84 (4), 584-599.

[7] Haug, P. (2017). Understanding Inclusive Education: ideals and reality. Scandinavian Journal of Disability Research, 19 (3), 206-217.

frequently implemented, the quality of teaching and learning processes in inclusive education has been of lower priority.

[18]   Anastasiou, Kauffman and Di Nuovo[8] reviewed the full inclusion of children with disabilities in inclusive settings in Italy. They point out that Italy is a nation likely to have the system most closely approximating full inclusion. They concluded that educational responses require a continuum of placement options, which should be seen as more important than uncritical inclusion.

[19]   In conclusion, we wish to bring to the Commission's attention that there is a need and desire from within the disability community for a continuum of educational environments to be provided for the benefit of students with disabilities. If all students with disabilities were to be 'forced into inclusion' there will be adverse consequences for a number of these students, which would fundamentally deprive a generation of children with disabilities to reach their full potential.

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[8]   Anastasiou, D., Kaufmann, J. M., Di Nuovo, S. (2015). Inclusive Education in Italy: description and reflections on full inclusion. European Journal of Special Needs Education, 30 (4), 429-443.

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