



INQUIRY INTO CHILDREN AND YOUNG PEOPLE WITH DISABILITY IN NEW SOUTH WALES EDUCATIONAL SETTINGS

HEARING – 22 April 2024

SUPPLEMENTARY QUESTIONS

People with Disability Australia

- 1) **Some opponents of inclusive education argue that it is not possible for every single child with a disability to be accommodated in a mainstream school because of the extent of the adjustments required to meet the differing needs of each student with a disability. Would a ‘single classroom’ model intended to include all children regardless of their disability exclude the possibility of exceptions in certain circumstances? If so, what do you say to those people who argue that we cannot end segregated education on the basis that not all children can in their view be accommodated into inclusive education environments, even if they are well-resourced?**

PWDA believes that a ‘single classroom’ model should be the goal. However, there would by necessity be exceptions to how this may operate for individuals. PWDA believes this view of an inclusive education system is consistent with the Committee on the Rights of Persons with Disabilities interpretation of Article 24 of the *Convention on the Rights of Persons with Disabilities* (CRPD) because:

- Inclusive education is based on a presumption that every child can participate in a ‘single classroom’ model and that the system provides all resources and reasonable supports necessary to ensure that a student with disability can participate in that single classroom.
- An inclusive education system is also one where all students must be able to learn in a setting and manner that is best for giving effect to their human rights and reflects their

developing capabilities and will and preferences. This includes the possibility of exceptions in certain circumstances where the choice and rights of the student with disability are upheld.

- An inclusive education system adapts to the diversity of disability experienced by students.
- An inclusive education system is based upon real choice. This means that the public education system must be fully funded to provide all children with disability a quality education in a mainstream environment to the greatest extent possible considering students' circumstances. The system must ensure that the human rights of the students are protected and promoted.
- An inclusive education system promotes and provides funding for peer, social and community participation by students with disability beyond the school gates. A key aim of inclusive education is building inclusive communities.
- Segregation is more than just a physical reality. It is an attitude. It is a way a system thinks, relates, and organises. Inclusive education principles challenge the ableist 'othering' in the current system and seeks substantive equality for all.

Inclusive education involves a paradigm shift in the way the system *thinks* about students with disability. Inclusive education does not regard students with disability as the 'other', a 'burden', or a 'behavioural concern', but instead as holders of rights. An inclusive education system seeks at all instances to give effect to those rights through resourcing and policy support delivered in a way that acknowledges the circumstances of the individual.

a. Are you concerned that a move to end segregated education could lead to the isolation of specifically children with more complex disabilities, in home schooling or in settings with a more limited group of peers?

No. Students with complex disability are already isolated. An inclusive education system recognises the importance of real choice. An inclusive education system seeks to ensure that the human rights of students with disability are protected and promoted regardless of choice, and that support is provided to assist in peer, social and community interaction.

b. As we transition to an inclusive education model, is there a danger that those children who are 'easier' to include will be brought into the mainstream,

relieving some of the pressure to end segregated schooling but exacerbating discrimination felt by children with disability left behind?

The co-design with the disability community of a roadmap to inclusive education would avoid this outcome. An inclusive education system rejects the notion of ‘othering’, and actively seeks to give effect to the human rights of all students.

c. How do we plan to ensure that this doesn’t happen?

The transition to a CRPD compliant inclusive education system in NSW must be developed through a co-design mechanism involving students with disability and their families, and other stakeholders. PWDA can assist in establishing and contributing to such outcomes.

d. How can children from the Deaf community be fully included in mainstream education while respecting and encouraging their bilingual language needs?

The Deaf community must be included in a co-design consultative process to ensure their needs are met.

Auslan should be regarded as an official language of instruction in all NSW public schools. Auslan interpreters should be provided wherever required. Auslan should be available to all students and teachers in NSW public schools to learn as part of an inclusive curriculum.

2) In our inquiry we have heard evidence indicating that while people with disability overwhelmingly support inclusive education, parents and educators are more split on the issue. Why do you think this is?

PWDA represents the views of our members, who tell us that segregated education means less educational attainment for students with disability, and reduces their life choices and opportunities.

Our members tell us that choosing an education setting is not a real choice when there are no other options. Parents and carers have indicated a preference to have their child learn in a mainstream classroom in a NSW public school, but are concerned about the lack of school resources to support their child, and persistent ableist attitudes.

3) How do we bring parents, educators and the broader public on board with a planned transition to inclusive education?

A transition to a CRPD compliant inclusive education system in NSW must be developed through a co-design mechanism involving students with disability and their families, and other stakeholders. It must contain appropriate governance arrangements to support decision making and implementation. PWDA can assist in establishing and contributing to such outcomes.

4) Were NSW to establish an independent complaints mechanism for families to raise issues within a school, what should this look like?

PWDA's individual advocates assist students with disability and their parents and carers to navigate the education system when it fails to respond to their education needs. Advocates' independence gives students and their families support, including through complaints processes. The funding for the education Futures program must be extended to continue to provide ongoing support for students with disability and their families to enable issues to be resolved in an appropriate and suitable manner and before these escalate to a formal complaint.

In the event a matter does become a formal complaint, PWDA supports complaints processes that are accessible, inclusive, easy to navigate, free, and culturally safe.

a. Would NSW benefit from establishing an office similar to Victoria's Independent Office for School Dispute Resolution?

The existing plethora of complaints mechanisms, oversight, regulatory and complaint handling agencies should be examined to address this need, be sufficiently resourced and access to them improved.

b. Should the NSW Ageing and Disability Commissioner be resourced to proactively act to prevent discrimination against children with disability in our education system and ensure all children have an equal opportunity to learn in our schools?

It is the responsibility of the NSW Department of Education to ensure that all children have an equal opportunity to learn in NSW public schools. It is the role of the NSW Department of Education to be proactive in preventing and eliminating discrimination against students with disability.

5) Which recommendations from the Disability Royal Commission does People with Disability Australia support?

PWDA has **attached** our *Response to the Disability Royal Commission Final Report* (December 2023) which provides the broad overview of PWDA's position on key policy areas identified in the Disability Royal Commission Final Report.