

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

**Organisation:** The Atypical Educator  
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**The  
Atypical  
Educator**



Goulburn, NSW

**The Atypical Educator's Submission to the NSW  
Legislative Council's  
Inquiry into Children and young people with disability in  
NSW educational settings  
March 2024**

*Inclusion support the neurodivergent way*

**Embrace. Celebrate. Accept.**



## About The Atypical Educator

The Atypical Educator is a neurodivergent owned and operated inclusion support consultancy, with particular focus on neurodivergence. In its infancy, the consultancy was aimed at supporting the early childhood sector and parents of newly diagnosed children. This changed quickly after numerous families began contacting The Atypical Educator in search of advocacy guidance and support for their children in primary and high school. As a result, the consultancy adapted it's services to meet demand and now supports children from birth - 18 years old.

Much of the advocacy work The Atypical Educator deals with is based around students with disabilities ending up in trauma-induced, suspension cycles and their families who find themselves up against an unfair, and often discriminatory, system with little support or guidance.

This work has revealed an alarming reality for many NSW students with a disability and their families, and The Atypical Educator welcomes the NSW Legislative Council's Inquiry into the experiences of children and young people with a disability in NSW educational settings. In light of the recent recommendations made following the Disability Royal Commission, it is clear that there is a lot of work to be done in order to improve the lives and learning experiences of children and young people with a disability and our hope is this inquiry is the start of much needed change in NSW educational settings.

In addition to this submission, The Atypical Educator invites members of the committee to meet with us in order to further discuss the experiences and barriers faced by our families.

With Regards

Rhi Sugars  
Director

## **Area of Concern 1: Inclusive education is designed without the inclusion of disabled voices and lived experience.**

Proximity to disability is not the same thing as lived experience, yet there is no inclusion of disabled voices and lived experience anywhere within the NSW Education Department. In fact, personal experience with this very scenario suggests that not only does the education system ignore the value of lived experience, it views it as a direct threat, and actively works towards shutting it down.

Inclusion without disabled voices is not inclusion and for as long as the department fails to value lived experience, it will also fail to create a truly inclusive education system.

“Nothing about us, without us”

### **Recommendation:**

The Atypical Educator recommends the creation of consultancy groups with adults who have a range of disabilities to ensure the education system is reflective of, and guided by lived experience.

Whilst we also support and value the importance of the inclusion of major stakeholder organisations who advocate for, and support the various disability communities, we suggest that it would be more appropriate to create a separate consultancy group for these organisations to ensure the line between proximity to disability and lived experience is not blurred.

## **Area of Concern 2: Teacher training is not adequate for the reality of inclusive education.**

It has become apparent that graduate teachers are walking into the classroom unprepared for the reality of practical inclusive teaching and are not being taught the skills needed to successfully teach children with disabilities. This is contributing to student trauma and the high frequency of teacher burnout.

Having completed a number of the inclusion subjects involved in education degrees, I have been left somewhat horrified by how little is being taught, as well as by some of the content that is being taught. Whilst the quality level varies between universities and even between subjects, it is apparent that the inclusion subjects are leaving future teachers woefully unprepared.

### **Recommendation:**

The Atypical Educator recommends an overhaul of inclusion subjects taught in teaching degrees, and redesigning these subjects to include lived experience, access to the communities they're learning about and the inclusion of practical, hands on, learning opportunities.



## **Area of Concern 3: Professional development for current teachers is limited and often outdated.**

Teachers are increasingly speaking out about the pointlessness of many of the professional development programs made compulsory by the department and their frustration at not being able to attend programs or access support that would contribute to their professional development in a meaningful way.

There is growing concern over the inappropriate or outdated nature of some of the providers currently supported by the department and frustration at the department's ability to block access to training that would be of value.

It should be noted that much of the training currently being blocked by the department is often linked to programs which challenge or teach the opposite of the outdated programs currently being promoted by the department. A prime example of this would be teachers attempting to access training on Collaborative and Proactive Solutions, which directly challenges the now outdated Positive Behaviour for Learning model which is pushed heavily by the department.

A number of teachers are sacrificing their own time and money in order to access appropriate training as a result, despite the fact that many of these trainings will not qualify against the required NESA PD requirements.

### **Recommendation:**

The Atypical Educator recommends an overhaul of current professional development providers and expectations. It suggests that the need for NESA registration be loosened, if not removed altogether.

This will enable teachers to have autonomy over their own professional development, train in areas of interest or those most needed and also ensure smaller PD providers are accessible to teachers.

## Area of Concern 4: Positive Behaviour for Learning

Despite the fact that lived experience, research and progressive understandings of neuroscience are highlighting the downfalls and potential harm, Positive Behaviour for Learning continues to be heavily enforced and promoted by schools and the education department.

Not only that, but schools and the department as a whole are actively pushing back against advocacy for updated and more appropriate approaches such as Dr Ross Greene's Collaborative and Proactive Solutions or Sandi Phoenix's Phoenix Cups Framework.

It is common for schools to use Positive Behaviour for Learning as a way to maintain power over students, enforce compliance and exclude and discriminate against students with disabilities all the while, they're failing to address real concerns and meet unmet needs.

Department reports on Positive Behaviour for Learning fail to include student or parent perspectives and tend to stray into the territory of toxic positivity.

### Recommendation:

The Atypical Educator recommends the removal of Positive Behaviour for Learning from all NSW schools and for the implementation of inclusive, neuro-affirming approaches such as those mentioned above.

We also recommend ongoing monitoring of such programs that are inclusive of student and family voices to ensure accurate data is being gathered.



## Area of Concern 5: DoE Accountability

One of the biggest issues faced by the families of students with disabilities is that there is no where to turn when it comes to complaints because the department investigates itself and protects its own.

Aside from the NSW Human Rights Commission (HRC) who do their best to support families, the department is accountable to no one and families are left with no where to turn if the school chooses to ignore recommendations. Knowing that most families do not have the means to take the department to court, many schools either refuse to participate in the HRC process or blatantly ignore recommendations put forward.

Student well-being officers are supposed to be the advocate for the student and their family but lived experience shows that these officers are just a job title. It is a common experience for families to not receive responses from well-being officers or to have them fail to enforce policy and procedure when needed.

The reality of this is that children with disabilities are being discriminated against, traumatised and even abused within the NSW education system every day and no one is being held accountable.

### Recommendation:

The need for an outside regulatory body that is focused on student well-being and school compliance with department policy, as well as human and disability rights is urgent and should be considered a priority. This regulatory body would also be responsible for working with and advocating on behalf of families,

Until this is in place, students with disabilities remain vulnerable and at risk in NSW schools and parents are left without anywhere to turn for guidance and support .



## Area of Concern 6: Funding

Funding remains an ongoing problem faced by schools. The reality is, the need for funding far outweighs the funding on offer.

The lack of funding is resulting in children going without an education, behavioural problems which result in exclusion and trauma, safety and wellbeing concerns for both students and teachers, and teacher burn out due to not having the support and resources required for successful inclusive teaching.

Funding challenges are resulting in children who are legally entitled to learning support going without entirely or not the entire amount they're entitled to.

In some circumstances, the department's mantra of "least restrictive environment" is nothing more than a mantra because students are being held in inappropriate environments due to funding not being available to support them in less restrictive environments. This has a life long impact on students, reducing their ability to be included in mainstream schooling and later on, in mainstream society.

### Recommendation:

The Atypical Educator is advocating for a complete overhaul of current funding models as they're not meeting the current needs of schools and their students with disabilities.

## Area of Concern 7: Disabled, but not disabled enough.

For students with a diagnosis of Autism Level 1, ADHD, Specific Learning Disabilities such as Dyslexia, Dysgraphia and Dyscalculia, Pathological Demand Avoidance, Mild Intellectual Disability and mental health conditions....just to name a few, no inclusion support is available to them.

Adding to the problem, these same children are often excluded from the NDIS also, leaving them without any support and the early intervention window being missed completely.

All of the diagnosis' mentioned above are known to impact learning so the fact they remain unfunded in 2024 boggles the mind. The ripple effect can be seen through class disruption, decreased academic progress and achievement, and teacher burn out.

All children with disabilities are entitled to accessible education so the department's failure to provide for these children is a failure to meet a basic human right.

### Recommendation:

Policy regarding disability and inclusive education needs to be reviewed so that it is reflective and inclusive of the diversity of disability experienced by students at school. Funding, accommodations and resources need to be made available to all students regardless of diagnosis level or type.

## Area of Concern 8: Lack of choice

For the families of students with disabilities, the right to choice when it comes to selecting your child's school is a right not often afforded to them. For those wanting to access a specialist school environment, their child must have a certain diagnosis and point score and many children are denied a place, even due to something as small as one point of difference.

For the families seeking placement in a learning support unit, whilst their preferences are taken into consideration, the final decision is made by the placement panel. This means that many students are not at the local school or are placed at schools which are not accessible for their families.

For the families of students seeking placement in mainstream, many find themselves either outrightly denied a place at the preferred school or strongly encouraged to place their child in a unit or specialist school placement instead.

For the families of students who are struggling in mainstream schooling environments, access to alternate education options are few and far between with enrolment into these schools tightly controlled.

### Recommendation:

The Atypical Educator advocates for the right to choose your school. Schools which deny the enrolment of students with disabilities need to be held accountable. The way in which students are assessed for placement in specialist environments needs to be reviewed so that the process is inclusive of diversity within disability and individual preferences and needs. Our children are people, not a series of points.

We also support the need for more alternate schooling options for children unable to learn in mainstream schools. There is more than one way to learn and our education system needs to reflect this. Trauma informed approaches to education are essential for these students.



## Area of Concern 9: Lack of qualifications

Many teachers currently teaching in learning support classrooms do not hold appropriate inclusive education teacher qualifications.

This is leading to increased teacher burn out, student trauma and lost educational opportunities.

Recently the DoE announced the opening of numerous supported learning units at schools across the state. Given that a number of supported learning classrooms are currently staffed by unqualified teachers with disastrous results, this announcement is cause for great alarm.

### Recommendation:

All teachers assigned to supported learning classrooms need to hold the appropriate qualification. The DoE should have pathways enabling and encouraging mainstream teachers to upgrade their current qualification so that they have the appropriate inclusive education teaching skills, should they wish to teach in a specialist environment.

The current plan to increase supported unit placements should be placed on hold until the department has the amount of appropriately trained teachers required.



## Area of Concern 10: Ableism

Ableism is rife throughout the NSW education system.

Many of the goals or expectations set for students with disabilities, including the goals formalised in their Individual Learning Plans (ILP's) are ableist in nature, set students up for failure and are used by schools to exclude students. Many of the reasons schools list as reason for exclusion are discriminatory in nature and place blame on the child for something that is not their responsibility or even in their control.

### Recommendation:

Closely related to Area of Concern 8 Recommendation 5, there is a need for accountability when it comes to addressing ableism in NSW schools. Until there is a way for parents to access support and advocacy, ableism will continue to occur and impact students with a disability.

Suspension or exclusion of students with disabilities needs to have a higher level of accountability attached to it before it can occur. The number of students who are being excluded for reasons based on their disability or the fact their needs are not being met continues to rise and the DoE continues to deny there is an issue.

The creation of ILP goals need to be overseen by someone not associated with the school to ensure the goals set are neuro-affirming, reasonable and developmentally appropriate.

## Area of Concern 11: Early childhood

In NSW, access to early childhood education for students with disabilities is often denied, with services stating that they are not equipped or trained to provide care and education for children with disabilities.

Children who are initially accepted into early childhood services often find themselves excluded after a period of time for the reasons mentioned above.

For children with higher levels of support needs, preschool is either denied or occurs in a mainstream setting with preschools struggling to include them successfully due to lack of funding, training and professional support.

### Recommendation:

Early childhood teaching degrees should also offer specialisation in inclusive education as higher levels of teaching degrees do.

Specialist schools should have their own specialist preschools attached to ensure that students with higher support needs are receiving an early childhood education adapted and modified to their needs, much the same way as seen in the ACT currently.

Young children with disabilities and their early learning services need to be supported with high quality inclusion support and adequate funding.

## Area of Concern 12: Rural, remote & isolated students

In NSW, access to appropriate inclusive education becomes harder to achieve the further out or more isolated a student's location is.

Schools in rural and remote areas are often faced with needing to include students whose learning support needs outweigh their own qualifications and experience, and they must do so without the same levels of support that metro schools are able to access.

### Recommendation:

Rural and remote schools need greater support when it comes to including their students with a disability. This includes access to support from the appropriately qualified professionals who can support and guide teachers, via tele-health and from afar if necessary.

The DoE needs to provide financial incentive to help recruit learning support staff to rural and remote schools to ensure students with a disability are not disadvantaged due to location.



## **In response to the Disability Royal Commission's recommendations:**

The Atypical Educator supports the DRC's recommendations to move towards inclusive schooling, with research backing improved long term outcomes for students who are successfully included.

In saying that, we also recognise the fact that to achieve this will require a complete overhaul of the education system in NSW and the risk of trauma for students with disabilities is high if this is not handled correctly. We also acknowledge the strain this will place on teachers, many of whom have been teaching for decades. With the teacher shortage already of great concern, great caution should be used to ensure it does not get worse.

We are reluctant to support set timeframes due to the fragile nature and enormous size of this task, fearing that a set deadline will only encourage rushing and shortcuts. If done properly, this transition will require a lot of trial, reflection and troubleshooting and it is important that this can occur without the pressure of a deadline.

We also acknowledge that until we have achieved an inclusive schooling system, families have the right to choose a particular learning environment that they feel best suits their child. We also acknowledge that closing specialist learning environments too early and forcing students into schools that are not yet ready to include them is counter-productive and poses real risk of harm.

We hope that the submissions from this inquiry form the foundation for what needs to be addressed as we commence the transition to creating a safer and more inclusive education system for students with disabilities in NSW.